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TANZANIA APRM SENSITISATION PROJECT



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Abbreviations and Acronyms

ADR	alternative dispute resolution
ACT Wazalendo	Alliance for Change and Transparency
APRM	African Peer Review Mechanism
ASP	Afro-Shirazi Party
AU	African Union
Basata	National Arts Council
BPL	Business Printers Limited
BRADEA	Basic Rights and Duties Enforcement Act
BVR	biometric voter registration
CAG	Controller and Auditor General
CCM	Chama cha Mapinduzi
Chadema	Chama cha Demokrasia na Maendeleo
CRR	Country Review Report
CSO	civil society organisation
CUF	Civic United Front
EAC	East African Community
EMA	Environmental Management Act
EMB	electoral management body
EU	European Union
FCS	Foundation for Civil Society
GBV	gender-based violence
GDP	gross domestic product
ICCPR	International Covenant on Civil and Political Rights
IDA	International Development Association
IMF	International Monetary Fund
INDC	Intended Nationally Determined Contribution
INEC	Independent National Electoral Commission
JCMS	Judicial Case Management System
LGA	local government authority
LHRC	Legal and Human Rights Centre
MCL	Mwananchi Communications Limited

MDAs	ministries, departments and agencies
MKUKUTA	Mkakati wa Kukuza Uchumi na Kupunguza Umaskini Tanzania
MP	Member of Parliament
MUSE	Mfumo wa Ulipaji Serikalini
NDC	Nationally Determined Contribution
PCCB	Prevention and Combating of Corruption Bureau
PFA	public financial accountability
PFM	public financial management
PFMRP	Public Financial Management Reform Programme
POPC	President's Office Planning Commission
PO-RALG	President's Office – Regional Administration and Local Government
PVR	Permanent Voting Register
REDD+	Reduced Emissions from Deforestation and Forest Degradation
SADC	Southern African Development Community
TANU	Tanganyika African National Union
TANLAP	Tanzania Network of Legal Aid Providers
TAPS	Tanzania APRM Popular Sensitisation Project
TARURA	Tanzania Rural and Urban Roads Agency
TASAF	Tanzania Social Action Fund
TCIB	Tanzania Citizens' Information Bureau
TCRA	Tanzania Communications Regulatory Authority
TRA	Tanzania Revenue Authority
TZS	Tanzanian shilling
UNFCCC	UN Framework Convention on Climate Change
URT	United Republic of Tanzania
VPO	Vice-President's Office
ZEC	Zanzibar Electoral Commission

Executive Summary

Participants in the Tanzania APRM Popular Sensitisation Project (TAPS) have identified and analysed 10 governance issues relevant to the African Peer Review Mechanism (APRM). They believe there are challenges in each of these areas that require the attention of stakeholders.

1



Union Matters in the United Republic of Tanzania

Tanzania is a union of two pre-existing jurisdictions, Tanganyika and Zanzibar. The structure of the union has proven a source of friction, with some in Tanzania Mainland questioning why their counterparts in Zanzibar have a say in their affairs while they have little say in those of Zanzibar. At the same time, some in Zanzibar feel that their region has been subsumed by the Mainland. There has been a vigorous debate about an appropriate structure for the union, with some reformists calling for the introduction of a three-government system. This report recommends that deliberations on the structure of the union be revisited on the basis of effective and informed public debate, encouraging mutual understanding among all parties and advancing economic equity across the country.

2



Constitutional History and the Quest for Constitutional Democracy in Tanzania

Tanzania has gone through a number of constitutions since independence but has preserved the 1977 iteration for close to five decades. The latter was designed for a mono-party, socialist order and there are serious concerns that, even in its amended form, it is now unfit for purpose. Tanzania faces a number of difficulties in actualising a truly constitutional order, namely weaknesses in enforcing the rule of law, inadequate separation of powers, an electoral system that requires reform and controversies around the structure of the union. Consistent themes across these issues include executive dominance and the ruling party's pervasive influence on governance. This report recommends reforming the legal and constitutional system to make institutions more robust and rejuvenating the stalled process of constitutional reform with input from civil society.

3 Human Rights, Rule of Law and Access to Justice

The codification of human rights into Tanzanian governance began in earnest in the 1980s, when a Bill of Rights was incorporated into the Constitution. However, in practice, Tanzanian law and the conduct of the state do not fully reflect human rights concerns. Attempts to address this, such as the Basic Rights and Duties Enforcement Act, have not been effective. Numerous barriers, such as distance from courts, the cost of legal representation and corruption, work against the assertion of people's rights. Tanzania has undertaken various reform initiatives to enhance the enjoyment of rights and improve access to justice, such as expanding legal aid services and applying technology to judicial processes. At the same time, certain regressive measures have been introduced, such as the Cybercrimes Act, which imposes significant penalties on vague and politically manipulable grounds. Civil society recommends – among others – that repressive legislation be amended or abolished. It also calls for legislation to bring various elements of governance in line with human rights standards, for stakeholders to continue to apply pressure for such reforms and for citizen input into official processes.

4 Social Justice and Social Protection

Achieving social justice has been a long-cherished goal of Tanzania's governance system and culture. Despite economic growth, many Tanzanians remain trapped in poverty. This poverty can be attributed to the absence of diversified sources of household income, traditional (rather than modern) technologies used in economic activities and inadequate business training, as well as the impacts of climate change and unforeseen global events. Women in particular are excluded from economic opportunities. Civil society recommends that Tanzania strengthen social protection programmes, invest in relevant education and skills development, promote sustainable, modern agriculture and enhance financial freedom.

5



Civic Space, Freedom of Association and the Protection of Human Rights

Tanzania has provided a variable environment for civic organisation. The transition to democracy in the 1990s represented a significant opening, but in recent years – particularly under the government of then president John Magufuli – this closed up again. President Samia Suluhu Hassan has sought to reverse the trend with her ‘4Rs’ initiative – ‘Reconciliation, Resilience, Reform and Rebuilding’. A number of new electoral laws promise to enhance the democratic process, although other necessary reforms, such as the adoption of a new constitution, remain unfulfilled. Civil society in Tanzania is engaged with governance and socio-economic matters, despite difficult circumstances and numerous legal and regulatory constraints that hinder activism. Civil society recommends improving legal protections for civic activism, encouraging activism to demand such protections and strengthening the capacity of civil society organisations (CSOs) to undertake it.

6



Freedom of the Media and of Expression

Tanzania is enjoined by its own constitution, and by various international conventions to which it is party, to protect media freedom and freedom of expression. However, a number of legal measures and the manner in which they have been implemented curtail these rights. Perhaps more concerningly, there have been repeated instances of active suppression of critical voices through such interventions as arrests, threats to citizenship rights and the revocation of broadcast licences. Whistleblowers face dire threats to their safety and livelihoods, despite legislation and regulations intended to protect them. The report recommends a thorough review of legislation and regulations, as well as a shift in mindset away from viewing the media as an enemy.

7



Unlocking the Potential of Youth

Some 77% of Tanzania's population is below the age of 35. As young people mature, they need to be absorbed into the labour market and assume the responsibilities of adulthood. However, unemployment and economic exclusion are significant problems for the youth. In addition, Tanzania's youth are insufficiently represented in political forums, lack appropriate healthcare and are afforded inadequate education and training. They are also not capacitated to take action on climate change issues. Civil society recommends reforming education and training to upskill youth, expanding youth representation, providing better targeted healthcare services (including in mental health) and integrating youth into the country's response to climate change.

8



Promoting Citizen Participation and Inclusion in Democratic Processes

While Tanzania is formally a multiparty democracy, with an array of institutions established to manage political competition, there are concerns about political parties' operations. Historically marginalised groups such as women, persons with disabilities and youth also remain under-represented and their issues overlooked despite the existence of mechanisms (such as quotas for women) that are intended to push them into the political mainstream. Civil society recommends that additional measures be put in place to encourage youth participation and civic education. In addition, it is crucial to address violence and economic barriers that keep marginalised groups from involvement in politics and facilitate cooperation between government, CSOs and international bodies to combat political imbalances.



9 Climate Change and Climate Justice

Tanzania is extremely vulnerable to disruptions caused by climate change, while lacking the resources to take remedial and adaptive action. The government has recognised the importance of the issue and has established an institutional and policy framework to deal with it, although this is compromised by poor implementation. Funding is a key challenge in mainstreaming and coordinating climate programmes, resulting in a dependence on external financing and the consequent debt burden. This report recommends improving coordination in climate policy, paying greater attention to domestic resource mobilisation and building up Tanzania's capacity to implement climate policy among all stakeholders.



10 Public Finance Management and Accountability

Prudent financial management is crucial for positive developmental outcomes. Tanzania has undertaken numerous reform initiatives to improve the state of public finance management, but significant challenges remain. Inefficiencies in the use of public resources are a major problem, as is corruption. While there is provision for public input into public finance matters, in practice this is difficult and most CSOs lack the relevant capacity. Civil society recommends greater transparency and accountability in public finance processes, coupled with demand-side interventions by CSOs regarding such reforms, such as using strategic litigation to force state compliance.

Acknowledgement

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We also thank the Konrad Adenauer Stiftung's office in Dar es Salaam for their support.

What is the African Peer Review Mechanism?

The African Peer Review Mechanism (APRM)¹ has been widely praised as a key innovation for the continent in entrenching democracy and good governance and is an instrument to which AU member states² accede voluntarily. Launched in 2003, the self-monitoring mechanism³ is intended to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration. This is done by sharing experiences and reinforcing successful and best practice, including identifying deficiencies and assessing capacity-building needs.

The APRM is a commitment to African governance standards and a tool for implementing the codes and standards enshrined in the New Partnership for Africa's Development's Declaration on Democracy, Political, Economic and Corporate Governance and many other African governance-related declarations and instruments.

The overarching objective of the APRM is to promote good governance, predicated on regular participation, transparency, accountability, inclusiveness and openness. It is unique in both its scope and its breadth, with the review process extending to all levels of government, the legislature, the judiciary, the private sector and civil society organisations (CSOs). It is intended to help address Africa's multiple governance challenges and developmental crises by encouraging introspection and dialogue on the state of governance and facilitating the development of innovative approaches to the deficiencies identified.

The core principle is that every review exercise carried out under the authority of the mechanism must be technically competent, credible and free of political manipulation. It is a non-adversarial learning process among peers that relies heavily on mutual trust among national stakeholders and among the states involved in the review process, as well as shared confidence in the process.

The APRM proceeds along two related axes. The first – at which this submission is specifically directed – is self-assessment. This is undertaken through an inclusive and

1 The APRM was initiated in 2002 and established in 2003 by the AU in the framework of the implementation of NEPAD (New Partnership for Africa's Development).

2 The AU is a continental body with 55 member states.

3 United Republic of Tanzania, *APRM Country Review Report No. 17* (URT, January 2013).

consultative process among national stakeholders about a wide range of governance issues. These are set out in the Country Self-Assessment Questionnaire. The latter document provides an overall framework for the enquiry, organised along four broad thematic areas: democracy and good political governance; economic governance and management; corporate governance; and broad-based socio-economic development. Since the COVID-19 pandemic in 2020–2022, a fifth thematic area has been added, namely state resilience.

A normative framework is provided by the Standards. These are the various governance agreements, codes and treaties – global, African and regional, issued by such organisations as the AU, UN and Financial Action Task Force – that establish parameters for governance action.

Responses are collected, assembling both factual information and the varied perspectives of those concerned with any given issue. It is a great virtue of the process that all stakeholders are permitted to express themselves – in fact, they are encouraged to do so. It is in this spirit that this submission has been prepared. The responses collected in this manner are used to draw up a Country Self-Assessment Report.

The second axis of the programme is continent-wide engagement. Part of this is a visit to the country undergoing peer review by a Country Review Mission (CRM). A CRM is headed by a member of the Panel of Eminent Persons – a group of respected Africans who act as drivers and guardians of the process. They are accompanied on the CRM by a team of experts who will engage both with the Country Self-Assessment Report and directly with local stakeholders, before writing the Country Review Report (CRR). The CRR is a comprehensive response to the Questionnaire and an assessment of the country's issues, along with recommendations for reform (as well as identifying potential best practices for application elsewhere). A National Programme of Action is developed to address the identified shortcomings.

The CRR forms the basis of the actual peer review, which will take place at a meeting of the APR Forum of Heads of State and Government. Typically held on the margins of AU meetings, this meeting gives other heads of state an opportunity to engage with the leader of the country under review. In theory, they can offer support for prospective reforms or hold accountable states that have refused to address governance deficiencies.

CHAPTER 1

Historical Overview

Introduction

The United Republic of Tanzania (URT) is located in the East African region, with a population of 61.7 million.⁴ It is a large, peaceful and stable country. Covering an area that is often referred to as 'The Cradle of Mankind', the country has successfully built a strong national identity amid great ethnic, regional and religious diversity. It is home to about 120 ethnic groups, with Kiswahili the main national language and English an official language. Since the formation of the union in 1964, the country has been unscathed by the ethnic rivalries and political upheavals that have plagued many of its peers on the continent. On the whole, Tanzania has been a model of stability on a continent rife with tribalism and civil unrest.⁵

Tanzania borders eight countries: Kenya and Uganda to the north; Rwanda, Burundi, Zambia and the Democratic Republic of Congo to the west; and Malawi and Mozambique to the south. The URT is one of the co-founders of the East African Community (EAC), currently consisting of eight member states: Burundi, the Democratic Republic of Congo, Kenya, Rwanda, Somalia, South Sudan, Tanzania and Uganda. The republic is also a member of SADC, which has 16 member states.

In 2024, Tanzania celebrated 60 years of union between Tanganyika and Zanzibar, and the formation of the URT. The legacy of this union informs politics to this day. The country has a total area of 945 087km², with Zanzibar – just off the coast – accounting for 2 654km². According to the 2022 census, Tanzania Mainland has a population of 59 851 347 people, or 96.9% of the total, while Zanzibar has 1 889 773, or 3.1% of the total.⁶

4 Ministry of Finance and Planning, Tanzania National Bureau of Statistics, President's Office – Finance and Planning and Office of the Chief Government Statistician, Zanzibar, *The 2022 Population and Housing Census: Age and Sex Distribution Report: Key Findings* (Ministry of Finance and Planning, 2022), 3.

5 URT, *APRM Country Review Report No. 17*.

6 Ministry of Finance and Planning, National Bureau of Statistics, President's Office – Finance and Planning and Office of the Chief Government Statistician, Zanzibar, *The 2022 Population and Housing Census: Initial Results* (Ministry of Finance and Planning, October 2022).

Over the course of six decades of *uhuru* (independence) and union, Tanzania has made significant progress in eliminating poverty, ignorance and disease. Before independence, it had a long history of slavery, colonialism and other forms of repression and aggression. What is now Tanzania Mainland (or Tanganyika) was colonised by Germany in the 19th century. After World War I, Tanganyika became a League of Nations-mandate territory under British control. In the post-World War II period, the territory gradually started moving toward self-government and independence.

The movement for independence represented various ethnic groups under the leadership of the founding president of Tanzania, Julius Kambarage Nyerere. Soon after his return from studies abroad, Nyerere transformed the Tanganyika African Association (founded in 1929) into the more politically oriented Tanganyika African National Union (TANU).

TANU easily won the general elections of 1958–60. In May 1961, with Britain's concurrence, Tanganyika became a self-governing territory under a new constitution, with Nyerere elected as chief minister and later president. The country became a republic within the Commonwealth a year after independence, in December 1962. Tanganyika was the first East African state to gain independence and achieved it peacefully.

Zanzibar's road to independence, by contrast, involved a long period of confrontation between the Arab-led sultanate and the majority African population on the island (known as Shirazis). This continues to impact the politics of the island. Independence from Britain (which had governed the island in cooperation with the sultan) came in December 1963.

In January 1964 a revolution overthrew the post-independence sultanate government, which gave the Shirazi population their first chance to hold political power. The Government of Zanzibar, as it existed at this point, proclaimed a revolutionary government. Sheikh Abeid Amani Karume became the president of Zanzibar and chair of the Zanzibar Revolutionary Council. Later, the union of Tanganyika and Zanzibar was negotiated and established on 26 April 1964. The new country was formally constituted as the URT, with the renaming taking place on 29 October and the declaration passed on 10 December 1964.⁷

⁷ See The United Republic (Declaration of Name) Act, 1964; URT, *APRM Country Review Report No. 17*.

In the negotiated agreement, Zanzibar was granted wide-ranging autonomy as a semi-autonomous entity. To further national unity, TANU merged with the Afro-Shirazi Party (ASP), which ruled Zanzibar, to form the Chama cha Mapinduzi (CCM, or Revolutionary Party), on 5 February 1977.

In contrast with the retention of colonial-era languages as the official medium of communication in most of post-colonial Africa, Kiswahili was promoted as the national language. Today, all Tanzanians speak the language.

In the years before and immediately after independence, there was an element of pluralism in Tanganyika's politics. TANU would compete in elections with at least two other political parties – the African National Congress and the United Tanganyika Party. Party-political competition was abolished with the fourth review of the Constitution leading to the interim Constitution of 1965, which officially established a one-party state.

Over the past six decades, Tanzania has pursued various development models with a focus on economic growth, healthcare and education. The Arusha Declaration of 1967 introduced *Ujamaa* (African socialism), emphasising self-reliance, equality and social cohesion.⁸ The country has achieved notable successes in expanding access to healthcare and education and advancing rural development, as well as in fostering a strong sense of national identity and solidarity.

The country shifted direction from a centrally planned, public sector-driven economy towards economic liberalisation in 1985, intending to create a conducive environment for private sector growth and to expand economic opportunities.

In the political realm, Tanzania reintroduced a multiparty system in 1992. This marked a new era in the country's political landscape, deepening democracy, enhancing political inclusivity and strengthening civil society's role in governance.

The republic held its first multiparty general election in 1995, which was won by the CCM. The CCM defeated the National Convention for Construction and Reform – Mageuzi, Civic United Front (CUF), Democratic Party, Chama cha Demokrasia na Maendeleo (Chadema), United Democratic Party and Union for Multi-Party Democracy in the presidential and parliamentary contests.⁹ From 1995 to 2020, the republic held

8 Tanganyika African National Union, *Arusha Declaration* (TANU, 1967).

9 Pamela R. Reeves and Keith Klein, *Republic in Transition: 1995 Elections in Tanzania and Zanzibar*, Observation Report (International Foundation for Electoral Systems, 1995).

six multiparty general elections at five-yearly intervals. Each of these general elections was won by the presidential candidate of the ruling CCM in both Zanzibar and Tanzania Mainland.

Under the political leadership of the CCM, the country has had six presidents: Nyerere (1961–1985); Ali Hassan Mwinyi (1985–1995); Benjamin William Mkapa (1995–2005); Jakaya Mrisho Kikwete (2005–2015); John Pombe Magufuli (2015–2021), who passed away while serving his second term in office; and Samia Suluhu Hassan. Samia was the vice-president during the six years of Magufuli’s presidency and declared the president in 2021 following his death.

The liberalising shift in the 1980s and 1990s was intended to create a foundation for sustained development. In 2000 Tanzania launched the Tanzania Development Vision 2025¹⁰ with the aim of achieving middle-income-country status by focusing on agricultural modernisation, industrialisation, infrastructure and technology.

The Vision has resulted in improvements in livelihoods, economic growth and governance. By 2020 Tanzania had managed to attain the middle-income status envisaged in 2000 with a per capita income of \$1,080 – 170% growth in 20 years.

Living standards improved significantly, with extreme poverty rates falling from 36% to 26% over the same period, while health and education indicators showed notable progress between 2005 and 2022. Life expectancy increased from 50.9 years in 2002 to 66.0 years in 2022, child stunting decreased from 44% to 30%, maternal mortality decreased from 605 to 104 deaths per 100 000 live births and child mortality dropped from 112 to 43 deaths per 1 000 live births. In the education sector, primary school enrolment reached 100% by 2020, accompanied by a significant rise in transition rates to secondary education. Women’s participation in the political and economic spheres also increased notably.¹¹

The URT is one of the fastest-growing economies in Africa. Its gross domestic product (GDP) grew by 4.3% in 2021 and 4.6% in 2022, owing to the improved business environment. The World Bank and International Monetary Fund (IMF) projected the country’s annual GDP growth to be 5.6% and 6.1% (respectively) in 2024.¹² Agriculture remains the backbone of the country’s economy, employing over 70% of the population. Generally, agriculture and forestry contribute 27% of the country’s

10 URT, *Tanzania Development Vision 2025* (Planning Commission, 2000).

11 URT, *Tanzania Development Vision 2050*; URT, *APRM Country Review Report No. 17*.

12 Tanzania Invest, “Tanzania GDP Growth 2017 – 2023”, accessed March 28, 2025, <https://www.tanzaniainvest.com/gdp>.

GDP, the construction industry 31%, the services industry 42% and the tourism and mining sectors 5%.¹³ Tanzania is also home to popular tourist destinations such as Mount Kilimanjaro, the Serengeti and Ngorongoro national parks, Unguja and Pemba beaches in Zanzibar and a beautiful coastal strip that runs through the regions of Tanga, Dar es Salaam, Lindi, Mtwara and the Mafia Archipelago.

In recent years, Tanzania's governance priorities have been realigned to focus on issues such as upholding unity, dignity, various rights and freedoms, democracy, natural wealth and resources, as well as culture and national ethos.¹⁴

Yet, despite these achievements, Tanzania will have to grapple with a number of governance issues in the coming years. These include re-working its constitutional dispensation to build a truly democratic system of government, enhance the separation of powers and build a political culture that fosters tolerance and promotes inclusivity to form a firmer foundation for good governance, peace, security and stability. There is also the uphill target of building and upholding the rule of law and justice, as well as protecting basic rights and fundamental freedoms. In addition, there is a need to realise a vibrant civil society, maintain a competent and disciplined public service and promote institutional autonomy, gender equality, peace and national unity in a nation that is increasingly polarised.

Tanzania and the APRM

Tanzania acceded to the APRM on 26 May 2004, with the signing of the APRM Memorandum of Understanding. This was ratified by Parliament on 1 February 2005. Upon acceding to the APRM, Tanzania immediately began operationalising and institutionalising the review process. This included the appointment of Bernard Camillus Membe, the minister of foreign affairs and international cooperation, as the focal point person, with foreign affairs as the focal point ministry. The National Governing Council was also established, made up primarily of representatives from civil society. A National Secretariat was created to support the National Governing Council's day-to-day operations, while four technical research institutions were identified to carry out the self-assessment exercise. The government of Tanzania also made budgetary provisions for the national process. To facilitate implementation, awareness-raising activities were initiated among key stakeholders, including Members of

13 Bank of Tanzania, "Annual Financial Statements as of June 2021", accessed March 28, 2025, <https://www.bot.go.tz/Publications/Filter/19>.

14 URT, *Draft Tanzania Development Vision 2050*.

Parliament (MPs) and CSOs.¹⁵ Some six years later, Tanzania was ready for a review and a CRM visited the country in March 2012. A full CRR was ready for publication in January 2013, followed by the development of a National Programme of Action.¹⁶

However, soon thereafter, the impetus to continue with the APRM waned as Kikwete completed his term in 2015. After the coming to power of Magufuli, who was less of a believer in international values and relations, little progress was made to assess Tanzania's governance performance using the mechanism. It was not until Samia's accession to power that the APRM discourse started re-surfacing as the newly sworn-in president promoted her '4Rs' initiative, signalling a recommitment to democratic governance in the country. It is possible that Tanzania could undergo its second-generation review before the next elections in October 2025.

In response to the circumstances described above and most Tanzanians' shared aspirations for a prosperous, democratic society, a group of CSOs have taken the opportunity presented by the APRM to develop this submission, articulating their perspectives. It is intended as a positive contribution towards developing the country's second CSAR. This has been done as part of the Tanzania APRM Popular Sensitisation Project (TAPS) coordinated by the Tanzania Citizens' Information Bureau (TCIB). In line with the consultative and participatory nature of the APRM, the groups involved have identified 10 thematic issues on governance reflecting the five broad APRM thematic clusters. The issues and authors are as follows:

- Union matters in the United Republic of Tanzania, by Carlos Buto, Tanzania Centre for Democracy, and Neema Kasabuliro, Tanzania Media Women Association
- Constitutional history and the quest for constitutional democracy in Tanzania, by Thobias Messanga, Tanzania Constitution Forum
- Human rights, rule of law and access to justice, by William Maduhu, Legal and Human Rights Centre (LHRC), Utti Mwang'amba, Centre for Women and Children Association, and Francisca Silayo, Tanzania Network of Legal Aid Providers (TANLAP)
- Social justice and social protection, by Adamson Nsimba, Tanzania Association of Non-Governmental Organisations
- Civic space, freedom of association and the protection of human rights, by Nancy Minja, JamiiForums

¹⁵ URT, *APRM Country Review Report No. 17*.

¹⁶ APRM, Panel of Eminent Persons, *Country Review Report of the Republic of Tanzania* (Tanzania CRR) (APRM Secretariat, January 2013), 1.

- Promoting citizen participation and inclusion in democratic processes, by Israel Ilunde, Youth Partnership Countrywide, and Edner Kalalu, Women in Law and Development in Africa
- Freedom of the media and expression, by Luqman Maloto, Mwananchi Communications Limited (MCL)
- Unlocking the potential of youth, by Ocheck Msuva, Bridge for Change Tanzania
- Climate change and climate justice, by Bavon Christopher, ActionAid Tanzania
- Public financial management and accountability, by Moses Kimaro, WAJIBU Institute of Public Accountability

CHAPTER 2



Union Matters in the United Republic of Tanzania

The issues discussed here relate to the Democracy and Good Political Governance thematic area, specifically:

» OBJECTIVE 1

Entrenching constitutional democracy and the rule of law

Question 1 Does the political system as practised in your country allow for free and fair competition for power and the promotion of democratic governance?

» OBJECTIVE 3

Prevention and management of intra- and inter-state conflicts

Question 1 What conditions generate conflict in your country?

Question 2 What mechanisms exist for preventing, reducing and managing conflicts in your country? How effective are these?

Introduction

Uniquely, the URT fuses together two distinct polities into one country. The discussion that follows analyses the contemporary issues confronting the union in reference to its foundation, challenges and prospects. It explores union and non-union matters, union structures and key issues that threaten its existence. It concludes with recommendations on resolving these matters in the interests of strengthening national unity, social cohesion, peace and tranquillity for the prosperity of current and future generations of Tanzanians.

Overview of the structure of the union

The URT is a union of two countries: the Republic of Tanganyika and the People's Republic of Zanzibar. Tanganyika attained its independence from British colonial rule on 9 December 1961. Zanzibar attained its independence on 12 January 1964, following the revolution led by the ASP and other African freedom fighters who overthrew the sultanate in the isles.¹⁷ The union of these two countries was agreed upon on 26 April 1964 when the heads of state – Nyerere of Tanganyika and Abeid Aman Karume of the Revolutionary Government of Zanzibar – signed the Articles of Union to establish the URT.¹⁸

The union of Tanganyika and Zanzibar was justified on security, economic, national unity, political and social cohesion grounds. Some scholars¹⁹ argue that the unification was triggered by a need for social and political stability in the face of the wave of civil unrest and political upheaval that swept across most post-colonial African countries in the 1960s and early 1970s. For example, in a speech delivered before the independence of Tanganyika, Nyerere expressed his concern over the events unfolding in Zanzibar, saying: 'I am not joking... I fear Zanzibar will be a big headache for us [Tanganyikans].'²⁰ Others²¹ have argued that the union of the two republics was orchestrated by Western countries to prevent the spread of communism popularised by the late Abdulrahman Mohamed Babu and his party in the isles (Unguja and Pemba) in the East African region.

The unification of these republics into the URT was followed by two major decisions. First, socialist ideology and its economic policies were adopted. This was followed by the nationalisation of all major means of production, placing land, privately-owned companies and manufacturing industries in the hands of the government. The socialist economic policies also led to the implementation of a villagisation and resettlement policy.

17 Romuald R. Haule, "Torturing the Union? An Examination of the Union of Tanzania and its Constitutionality", *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 66 (2006): 215–233.

18 Issa G. Shivji, *Pan-Africanism or Pragmatism? Lessons of the Tanganyika-Zanzibar Union* (Mkuki na Nyota Publishers, 2008); Ethan R. Sanders, "Conceiving the Tanganyika-Zanzibar Union in the Midst of Cold War: Internal and International Factors", *The African Review* 41, no. 1 (2014): 35–70.

19 Dotto Paul Kuhenga, "Discourses on the Union between Tanganyika and Zanzibar in the Press: History, Description and Value Discursive Constructs in Tanzania *Daily News* and *The Citizen* newspapers (2005–2011)", in *Gender and Sustainable Development in Africa*, eds. Maurice Nyamanga Amutabi and Elinami Veraeli Swai (CEDRED Publications, 2020), 149–174.

20 Haule, "Torturing the Union?".

21 Sanders, "Conceiving the Tanganyika-Zanzibar Union"; Mangasini Katundu, "Pan-African or Pragmatism? Lessons of Tanganyika-Zanzibar Union", *African Journal of Political Science and International Relations* 13, no. 1 (2019): 1–3.

Second, the two main political parties that had fought for independence – the ASP of Zanzibar under Karume and TANU under Nyerere – merged into the CCM on 5 February 1977.²² The adoption of socialism legitimised single-party politics in both Tanzania Mainland and Zanzibar, allowing the CCM to monopolise politics in the republic for nearly three decades before the re-introduction of multiparty democracy in the 1990s.

Although the country today exercises multiparty democracy, the socio-political and economic environment is still heavily influenced by the legacy of mono-party politics.²³ The existing URT Constitution, election laws, electoral organs and processes, as well as the state machinery, continue to function in favour of the ruling party.

To understand the contemporary debate around the union and its functioning, it is necessary to set out, briefly, the structure of the country's governance system.

Political structure

The political structure of the URT is unique in its dual-government system. The Union Government, based in Dodoma, oversees union matters, while the Zanzibar Revolutionary Government governs Zanzibar's internal affairs. The president of Tanzania serves as the head of state for both the URT and Zanzibar, while Zanzibar also has its own president who manages local governance issues.

This dual system has occasionally caused tensions, particularly regarding the scope of Zanzibar and Tanzania Mainland's autonomy. The constitutional framework of the URT is outlined in the 1977 Constitution, which has been amended several times to accommodate evolving political realities.²⁴

Both the URT and Zanzibar have decentralised local governance frameworks, but these systems operate independently of each other, with different legislative frameworks.²⁵ The decentralisation process on the Mainland is more advanced, with local governments having broader authority over resource management and service delivery.

22 Chris Maina Peter, *Constitution-making in Tanzania: The Role of the People in the Process* (University of Dar es Salaam, 2000).

23 Haule, "Torturing the Union?".

24 Chris Maina Peter, *Constitutional Development and Legal Challenges in Tanzania* (University of Dar es Salaam Press, 2013).

25 The Local Government Authority Act, 2014, for Zanzibar, while the Mainland is managed under the Local Government (District Authorities) Act, 1982, and the Local Government (Urban Authorities) Act, 1982.

Legislative and judicial structures

The Constitution of the URT and that of Zanzibar affirms that the Union Parliament in Tanzania is responsible for enacting laws related to URT matters, while Zanzibar's House of Representatives legislates on Zanzibari issues. The judiciary also reflects this dual structure, with the Union Government maintaining the Court of Appeal of Tanzania as the highest judicial body while Zanzibar operates its own court system for non-union matters.

Key institutions

Several key institutions are responsible for managing URT matters, including the Vice-President's Office, which specifically oversees URT affairs. Ministries related to defence, foreign affairs and finance also play important roles in ensuring the URT functions effectively. Additionally, committees such as the Joint Finance Commission address revenue-sharing issues, while the Zanzibar Affairs Ministry manages relations between the Union Government and Zanzibar.²⁶

Union and non-union matters

On 26 April 2022 Pius Msekwa, the clerk of the Tanganyika Parliament at the time of union, said that the Articles of Union explained that Nyerere would be the URT president while Karume would be the vice-president. According to him, the document also identified 11 URT affairs – matters that fell within the jurisdiction of the Union Government²⁷ – and declared the Constitution of Tanganyika the interim Constitution of the URT, after some amendments. Such amendments included the recognition of Zanzibar's government and legislature; the representation of Zanzibar in the Union Parliament; and the presence of two vice presidents (one from Zanzibar and another from Tanganyika). The interim Constitution would remain active for one year while the URT would become effective after parliamentary approval. The comments by Msekwa are important, as the Articles of Union were not made public.

This agreement was built on the principle of shared governance, with specific areas of administration and national affairs being reserved for the Union Government while others remained under the control of Zanzibar's Revolutionary Government. The articles stipulated, among others, a separate legislature and executive in and for

²⁶ Issa G. Shivji, *The Legal Foundations of the Union of Tanganyika and Zanzibar* (Dar es Salaam University Press, 2006).

²⁷ The Constitution and Government of the United Republic; external affairs; defence; police; emergency powers; citizenship; immigration; external trade and borrowing; the URT public service; income tax, corporation tax, customs and excise; and harbours, civil aviation, posts and telegraphs. This list grew over time.

Zanzibar, and Zanzibar's exclusive authority over matters other than those reserved for the URT.²⁸

The result was that the Union Government would handle affairs of national importance and international relations, while allowing Zanzibar some degree of autonomy over domestic matters such as health, education and agriculture. This dual system of governance was intended to balance the political interests of Tanzania Mainland and Zanzibar, maintaining unity while acknowledging Zanzibar's distinct identity and needs.

However, this arrangement generated ongoing controversy and tension, especially regarding the extent of Zanzibar's autonomy. Critics in Zanzibar felt that the articles gradually expanded the powers of the Union Government, leading to an erosion of Zanzibar's influence over its own affairs. For instance, while the original agreement included a limited number of URT matters, the list gradually expanded, incorporating additional sectors such as telecommunications, higher education and natural resources.

Debates around Union matters have evolved and revolved around the distribution of powers and resources between the Tanzania Mainland and Zanzibar, as well as a sense of nationhood and the autonomy of Zanzibaris to control their resources.²⁹ However, some scholars³⁰ hold that most proposed amendments to the list of URT matters have met with strong resistance from within Zanzibar owing to fears of the Union Government's encroachment on its autonomy.

Public debate on contentious issues in the union

The union of Tanzania Mainland and Zanzibar has been under scrutiny from scholars and ordinary citizens of both regions for many years. Since these debates first emerged in the early 1980s and re-emerged in early 1990s, the main issues have revolved around the structure of the URT and the autonomy of Zanzibar.³¹ Some members of Zanzibar's elite, as well as ordinary citizens, believe that the union has benefitted Tanzania Mainland while 'swallowing' Zanzibar's autonomy and depriving it of the capacity to make its own socio-economic and political decisions. Thomas Kibwana, a contributor to *The Chanzo* newspaper, observed that both Mainlanders and Zanzibaris criticise

28 URT, The Union of Tanganyika and Zanzibar Act, 1964.

29 Nicodemus Minde, "Tanganyika and Zanzibar: Tanzania's 60-Year-Old Union May Need a Restructure", *The Conversation*, May 22, 2024.

30 Mohammed Bakari and Alexander A. Makulilo, "Between Confusion and Clarity: Rethinking the Union of Tanganyika and Zanzibar After 50 Years", *The African Review* 41, no. 1 (2014): 1–34.

31 Kuhenga, "Discourses on the Union".

the Union: ‘Zanzibarians complain that the *Muungano* [Union] infringes on their sovereignty rights to self-rule. Mainlanders feel like they are carrying the majority of the Union’s weight.’³²

According to one researcher, ‘[T]he constitutional and political debates of 1983/84, which re-emerged in 1990/92, put the Union to a real test. Accordingly, the debate of the 1980s on Union Matters led to the amendments of the Constitution of 1977, and the formulation of the new Zanzibar Constitution in 1984.’³³ Similarly, the debate on URT matters that re-emerged in the 1990s led to the creation of the Nyalali Commission, which recommended the ‘restructuring of the Union and the introduction of a multiparty political system’ in Tanzania.

It is likely that there is significant support – even with the CCM – for the sentiment that Zanzibar is being ‘treated unfairly’ in the URT. From a legal point of view, since 2005 the debate has centred on the union’s legality.³⁴ There is speculation among some non-CCM Zanzibaris that the true Articles of Union have been kept secret and that the document currently in the public domain is questionable. As a result of this conspiracy theory, a number of Zanzibaris in 2005 attempted to force the Zanzibar attorney general, through the High Court of Zanzibar, to produce the original Articles of Union – to no avail. In addition, they demanded that the Zanzibar attorney-general provide the original document of the Union Agreement establishing the URT in 1964 – yet again, with no success. These Zanzibaris then threatened to ask the High Court to ‘declare the Union between Tanganyika and Zanzibar null and void’ owing to the failure to provide the original legal documents and in the absence of a valid justification for this failure.³⁵

A further issue in the debate around URT matters is the structure of the Union Government. Since the 1980s, citizens of both Tanzania Mainland and Zanzibar have had mixed feelings about this issue. While many Tanzanians from Zanzibar feel they are under-represented in Union Government positions – such as ministries and public entities handling union matters – some Tanzania Mainlanders question the appointment of Zanzibaris to ministries and institutions that are not strictly concerned with union matters. This was evidenced in one parliamentary session during the Kikwete administration, when then MP Ali Kessy of the Nkasi constituency castigated fellow MPs from Zanzibar for discussing issues concerning Mainlanders.³⁶

32 Thomas Joel Kibwana, “*Muungano: A Much-Needed Renewal of Vows*”, *The Chanzo*, June 26, 2023.

33 Haule, “Torturing the Union?”.

34 Shivji, *Pan-Africanism or Pragmatism?*.

35 Haule, “Torturing the Union?”.

36 “*Mbunge wa Nkasi nusura apigwe*” [“Nkasi Member of Parliament Escapes Beating”], *Mwananchi*, March 27, 2021.

Public sentiment on the structure of the Union Government re-emerged as a dominant issue during the parliamentary debate on the formulation of a new constitution for Tanzania in 2011. A clear division emerged on whether the country should retain the current union structure of two governments or shift to a union of three governments: a government of Tanzania Mainland, a government of Zanzibar, and a Union government. Proponents of a two-government structure, who were predominantly from the CCM, argued that the three-government structure would strengthen the two regional governments (Tanzania Mainland and Zanzibar) and weaken the union, leading to the latter's demise.³⁷ Conversely, the proponents of a three-tier government structure included some opposition political parties and activists. They supported the recommendations of the Constitutional Review Commission under attorney general and prime minister Joseph Sinde Warioba for a three-government structure to resolve the prevailing challenges in the union.³⁸

During an X (Twitter) Space discussion organised by *The Chanzo* and Salim Ahmed Salim Digital Archive in September 2023, Togolani Mavura, Tanzania's ambassador to South Korea, advocated a two-government union structure.³⁹ The ambassador backed his proposals with the findings of the Warioba Commission, which showed over 86% of Tanzanians polled by the commission did not comment on the union while only 13.6% expressed dissatisfaction with the two-government structure.⁴⁰ However, Fatma Karume, a human rights activist and advocate of the three-government structure, claimed that the ambassador misled the public on the recommendations of the Constitutional Review Commission. She also questioned why the union of two countries into the URT had 'deleted' one country (Tanganyika) and affirmed another (Zanzibar).⁴¹ It should be noted that the call for the adoption of a three-government structure has its origins in the popular G-55 parliamentary movement.⁴² This movement was led by Njelu Kasaka and gained the support of former prime minister John Malecela in the early 1990s. It advocated a three-tier government structure that would prevent the president of the Revolutionary Government of Zanzibar from having a major influence on the governance of the Mainland.⁴³ This movement came about

37 "Three-tier Govt System Unrealistic", *The Citizen*, April 26, 2021.

38 "Why Katiba Team Has Proposed Three-tier Union Again", *The Citizen*, April 3, 2021.

39 Kibwana, "Muungano: A Much-Needed Renewal".

40 Kibwana, "Muungano: A Much-Needed Renewal".

41 Kibwana, "Muungano: A Much-Needed Renewal".

42 Joseph Mwamunyange, "The Ghost of G55 Comes Back to Haunt Law Making Process...", *JamiiForums* (blog), January 5, 2014.

43 Rutashubanyuma Nestory, "Decoding Union Strains: How Zanzibar's Presidency Shapes Tanzanian Politics", *Tanzania Digest*, May 19, 2024.

following the decision of the Zanzibar Government to join the Organisation of Islamic Cooperation.⁴⁴

Recently, other anti-union sentiments have been expressed on social media platforms, especially among opposition politicians and citizens living in Tanzania Mainland. They pointed to what they claim to be the ‘ill-motives’ of Samia and Minister of Works and Transport Makame Mbarawa (of Zanzibari origin) in ‘selling’ the port of Tanganyika to the Dubai-based DP World.⁴⁵ These sentiments illuminate the cracks in the union that require permanent solutions.

Another contentious issue in public debate relates to customs and taxes on goods and services between Tanzania Mainland and Zanzibar. Although most Tanzanians acknowledge that the current union structure has strengthened and maintained social cohesion, peace and national unity, there is dissatisfaction among some Mainlanders, including parliamentarians, about the distribution of economic benefits. For example, why, in the same republic, are goods from the Mainland to Zanzibar tax-free while goods from Zanzibar entering the Mainland are taxed? Why are Zanzibaris allowed to occupy land on the Mainland but Mainlanders are prohibited from doing the same in Zanzibar? Some Mainlanders are aggrieved at the privileges given to their counterparts in the Isles by the URT government while they are denied them.⁴⁶

The recurrence of public debate on union matters led the government to conduct an analysis of nine contentious issues in an attempt to resolve them amicably. Thus far, the government has resolved five. These are the URT and Revolutionary Government of Zanzibar Joint Committee meeting procedures on union issues; oil and gas exploration and exploitation; costs to import cargo from Zanzibar at the Dar es Salaam port; Zanzibar’s participation in the EAC; and Zanzibar’s participation in regional and international affairs.⁴⁷ The unresolved union issues include the distribution of revenues from the Zanzibar shares in the East African Currency Board and the profit accrued by the Bank of Tanzania; the recommendations of the Joint Finance Commission; motor vehicle registration; and the importation of Zanzibari-produced sugar into the Tanzania Mainland market.⁴⁸

44 Rodgers Luhwago, “OIC and G55, a Litmus Test for Mwinyi’s Presidency”, *Daily News*, March 2, 2024.

45 Kibwana, “Muungano: A Much-Needed Renewal”.

46 Kibwana, “Muungano: A Much-Needed Renewal”.

47 “Five Issues removed from Union Contentious Matters’ List”, *The Citizen*, October 17, 2020.

48 “Four Contentious Union Issues Remain Unresolved”, *The Guardian*, March 7, 2024.

Specific issues confronting the union

While the broad outlines of the controversies around the union are clear, these are expressed in several discrete issues, set out below.

Autonomy and calls for greater decentralisation

One of the most persistent contemporary issues is the ongoing debate over Zanzibar's and the Mainland's autonomy within the union. Political parties, particularly the CUF and more recently the Alliance for Change and Transparency (ACT Wazalendo) and Chama cha Demokrasia na Maendeleo (Chadema), have been at the forefront of calls for a more autonomous Zanzibar and Mainland.

Economic development and resource sharing

Economic disparities between Tanzania Mainland and Zanzibar are another major contemporary point of tension. While the Mainland has experienced relatively stable economic growth, driven by sectors such as agriculture, manufacturing and mining, Zanzibar has struggled to keep pace, with its economy largely dependent on tourism and small-scale agriculture. This imbalance has led to frustration in Zanzibar, where many feel that the Union Government does not do enough to support its economic development.

Resource sharing is a particularly contentious issue. Zanzibar contributes significantly to Tanzania's foreign exchange earnings through its booming tourism sector, but Zanzibaris often argue that they do not receive a fair share of the revenue generated by union activities.

Constitutional and legal challenges

Constitutional debates have intensified in recent years, particularly surrounding the need for reforms to better reflect the evolving political, economic and social landscape of Tanzania. The Union Constitution has been amended several times but, as has been noted, critics argue that it no longer adequately addresses the complexities of modern governance within the URT. One of the most prominent constitutional debates centres on the structure of the URT itself. Many Tanzanians from Zanzibar advocate for a more federal arrangement, as opposed to the current unitary structure, which they feel grants too much power to the Union Government at the expense of Zanzibar's autonomy. These demands were highlighted during the constitutional reform process initiated in 2014, which proposed the creation of the three-government system.

However, this process ultimately stalled owing to political disagreements, leaving many of the issues unresolved.

Political power and representation

Political representation within the URT has also provoked debate. While Zanzibar makes up only about 3% of Tanzania's population, it holds a disproportionately large number of seats in the Union Parliament. This arrangement, intended to protect Zanzibar's interests within the union, has led to criticism from the Mainland, where some argue that Zanzibar has too much political influence relative to its size and economic contribution. At the same time, many Zanzibaris feel that they are under-represented in key decision-making bodies, particularly when it comes to matters relating to the union as a whole.

International recognition and diplomacy

Some political groups in Zanzibar have sought to engage with foreign governments and international organisations independently of the Union Government, raising concerns about the potential for conflicting diplomatic positions. For instance, Zanzibar's pursuit of international trade and tourism agreements sometimes clash with URT policies, leading to tensions over who has the authority to represent Tanzania in such matters.⁴⁹

Land governance issues

The governance of land in the URT remains a particularly sensitive issue. Under the Union Constitution and the Land Act, 1999, land is not classified as a union matter, meaning that Zanzibar retains full control over its land policies. However, disputes have arisen in cases involving land ownership and use in both Zanzibar and Tanzania Mainland, particularly in regions with overlapping interests such as coastal areas that attract investors in tourism and natural gas exploration.⁵⁰ Zanzibar has its own Land Tenure Act, 1992, which governs land administration and has created a legal regime distinct from that in Tanzania Mainland. While this arrangement has allowed Zanzibar to maintain control over its land resources, it also allows Zanzibaris to own land on the Mainland. That freedom is limited for Mainland residents wanting to buy land in Zanzibar.

49 Shivji, *The Legal Foundations*.

50 Issa G. Shivji, *The Land Act, 1999: Law, Ideology, and Politics in Tanzania* (Dar es Salaam University Press, 1998).

Election issues

The electoral process in the union presents another complex issue, with different electoral systems operating for the Union Government and for Zanzibar's Revolutionary Government. The Independent National Electoral Commission (INEC) oversees elections for union positions, including the presidency, MPs and councillorship. The Zanzibar Electoral Commission (ZEC) manages elections for the president of Zanzibar and the House of Representatives. The two sets of elections are managed by separate laws.

Socio-cultural issues

The URT also faces significant challenges related to social and cultural integration between Tanzania Mainland and Zanzibar. While the Union Constitution guarantees equality and the protection of cultural rights, the distinct historical, religious and social backgrounds of Tanzania Mainland (and Tanganyika previously) and Zanzibar have led to differences in how social and cultural policies are developed and implemented.

One major issue concerns the role of Islam in Zanzibar, where a majority of the population identifies as Muslim, compared to the religious diversity on the Mainland. This cultural divergence has often affected political and legal debates, particularly concerning the application of Islamic law in Zanzibar. The Constitution of Zanzibar allows the use of Islamic family law in matters of marriage, divorce and inheritance, whereas Tanzania Mainland follows a secular legal framework in these areas. Additionally, issues related to language, education and identity frequently arise in discussions about the union. People argue that Zanzibar's unique cultural heritage, particularly its Swahili-Arabic roots, has been overshadowed by policies favouring Tanzania Mainland's cultural and linguistic norms.⁵¹

Sustainability of the union

There is general consensus among scholars and analysts that the URT remains strong despite its challenges. The identified shortcomings and debates around the union, such as its structure and the modalities of its operations, need to be resolved in a bipartisan manner. A majority of Tanzanians still embrace this union as a symbol of social cohesion, nationhood and national unity. Therefore, efforts to ensure the sustainability of the URT should aim to find practical solutions to address the concerns

⁵¹ Alamin M. Mazrui and Ibrahim N. Shariff, *The Swahili: Idiom and Identity of an African People* (Africa World Press, 1994).

that threaten its existence.⁵² As indicated in this report, progress has been made in resolving five of the nine points of dispute. Inclusive multi-level stakeholder dialogues should be encouraged to address the remaining shortcomings.

Conclusion

While the union between Tanzania Mainland and Zanzibar has provided political stability and a unified identity for Tanzania – one recognised internationally – ongoing debates over autonomy, economic disparities and constitutional reform remain unresolved. Addressing these challenges will require both political will and legal intervention to ensure the continued stability and unity of the URT. Strengthening dialogue between the Union Government and Zanzibar will be key to securing the future of this unique political arrangement.

RECOMMENDATIONS

Civil society recommends the following to contribute to a balanced URT that works for the benefit of both Tanzania Mainland and Zanzibar.

- **Revisit the Articles of Union.** Political analysts and legal experts have recommended that the URT matters stipulated in the Articles of Union be thoroughly and comprehensively reviewed to accommodate the current legal framework, as well as the socio-political and economic needs of the country. Clarification and elaborations should be provided on matters that create confusion and misunderstanding. Scholars⁵³ call upon Tanzanians from both Tanzania Mainland and Zanzibar to engage in difficult yet harmonious dialogues on how to ‘fundamentally restructure’ the existing union for sustainability and the maintenance of social cohesion and the well-being of all citizens.
- **Promote national dialogue and reconciliation.** This is intended to create a sustainable enabling environment for removing animosity and fostering mutual understanding, social cohesion, national unity and peace among Mainlanders and Zanzibaris. There is a need to strengthen citizens’ direct

52 Said Noof, “Revisiting the Legality of the Union between the Republic of Tanganyika and the People’s Republic of Zanzibar”, *African Journal of Legal Studies* 12, no. 2 (2019): 139–162.

53 Bakari and Makulilo, “Between Confusion and Clarity”.

RECOMMENDATIONS

involvement in matters concerning the sustainability of the URT.⁵⁴ This includes inter-community cultural exchange interventions such as music festivals, sports and games, and public talks to amicably resolve the matters under discussion.

- **Strengthen the role of the media in raising public awareness and education on the benefits of the union.**⁵⁵ The media should be at the forefront of public and media dialogue aimed at finding practical solutions to challenging union matters. Similarly, media practitioners should be capacitated to advocate for constructive narratives around the union, rather than spreading negative perspectives that fuel public anger, grievances and dissatisfaction. The media should facilitate citizens' engagement in dialogue and consultation on union matters.
- **Advance economic equity.** There should be concerted efforts to formulate and implement economic policies that guarantee equitable distribution and effective utilisation of scarce resources. It is crucial to foster economic interdependence to align interests and create shared benefits between Zanzibaris and Mainlanders to avoid unnecessary acrimony that threatens the URT.

54 Moh'd Juma Abdalla, "The Union between Tanganyika and Zanzibar: The Challenges Facing Its Sustainability" (MA Diss., University of Dar es Salaam, 2010).

55 Mohamed Mansour Nassor, "Role of the Union in Promoting Economic Development Regarding Trade Opportunities: A Case Study for Zanzibar" (MA Diss., Open University of Tanzania, 2024).

CHAPTER 3



Constitutional history and the quest for constitutional democracy in Tanzania

The issues discussed here relate to the Democracy and Good Political Governance thematic area, specifically:

» OBJECTIVE 1

Entrenching constitutional democracy and the rule of law

- Question 1 Does the political system as practised in your country allow for free and fair competition for power and the promotion of democratic governance?*
- Question 2 What weight do provisions establishing the rule of law and the supremacy of the constitution carry in practice?*
- Question 3 To what extent does the executive respect the rule of law?*

» OBJECTIVE 2

Upholding the separation, checks and balance of powers

- Question 1 Does the constitution provide for the separation of powers between the executive, the legislative and the judicial branches of government?*
- Question 2 To what extent is the judiciary independent?*
- Question 3 How would you rate the independence and effectiveness of the legislative body?*

Introduction

Constitutionalism means that constitutional strictures take precedence over all other legislation and provide a hard standard for the permissibility of action in a particular country. This is expressed, for example, in legislation or case law that must be compatible with the demands of the Constitution. It is important to ensure that a Constitution has legal supremacy. If a government passes a law or attempts or performs a governance action that violates the Constitution or is not in accordance with a constitutional provision, such law or action could be challenged in a court of law and be overturned on the grounds that it is unconstitutional.

Since its independence, Tanzania has undergone several constitutional changes, but the pursuit of a comprehensive constitutional reform has been a recurring theme, predating the transition to multiparty democracy in 1992. To understand this, this chapter begins with an exposition of the five constitutions that Tanzania has had since independence⁵⁶ and explores the issues that drive the debate over constitutional reform.

The Constitutions of Tanzania

The Independence Constitution, 1961

Tanganyika's Constitution of 1961 – which was briefly in force – was the result of the independence law (Order in Council) passed by the British Parliament and imposed on Tanganyika as its preliminary Constitution. This Constitution posed a number of challenges to the newly independent state because a lot depended on decisions from Britain under the Queen, who was then the head of state. For instance, all Tanganyika bills required royal assent.⁵⁷

The Republican Constitution, 1962

The drawing up of this Constitution (for Tanganyika, as it existed at the time) did not involve the people's participation. Rather, the Constitutional Assembly was composed of 71 parliamentarians from TANU charged with producing the Constitution. A key feature of this document was the 'imperial presidency', in which the president was

⁵⁶ Maina Peter, *Constitution Making in Tanzania*.

⁵⁷ The Tanganyika (Constitution) Order in Council, 1961.

both the head of state and the head of the government, and in which significant powers were concentrated in the presidency.⁵⁸

The Union Constitution, 1964

This Constitution was introduced after the union of Tanganyika and Zanzibar. This Constitution derived its basis from the Articles of Union that were agreed upon prior to Union Day on 26 April 1964. It consisted of 11 union issues that were later expanded to 22 (see also 'Union matters in the United Republic of Tanzania'). This Constitution marked the end of Tanganyika's Constitution (and Tanganyika), since it created a union of two governments: the Revolutionary Government of Zanzibar in charge of Zanzibari matters and the government of the URT. It was promulgated through presidential decree and ratified by the Parliament of Tanganyika and the Representatives' Council of Zanzibar. It was viewed as an interim Constitution that would exist for one year and set within itself the procedure of drafting a permanent Constitution for the newly united country.

The Interim Constitution, 1965

The Interim Constitution covered Tanzania's movement to a one-party system. There were, however, two political parties – TANU in Tanzania Mainland (formerly Tanganyika) and the ASP in Zanzibar. Notably, TANU's constitution became part of the Union Constitution. This Constitution was the work of a Presidential Commission that gathered citizens' inputs. Through this Constitution, the jurisdiction of union matters began to be extended, prompting ongoing controversy about Zanzibar's autonomy.

The Permanent Constitution of United Republic of Tanzania, 1977

This was the fifth Constitution adopted since independence, and the third for the URT. This Constitution was the result of the work of a presidential commission made up of 20 members (10 members from each part of the union) led by Sheikh Thabit Kombo, a highly respected Zanzibari, and his secretary, Msekwa. The commission started the work of drafting the Constitution of the CCM after the merger of TANU and the ASP on 5 February 1977. Following what the president considered to be a successful process towards a new party constitution, the same commission was tasked with drawing up the country's Constitution, which came about on 16 March 1977. This Constitution was built around three concepts: an imperial presidency; the one-party system; and a two-government structure. It was passed by the special Constituent Assembly appointed

58 J.P.W.B. McAuslan, "The Republican Constitution of Tanganyika", *The International and Comparative Law Quarterly* 13, no. 2 (1964): 502–573.

by the president from Parliament. This Constitution has undergone 14 amendments since having been brought into effect.⁵⁹ A large number of these amendments did not involve popular participation.

Overview of the quest for constitutional democracy

The pursuit of constitutional democracy began with independence, especially after the abolition of the multiparty system in 1965. Over the years, there were a number of activist campaigns to demand the re-introduction of multiparty democracy in Tanzania. Activists who were not content with the single-party political system exerted pressure on the government to alter the Constitution to allow for a change to multiparty democracy.⁶⁰

From single-party to multiparty democracy in Tanzania: The demand for constitutional reform

In the late 1980s and early 1990s a global paradigm shift occurred, with many countries transitioning from single-party or mono-party to multiparty systems. Tanzania was not immune to this trend. Sensing the changing winds, the country's long-time leader, Nyerere, cautiously acknowledged the possibility of a multiparty system. He famously warned: 'When you see your neighbour being shaved, wet your head to avoid a dry shave.'⁶¹

Nyerere's openness sparked a wave of activism. A group of lawyers, students, academics, clerics and political activists formed a steering committee in February 1991 and organised a multiparty seminar. This committee later became the National Committee for Constitutional Reform, which demanded a constitutional conference, the free establishment of political parties and a debate on the future political system.⁶²

In response to this growing pressure, Mwinyi (who had assumed office in 1985) appointed a commission in March 1991 to gather nationwide views on the desired political system. Led by Chief Justice Francis Nyalali, the commission found that while 77.3% of respondents favoured a one-party system, many submissions suggested changes that were only feasible in a multiparty democracy. Ultimately, the commission

59 Juliana Masaboa and Ulrike Wanitzek, "Constitutional Reform in Tanzania: Developing Process and Preliminary Results", *Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin America* 48, no. 3 (2015): 329–368.

60 Mohabe Nyirabu, "The Multiparty Reform Process in Tanzania: The Dominance of the Ruling Party", *African Journal of Political Science* 7, no. 2 (2002): 99–112.

61 Nyirabu, "The Multiparty Reform Process".

62 Nyirabu, "The Multiparty Reform Process".

recommended the adoption of a multiparty system to align with the evolving political climate.⁶³

The commission outlined several key reforms necessary for a successful transition, including constitutional changes, the repeal of restrictive laws, judicial independence, parliamentary supremacy and allowing autonomous mass organisations.⁶⁴

In February 1992 the ruling CCM accepted the shift to multiparty democracy, marking the end of its formal political monopoly. In May 1992 Parliament endorsed this decision, amending the Constitution to allow a transition and enacting laws permitting the formation and registration of opposition parties.⁶⁵

Multipartyism and the Tanzanian Constitution: A history of reform and frustration

Multiple presidential commissions of inquiry, including the Nyalali Commission (1991), Kisanga Commission (1998), Warioba Commission (2012) and Mukandala Task Force (2021), have highlighted the need for comprehensive constitutional change to better reflect the aspirations of Tanzanians. Despite these recommendations, the country has yet to undertake the necessary reforms.

Nyalali Commission

As noted above, this was formed in March 1991 by Mwinyi and chaired by Nyalali. It was tasked with soliciting the views of citizens concerning the kind of political system they desired. The committee submitted a report with a significant suite of recommendations. Yet only one recommendation – changing from a single-party to multiparty democracy – was adopted. The remainder were ignored. The draconian laws that impeded a fair landscape for multiparty-political activities remained intact or unamended.⁶⁶

Kisanga Committee

This was appointed by the then president, Mkapa, in July 1998 and chaired by Justice Robert Kisanga. The committee was tasked with inquiring into a wider range of issues than those probed by Nyalali. It looked into matters concerning the union, such as union structure, as well as concerns about executive powers, independent

63 Nyirabu, "The Multiparty Reform Process".

64 Nyirabu, "The Multiparty Reform Process".

65 Nyirabu, "The Multiparty Reform Process".

66 Nyirabu, "The Multiparty Reform Process".

candidatures and human rights. In its report, the Kisanga Commission proposed a federal system of three governments. This angered Mkapa, who attacked the report and reprimanded Kisanga for going beyond his mandate.⁶⁷

Warioba Commission

The Constitutional Review Commission led by Judge Joseph Sinde Warioba was appointed by then president Kikwete in May 2012. It consisted of 30 partisan and nonpartisan members and conducted a far more extensive nationwide public inquiry than any previous commission. After months of field work, the commission presented the first draft of a constitution in June 2013. This draft was revolutionary, as it addressed and proposed solutions to various concerns around matters viewed as undermining human rights, the rule of law and democracy. It also included practical provisions for the realisation of gender equality and the representation of women in politics and decision-making spaces. In December 2013, after public debate around the first draft, the commission submitted a final draft to Kikwete. Unfortunately, party politics started to overwhelm the process despite considerable public goodwill. Disagreements emerged among the members of the Constituent Assembly as the discussion turned to party rather than public interests. In 2014 this ultimately caused a walk-out by the coalition known as Umoja wa Katiba ya Wananchi (Coalition for the People's Constitution), which had been formed to defend the idea of a 'people's constitution'. It was led by the political opposition under Haruna Ibrahim Lipumba, the chair of the CUF. The coalition walked out in protest against what it perceived to be the CCM's hijacking of the national process and blatant erosion of people's views on the draft Constitution. The remaining majority, who were mostly ruling party members or affiliates, produced a draft Constitution in October 2014.⁶⁸ The constitution-making process then stalled, as the country entered a period of local government and general elections in 2014 and 2015. The general election saw Magufuli elected as president (in 2015). He announced that constitutional reform was not a priority for his government.⁶⁹

⁶⁷ Maina Peter, *Constitution Making in Tanzania*.

⁶⁸ Salma Maoulidi, "Tanzania's Draft Constitution: From Ownership to Renunciation", Constitutionnet, May 26, 2014.

⁶⁹ "New Katiba Not Priority, Says Magufuli", *The Citizen*, November 5, 2021.

This announcement and his repressive ruling style buried hopes of seeing a new constitution approved and implemented during his incumbency.

Mukandala Task Force

Samia, Magufuli's successor, presented herself as a reformer with the '4R' agenda and began to address various contentious political issues. In December 2021 she set up a task force on political reform and democracy led by Rwekaza Mukandala.⁷⁰ The team collected the views of different stakeholders in the country and within six months submitted a report with proposals for reform. Among others, it looked into the constitutional reform agenda. In its report, the task force found that there were deep divisions over whether to adopt a new constitution or amend the Constitution of 1977,⁷¹ with constitutional reform remaining among the main demands of the opposition. The task force recommended convening a national dialogue to reach consensus on constitutional concerns.⁷² Thereafter, the president should set up a panel of experts to review the dialogue's recommendations and use these to draft another constitution. Nothing concrete has been done as yet about constitutional reform, despite pledges to introduce such reforms. Instead, there have been various delaying tactics. For example, in August 2024 the government announced that it would implement three years of constitutional education for citizens before embarking on constitution making, but this has yet to materialise.⁷³ Other recommendations included allowing political parties to conduct rallies and internal meetings (the Magufuli government had illegally suspended constitutional practices such as political rallies and had shrunk the available civic space) and setting up an independent electoral commission to allow legal challenges to presidential election results. It was also recommended that the Political Parties Act be amended to allow wider participation by special groups, including youth, women and persons with disabilities.⁷⁴

Constitutionalism in Tanzania: The main issues

The key concerns in respect of the Tanzanian Constitution include – but are not limited – to the following.⁷⁵

⁷⁰ Ben Taylor, "Constitutional Reform", *Tanzanian Affairs*, January 1, 2023.

⁷¹ Taylor, "Constitutional Reform".

⁷² Taylor, "Constitutional Reform".

⁷³ Taylor, "Constitutional Reform".

⁷⁴ Taylor, "Constitutional Reform".

⁷⁵ Justine Limpitlaw, *Media Law Handbook for Southern Africa Vol. 2* (Konrad Adenauer Stiftung, 2013).

Rule of law

The concept of rule of law allows for the supremacy of the law over personal preference.⁷⁶ This is fundamental to any functioning democracy. Abiding by the rule of law means that governments are accountable in terms established by law and all citizens are equal before the law – their rights should not depend on social status, proximity to power, ethnic identity and so on.⁷⁷ Tanzania's Constitution stipulates that all people are equal before the law and all are entitled to equal protection and rights, without discrimination.⁷⁸ Rule of law is the bedrock of democracy and democratic practices and should not entail the mere existence of laws or guidelines – independent institutions are needed to protect and promote adherence to the letter and spirit of a country's laws. A strong and independent judiciary should ensure that the government acts within defined legal boundaries and follows and respects the laws enacted by Parliament. In a famous Tanzanian case, the trial judge set out an impressive explanation of what the rule of law should look like:⁷⁹

I believe that the Rule of Law means more than acting in accordance with the law. The Rule of Law must mean fairness of the government. Rule of Law should extend to the examination of the contents of the laws to see whether the letter conforms to the ideal; and that the law does not give the government too much power. The Rule of Law is opposed to the rule of arbitrary power. The Rule of Law requires that the government should be subject to the law rather than the law being subject to the government. If the law is wide enough to justify a dictatorship, then there is no rule of law. Therefore, if the Rule of Law all it means is that the government will operate in accordance with the law, the doctrine of Rule of Law becomes a betrayal of the individual if the laws themselves are not fair but oppressive and degrading. The Courts have to bridge the yawning gap between the letter of the law and the reality in the field of Rule of Law.

From the above it is clear that the rule of law extends to meaning that the law itself should be good, fair and justifiable. It is the duty of the court to intervene in aid of

⁷⁶ Hamza Nchimbi, "Rule of Law under Multiparty Democracy in Tanzania: Law and Practices" (LLM Diss., Open University of Tanzania, 2019).

⁷⁷ See Raul Cordenillo and Kristen Sample, eds., *Rule of Law and Constitution Building: The Role of Regional Organizations* (International Institute for Democracy and Electoral Assistance, 2014).

⁷⁸ Constitution of the United Republic of Tanzania, 1977.

⁷⁹ *Chumchua Marwa v Officer i/c Musoma Prison & the Attorney-General*, TZHC, Mwanza Registry, Misc. Criminal Cause No. 2, 1988 (unreported).

individuals who are subject to arbitrary laws. If the law gives arbitrary power to the government, that amounts to dictatorship.

In Tanzania, a number of cases demonstrate that the rule of law is still problematically applied. In 2016, for example, there was the unconstitutional banning by Magufuli of opposition parties' political activities, such as rallies and protests.⁸⁰ Civic space was also constrained owing to his repressive style of leadership, which was contrary to the laws of the land. The targets of his government included human rights activists. Samia, who presented herself as a healer and reformer,⁸¹ has recently lowered the hopes of people following repressive actions by her government.⁸² These include police brutality, forced disappearances, abductions⁸³ and the killing of dissidents.⁸⁴ In addition, there has been a crackdown on opposition rights to protest and assembly. All of these actions threaten civic space and democracy.⁸⁵ The unlawful arrest and detention of opposition leader Kombo Mbwana, for example, was initially denied by police. Almost a month later they admitted that he was in police detention.⁸⁶ Chadema was holding its youth forum in Mbeya on 12 August 2024, attended by high-ranking party leaders, when the police invaded, harassed, assaulted and arrested attendees.⁸⁷

Separation of powers

Separation of powers simply means the division of functions and powers between the arms of government, ie, the executive, the legislature and the judiciary, and avoiding concentrating too much power in one. In a functioning democracy, it is necessary to divide government power between these arms to guard against the centralisation of power, which may lead to its abuse. When each arm performs its functions within its legal boundaries, they work interdependently and interconnectedly; they are responsible for particular functions but do not operate entirely separately or alone, and act as watchdogs for each other. This watchdog concept is known as 'checks and balances'. What is required today is not separation of power strictu sensu but such

80 Human Rights Watch, *"As Long as I Am Quiet, I Am Safe": Threats to Independent Media and Civil Society in Tanzania*, October 28, 2019.

81 Nicodemus Minde, "Samia Suluhu Hassan Is Reforming Tanzania – It's Winning Her Fans but Boosting the Opposition", *The Conversation*, February 3, 2023.

82 Minde, "Samia Suluhu Hassan Is Reforming".

83 Julius Maricha, "Rights Defenders Urge Government Action against Abductions", *The Citizen*, July 5, 2024.

84 Carlos Mureithi, "Tanzania Opposition Leaders Arrested Amid Crackdown on Dissent", *The Guardian*, September 23, 2024.

85 Mureithi, "Tanzania Opposition Leaders Arrested".

86 "After Going Missing for 29 Days, Police Confirm to Detain Kombo Mbwana for Social Media Misuse. Experts Say It's Unlawful Detention and a Crime by Police", *The Chanzo*, July 15, 2024.

87 "Tanzania Opposition Chadema Says Senior Leaders Arrested", *DW*, August 12, 2024.

checks and balances, so that no single player or arm can assume complete state control and amass undue power.⁸⁸

In balancing and limiting powers between these arms, one of the functions of the legislature is to check the government. This can be done through authorisation of the budget, scrutiny of government expenditure, and questioning and holding the government accountable for its actions.⁸⁹

The judiciary is entrusted with the responsibility of protecting constitutional rule and ensuring that the laws of the land fall within the latter document's ambit and strictures. The judiciary stands between the citizens and the state as a balance against executive excesses or abuse of power, and the transgression of constitutional or legal limitations by the executive or legislature. The judiciary is thus the custodian of the constitution and rule of law in general.⁹⁰ These checks and balances are essential to ensure that public power is exercised in a manner that is accountable to the citizenry and adheres to the rule of law and the constitution.⁹¹

In Tanzania's Constitution, the separation of powers is set out in Article 4, while Article 4(4) provides that each arm specified in Article 4 – the legislature, executive and judiciary – be established and discharge its functions in accordance with the other provisions of the Constitution.⁹² Yet there are a number of cases that demonstrate the lack of effective separation of powers and the need for more effective checks and balances. For instance, during Magufuli's regime, his aides abused their power and that of state institutions outside the executive, which resulted in a situation where the executive effectively dominated or suborned other parts of the state. In 2018, contrary to the law, the regional commissioner of Dar es Salaam, Paul Makonda, nullified a decision by the Ward Tribunal in Dar es Salaam and verbally attacked the judiciary.⁹³ (The Ward Tribunal is part of the judicial system for adjudicating land cases.) Where errors arise in tribunal decisions, these should be referred to a superior tribunal (the District Land and Housing Tribunal). It is not the place of the regional commissioner

88 Sem Amin, "The Legal Challenges to the Effective Implementation of the Doctrine of Separation of Powers in Tanzania" (LLB Diss., Sebastian Kolowa Memorial University, 2019).

89 Amin, "The Legal Challenges".

90 Amin, "The Legal Challenges".

91 Justine Limpitlaw, *Media Law Handbook for Southern Africa Vol. 3* (Konrad Adenauer Stiftung, 2013).

92 Constitution of the URT, 1977.

93 Legal and Human Rights Centre, "Respect Rule of Law and Separation of Power, Government Officials Urged", accessed March 28, 2025, <https://humanrights.or.tz/en/news-events/respect-rule-of-law-and-separation-of-power-government-officials-urged>.

(a member of the executive) to intervene and nullify such decisions. This was a blatant transgression of the principle of the separation of powers.

In practice, the idea of checks and balances appears toothless because those who abuse it are not sanctioned, and therefore the violations continue to take place. In the case of *Hamis Masisi & 6 others v Republic*,⁹⁴ the court granted bail to the accused, but two days later the regional commissioner ordered their re-arrest, an example of the executive disregarding a decision of the judiciary and imposing its own will. The court issued a warning to this regional commissioner about his actions, but he was not held to any meaningful account.

Electoral system

Over the years, widely cited problems have afflicted Tanzania's electoral system. One of these is the lack of an independent electoral commission. The heads of the electoral authorities are handpicked by the president, who is a political office bearer and chairperson of the ruling party and thus has a direct, personal interest in the outcome of elections. The president also wields excessive power as a disciplinary authority to take action against or remove commissioners from the commission.⁹⁵ The deployment of public officials to manage elections – such as district executive directors – also undermines electoral integrity. Over the years, they have been accused of being co-opted by the CCM to help rig elections. Some have been caught wearing party colours while others had been party leaders before being appointed to public service.⁹⁶ Other problems are:

- the prohibition of any inquiry into the results of a presidential election via the courts,⁹⁷ making it legally impossible for presidential results to be contested in court;
- a ban on independent candidates, meaning that, in order to stand for election, one must be a member of a political party and endorsed by that party. This limits citizens' right of participation in political affairs and makes elections a monopoly of political parties;⁹⁸

94 *Hamisi Masisi & Others vs Republic* [1978] TZHC 2, December 21, 1978.

95 Constitution of the URT, 1977, Article 74 (5); Independent National Electoral Commission Act, 2024, Section 8(3).

96 Jukwaa la Katiba Tanzania, *Report on Analysis of Newly Enacted Laws of 2024* (JUKATA, 2024). The enacted laws are the Presidential, Parliamentary and Councillors Act, 2024, the Independent National Electoral Commission Act, 2024 and the Political Affairs (Amendment) Act, 2024.

97 Constitution of the URT, 1977, Article 46(7).

98 Constitution of the URT, 1977, Article 46(7).

- the simple-majority rule for a presidential victory, the product of an amendment to the Constitution under Mkapa's government, which removed the requirement of 50% plus one for a candidate to be declared the presidential winner.⁹⁹ The current rule fails to ensure national majority representation if a candidate wins by less than 50% of the total valid votes cast, meaning that a candidate may be declared president of Tanzania even if they get only 10% of the total votes, provided that there is no one with more than that;¹⁰⁰
- the excessive regulatory powers of the registrar of political parties, who is appointed by the president and is frequently accused of being used by the ruling party to undermine opposition parties.¹⁰¹ The ruling party also uses state apparatus such as the police to obstruct opposition parties from conducting political activities, subjecting them to frequent arbitrary arrest, detention, assault, intimidation and other mistreatment so as to favour the ruling party, while the ruling party conducts its political activities unhindered.¹⁰²

It should be remembered that some of these issues were noted by the Nyalali Commission in its 1992 report. It pointed out the significant legal changes required to ensure a functioning multiparty democracy, such as the creation of an independent electoral body. It also proposed a commission to address legal issues in the current Constitution, including the excessive powers of the president, and to repeal or amend 40 draconian laws that were incompatible with a democracy. The government accepted the adoption of multipartyism in 1992 but has ignored the rest of the recommendations. The same challenges were pointed out by the Kisanga Committee report of 1998, the Warioba Commission of 2014 and the Mukandala taskforce report of 2023.

It should also be noted that even the raft of newly enacted laws – the Presidential, Parliamentary and Councillors Act, 2024, the Independent National Electoral Commission Act, 2024 and the Political Affairs (Amendment) Act, 2024 – do not provide solutions to the problems faced by Tanzania's electoral system and have been largely superficial. They appear to have been introduced by Samia's government to create the impression of reform while leaving the problematic issues unattended.¹⁰³

99 Constitution of the URT, 1977, 13th Amendment.

100 Constitution of the URT, 1977, Article 41(6); Presidential, Parliamentary and Councillor Act, 2024, Section 45(10).

101 Freedom House, "Freedom in the World 2024: Tanzania", accessed March 28, 2025, <https://freedomhouse.org/country/tanzania/freedom-world/2024>.

102 Amnesty International, "Tanzania: End Mass Arrests and Arbitrary Detentions of Political Opposition", August 12, 2024.

103 JUKATA, *Report on Analysis*.

Even the changes that at first appeared to favour the growth of electoral democracy have ‘claw-back’ or trick clauses that maintain the status quo. In the elections in 2025, for instance, currently serving INEC commissioners will continue in office until their terms expire, as they are not subject to the competitive appointment processes required by the new INEC law.¹⁰⁴ The INEC has the mandate to supervise local government elections, but there is a tricky additional clause that results in this only coming into effect after Parliament enacts a law to govern local government elections, and as yet Parliament has failed to do so. Instead, the President’s Office – Regional Administration and Local Government (PO-RALG) – an executive office under the control of the president, who is also the national chairperson of the ruling party – has drawn up regulations to govern local government elections.¹⁰⁵

As a result of the laxity in implementing the new provisions of the INEC law on the conduct of local government elections, the outcome of the 2024 polls was near chaotic. The ruling CCM was declared the winner by 99.1% in all street, village and hamlet elections held on 27 November 2024, despite media reports of irregularities, including the presence of fake ballots and interference by law enforcement authorities in the polling process.¹⁰⁶ Lopsided results in the local government elections have caused concerns in opposition circles as well as among democracy campaigners, who fear that this may signal even worse misconduct in the presidential, parliamentary and councillor elections in October 2025.

Setbacks: Constitution making in Tanzania

The lack of progress on constitutional reform can be attributed to a number of factors.

A perceived lack of political will on the part of the ruling party. While it may publicly acknowledge the need for change, it is widely believed that the ruling party is using the existing Constitution as a tool to maintain its grip on power. The fear of a more level political playing field and increased accountability has likely deterred it from genuinely supporting a reform process that could threaten its dominance. The pledges and back-and-forth on constitutional change by the ruling party and the government it heads are viewed as delaying tactics and there is no evidence of true political will to make this happen.

Public awareness of and engagement in the quest for constitutional reform have faded. The ruling party government faces little public pressure and action from the ground

¹⁰⁴ Independent National Electoral Commission Act, 2024, Section 28.

¹⁰⁵ Independent National Electoral Commission Act, 2024, Section 10 (c).

¹⁰⁶ Cai Nebe and Okeri Nguttjinazo, “Tanzania: Opposition Cries Foul after CCM Election Victory”, *DW*, February 12, 2024.

to push for constitutional reform. The demand for real reforms can only work when a majority of citizens take an active role in supporting the constitutional reform movement.¹⁰⁷

Conclusion

Tanzania has wrestled with the unfinished business of establishing durable constitutionalism since its founding. Tanzania's current arrangement reflects the hangover of the authoritarian, single-party system and allows a number of undemocratic practises to endure. It is now well due for change. This has been flagged by commissions over the years and is the demand of most of civil society.

RECOMMENDATIONS

- **Commit to a general vision of Tanzania's constitutional future.** The country needs a legal system that gives practical power to the country's people and establishes strong institutions to ensure power is exercised in a manner that is accountable to the general public and adheres to the rule of law and the Constitution.
- **Reinstate the constitutional reform process.** This has been stalled since 2014 and its resuscitation would be an avenue to provide people with a Constitution that corresponds to their will and expectations.
- **Reignite public awareness of and engagement with the constitutional reform process.** CSOs and other constitutional stakeholders should re-engage with constitutional reform and empower citizens to do the same. In the decade since the process stalled in 2014, public awareness of and engagement in this quest have waned. Greater civic education is indispensable to ensure broader participation in driving the process:
 - » CSOs and other constitutional stakeholders should join hands and build a strong advocacy alliance to campaign for constitutional change; and
 - » citizens should speak up to demand the Constitution they want. Without mass mobilisation, organisation and action in demanding constitutional change, it is unlikely to happen at all. Those in power remain reluctant because of limited pressure and interest from citizens.

¹⁰⁷ Aikande Clement Kwayu, "Tanzania's Election Laws Make It Hard to Build Political Opposition: What Needs to Change", *The Conversation*, July 14, 2024.

CHAPTER 4



Human Rights, Rule of Law and Access to Justice

The issues discussed here relate to the Democracy and Good Political Governance thematic area, specifically:

» OBJECTIVE 4

Promotion and protection of civil and political rights as enshrined in African and international human rights instruments

- Question 1* What measures have been put in place to promote and enforce civil rights?
- Question 2* What steps have been taken to facilitate due process and equal access to justice for all?
- Question 3* How vibrant, independent and influential are CSOs in your country?
- Question 4* To what extent does the state respect and protect the access to information rights of citizens?

Introduction

Human rights, the rule of law and access to justice in Tanzania trace their history to the pre-colonial era. The people of Tanganyika had both a centralised and a decentralised system of governance, depending on the political forms and customs of the region or culture. For instance, in Haya there was the Haya kingdom, in Mara there were Zanaki chiefdoms and in Tabora there was the Nyamwezi kingdom. In each of these polities there developed some respect for people's rights, such as the right to a fair trial, and

various other customs and norms.¹⁰⁸ In terms of representation, some societies such as the Chagga had legal guardians apart from traditional leaders.¹⁰⁹ The concept of human rights was embodied in society through the sense of African ubuntu, which differs somewhat from Western views.¹¹⁰

After Tanganyika's colonisation, as was the case with other African colonial governments, the human rights of the Indigenous populations were generally not codified and often disrespected. The colonisers did not see human rights as part of their agenda in their colonies.¹¹¹ The move to promote human rights in a modern sense was first seen after Tanganyika gained independence, but no Bill of Rights was included in its independence Constitution.¹¹² This means that, from independence to 1983, no specific human rights were guaranteed in the country. In 1984, major changes occurred in Tanzania, as it was agreed to incorporate a Bill of Rights in the Constitution following much advocacy and discussion, while the Zanzibar Government also agreed to include the Bill of Rights in its own Constitution.¹¹³

The amendment introduced human rights ideals (articles 12 to 32 of the Constitution), focusing on four main aspects: rights, duties, enforcement of those rights and duties and limitations on how to enjoy those rights. Following the enactment of the Bill of Rights, the government was granted three years to amend any laws that contradicted or contravened it.¹¹⁴

The government failed to meet this deadline. This led to ambiguity in the enforcement of the Bill of Rights for the following decade. The courts did, however, give expression to the Bill of Rights from 1984 to 1994 in cases such as *Chumchua Marwa v Officer in Charge Musoma Prison*,¹¹⁵ in which the constitutionality of the Deportation Ordinance was challenged. In this case, like many others during that period, the issue of the constitutionality of laws was raised suo motto by the court. Similarly, *Director of Public*

108 Luitfried Xavier Mbunda, "Procedures of Dispute Settlement: Pre-Colonial to Post-Independence Tanzania" (LLM Diss., University of Dar es Salaam, 1985), 19.

109 Mbunda, "Procedures of Dispute Settlement", 41.

110 Fidelis Oghenero Ejegbawo, "Ubuntu and Human Rights in Africa in a Global Community: Rethinking African Concept of Justice", *Ochendo: An African Journal of Innovative Studies* 4, no. 4 (2023): 30.

111 "Germany 'Sorry' for Colonial Wrongs It Committed in Tanzania: President", *The Chanzo*, November 1, 2023.

112 Constitution Net, "Constitutional History of Tanzania", accessed March 28, 2025, <https://constitutionnet.org/country/tanzania#:~:text=The%20Constitution%20did%20not%20have,connected%20political%20and%20civic%20groups>.

113 Constitution Net, "Constitutional History of Tanzania; see also Law of the Fifth Amendment of the State Constitution, No. 15 of 1984.

114 Constitution Net, "Constitutional History of Tanzania"; Law of the Fifth Amendment.

115 *Chumchua Marwa v Officer in Charge Musoma Prison*.

*Prosecutions v Daudi Pete*¹¹⁶ challenged the legality of the provisions of Section 148 (5) (5) (e) of the Criminal Procedure Act.¹¹⁷

Later, in 1994, the Basic Rights and Duties Enforcement Act (BRADEA)¹¹⁸ was enacted to make the Bill of Rights enforceable in Tanzania. The Act laid down procedures to challenge violations of the rights and duties contained under articles 12–29 of the Constitution before the High Court of Tanzania.

Overview of human rights developments

Tanzania has witnessed major developments in the field of human rights since 2013 that have impacted society both positively and negatively.

Significant cases and judicial decisions

Landmark victory for children's rights: Raising the legal marriage age in Tanzania

The case of *Attorney-General v Rebeca Z. Gyumi*¹¹⁹ was a milestone in advancing human rights and gender equality in Tanzania. This landmark decision by the Court of Appeal addressed the constitutionality of sections 13 and 17 of the Law of Marriage Act, which allowed girls to marry at 15 years (or 14 with court consent) while setting 18 years as the minimum marriage age for boys. The court upheld the High Court's earlier ruling that these provisions were discriminatory, violating articles 12 and 13 of the Tanzanian Constitution, which guarantee equality and prohibit discrimination. The court emphasised that subjecting girls to early marriage exposed them to numerous risks, including health complications, early pregnancy and disruption of their education, thus undermining their prospects and dignity.

Furthermore, the court recognised that the relevant provisions were inconsistent with international human rights instruments ratified by Tanzania, such as the African Charter on the Rights and Welfare of the Child and the Convention on the Rights of the Child, which set 18 years as the minimum age for marriage. The decision also aligned with Tanzania's Law of the Child Act, 2009, which defines a child as anyone below 18

¹¹⁶ *Director of Public Prosecutions v Daudi Pete*, TZCA, TLR 22, 1993.

¹¹⁷ John Seka, Onesmo Olungurumwa and Mpale Mpoki, *Amendments of Section 4 of the Basic Rights and Duties Enforcement Act of 1994 and Its Implications to the Public Interest Litigations in Tanzania* (Tanzania Human Rights Defenders Coalition, July 2020), 5–6.

¹¹⁸ Basic Rights and Duties Enforcement Act, No. 3 of 1994.

¹¹⁹ *Attorney-General v Rebeca Z. Gyumi* [Civil Appeal 204 of 2017] TZCA 348, 2019.

and offers protection against practices such as child marriage. The court dismissed arguments that the provisions constituted affirmative action or were justified by customary or religious practices, affirming that codified national laws, such as the Law of Marriage Act, must reflect constitutional principles and protect the rights of all individuals equally.

In its ruling, the court directed the government to amend the Law of Marriage Act to establish 18 years as the uniform minimum age for marriage for both boys and girls. This judgment not only strengthened legal protections for children but also aligned Tanzania's domestic laws with its international human rights obligations. The case denoted significant progress in the protection of human rights in Tanzania by demonstrating the judiciary's vital role in upholding constitutional equality and safeguarding the rights of vulnerable groups, particularly girls.

Defending liberty or enforcing order? The fight over bail rights in Tanzania

The case of *Attorney-General v Dickson Paulo Sanga*¹²⁰ tackled the constitutionality of Section 148(5) of the Criminal Procedure Act, which governs the granting of bail for certain offences. The Court of Appeal ruled that Section 148(5) was not unconstitutional, reversing the High Court's decision that declared it in violation of articles 13(3) and 15(1) and (2) of the Constitution. This case presents a pivotal legal discussion on the balance between individual rights and public safety in Tanzania.

The respondent, Dickson Paulo Sanga, initially argued in the High Court that Section 148(5) violated the constitutional guarantees of personal liberty and the presumption of innocence, as it prohibited bail for offences such as murder, armed robbery and drug trafficking, without judicial discretion. The High Court found that the provision lacked procedural safeguards, allowed for indefinite detention without trial and contravened international human rights standards, including the African Charter on Human and Peoples' Rights. Consequently, it declared the section unconstitutional and provided an 18-month grace period for its rectification by the government.

On appeal, the attorney-general successfully argued that Section 148(5) was justified under Article 30(2) of the Constitution, which allows for the limitation of fundamental rights in the interest of public safety, morality and order. The Court of Appeal emphasised that the provision served legitimate public interests, such as preventing interference with investigations, protecting witnesses and deterring grave offences. Citing precedents, including the *Director of Public Prosecutions v Daudi Pete* case, the

120 *Attorney-General v Dickson Paulo Sanga* (Civil Appeal 175 of 2020) [2020] TZCA 371, August 5, 2020.

court affirmed that statutory limitations on bail for serious offences do not constitute an unconstitutional ouster of judicial functions. It concluded that Section 148(5) was proportionate, reasonable and necessary for maintaining societal security.

This ruling reinforces the Tanzanian judiciary's stance on prioritising collective security over absolute individual freedom in cases involving severe criminality. While it upholds legislative authority in defining bail conditions, the decision also underscores the importance of aligning such provisions with constitutional safeguards to prevent potential abuse. This case highlights the dynamic interplay between the preservation of public order and the protection of human rights in Tanzania's evolving legal framework.

Safeguarding public interest litigation: A constitutional battle in Tanzania

The case of *Onesmo Olengurumwa v Attorney-General*¹²¹ centred on the constitutionality of sections 4(2), 4(3), 4(4), and 4(5) of BRADEA. The petitioner challenged these provisions as unconstitutional, arguing that they imposed procedural barriers that restricted access to justice and undermined Article 26(2) of the Constitution, which guarantees the right to seek constitutional enforcement.

The High Court dismissed the petition, ruling that the provisions were reasonable and necessary safeguards to prevent frivolous litigation and ensure judicial efficiency. It found that requirements such as demonstrating personal injury and exhausting alternative remedies were consistent with Article 30(2) of the Constitution, which permits limitations on rights in the public interest. The court also justified the differential treatment of the Commission for Human Rights and Good Governance, exempted from these procedural hurdles based on its constitutional mandate.

However, on appeal, the Court of Appeal overturned the High Court's decision, citing non-compliance with procedural requirements under BRADEA. Specifically, it found that the case had been improperly handled, as a bench of three judges had delegated the matter of admissibility to a single judge, contrary to the prescribed procedure. The Court of Appeal remanded the case back to the High Court for proper compliance with its orders.

Despite this procedural setback, it is highly unlikely that the High Court's ultimate reasoning will change, even after adhering to the Court of Appeal's directives. This case highlights ongoing tensions in Tanzania's legal framework between facilitating access to justice and enforcing procedural safeguards, with significant implications for the future of public interest litigation and constitutional enforcement in the country.

¹²¹ *Onesmo Olengurumwa v Attorney General* (Misc. Civil Cause 9 of 2021) [2022] TZHC 17011, February 15, 2022.

Barriers to accessing justice and human rights in Tanzania

Access to justice is a fundamental pillar of the rule of law and the protection of human rights in any society. In Tanzania, despite the efforts of the government and CSOs such as TANLAP, significant barriers continue to hinder access to justice for many individuals, particularly those from marginalised groups.¹²² These challenges underscore the need for systemic reform and sustained investment in legal infrastructure and awareness programmes.

Economic barriers are among the most pervasive obstacles to justice in Tanzania. For economically disadvantaged groups, including women, the costs associated with legal processes are often insurmountable. For example, in rural areas such as Kigoma, residents are frequently unable to afford transportation to the nearest legal aid office or court, forcing them to abandon their cases. Similarly, women in Mwanza often face challenges in pursuing land disputes after the death of a spouse owing to the high costs of legal representation and court fees, effectively denying them justice.¹²³ In addition, legal aid services, although available, remain insufficient owing to a shortage of advocates, paralegals and legal aid providers.

Geographical and infrastructural challenges exacerbate these economic barriers. Many judicial institutions and legal aid centres are located far from rural communities, making them difficult to access. Poor road infrastructure further complicates the situation, as people living in remote regions such as Simiyu must travel long distances on unpaved roads to reach district courts. This often results in delayed justice or, worse, denial of justice altogether. In some areas, the absence of functioning courts means that individuals have no choice but to travel to urban centres for legal services, as seen in Mtwara, where rural residents rely on legal aid providers stationed far from their communities.

A lack of legal literacy and awareness also significantly limits access to justice in Tanzania. Many people are unaware of their legal rights and the mechanisms available to protect them, leaving them vulnerable to rights violations. For example, in rural Dodoma, widows often lose their inheritance rights because they are unaware of the legal protections in place. Even where awareness programmes exist, communities can be reluctant to engage with the legal system, as observed in Tanga, where there is little participation in paralegal training owing to competing livelihood priorities.

¹²² Geoffrey Chambua, *Women's Rights and Access to Justice in Tanzania* (Tanzania Network of Legal Aid Providers, 2023).

¹²³ Chambua, *Women's Rights and Access*.

Cultural and gender barriers further impede access to justice, particularly for women. Patriarchal norms discourage women from seeking legal redress, especially in cases of domestic violence or inheritance disputes. For instance, in Shinyanga, women pursuing legal action in land disputes often face social stigma, deterring them from asserting their rights. Additionally, a reliance on traditional dispute resolution mechanisms – which sometimes conflict with statutory laws – often disadvantages women and other marginalised groups. In rural Mbeya, for example, customary courts are preferred over formal ones, resulting in outcomes that do not always align with legal protections.

At the same time, corruption and delays in the judicial system undermine the principles of justice and fairness. Bribery and nepotism are prevalent in some areas, making legal processes inaccessible to those who cannot afford to pay. Reports from Dar es Salaam, for instance, highlight instances of bribery in case processing, particularly in property disputes. Furthermore, procedural delays mean that cases can take years to resolve, discouraging many from pursuing legal remedies. A land dispute in Arusha, for instance, may take up to five years to conclude owing to repeated adjournments and a backlog of cases, leading to frustration and a loss of trust in the justice system.¹²⁴

Language barriers also play a significant role in limiting access to justice. In many rural areas, individuals speak Indigenous languages and struggle to understand legal proceedings conducted in Kiswahili or English. This linguistic gap places them at a disadvantage, as seen in Tabora, where residents face difficulties comprehending court proceedings, leading to misrepresentation or adverse outcomes.

In addition to these challenges, limited funding for legal aid programmes and technological barriers further restrict access to justice. Many legal aid organisations rely on inconsistent donor funding, which undermines their ability to provide sustained services. For example, a TANLAP-supported paralegal network in Morogoro had to shut down owing to insufficient funds, leaving thousands of people without critical legal assistance.¹²⁵ Similarly, the lack of technological infrastructure in rural areas impedes the implementation of e-justice initiatives. In Mbeya, for instance, attempts to introduce an e-filing system were unsuccessful, owing to the lack of internet access and computers.

These barriers reflect the complex and multifaceted challenges facing Tanzania's justice system. Addressing them requires a concerted effort from the government, civil

¹²⁴ Chambua, *Women's Rights and Access*.

¹²⁵ Chambua, *Women's Rights and Access*.

society and international partners to ensure equitable access to justice for all. Investing in legal infrastructure, promoting legal literacy, addressing corruption and increasing funding for legal aid programmes are essential for safeguarding human rights and upholding the rule of law in Tanzania.

Initiatives to improve access to justice and rule of law in Tanzania

Legal empowerment of indigents and gender programming

Tanzania has initiated several initiatives to enhance access to justice and uphold the rule of law, focusing on marginalised groups and gender equality. These measures – supported by legislative reforms, government programmes and civil society partnerships – address systemic challenges while fostering a more inclusive justice system.

Legal empowerment programmes for indigent populations and women

The Tanzanian government has prioritised legal empowerment, especially for economically disadvantaged populations and women. One of the key strategies involves expanding access to alternative dispute resolution (ADR) mechanisms such as reconciliation and mediation. These methods are rooted in Article 107A(1)(d) of the Constitution, which emphasises amicable dispute settlement to reduce the burden on formal courts.

In marital disputes, the Law of Marriage Act (sections 101–104) provides for the establishment of marriage conciliation boards, which operate at the ward level as conciliation committees.¹²⁶ These community-based mechanisms ensure that family disputes, including those involving women, are addressed locally and efficiently. By involving community and religious leaders, these initiatives create a culturally sensitive framework for resolving conflicts while fostering access to justice at the grassroots level.

Strengthening legal aid services

Before 2013, legal aid services in Tanzania were fragmented, with non-governmental organisations (NGOs) providing specialised legal aid without a central coordinating authority. Government-led legal aid was limited to pro bono services by advocates

¹²⁶ Law of Marriage Act, 2019.

in criminal cases that fell under the jurisdiction of the High Court (eg, murder cases), which left significant gaps. Many defendants were left without assistance, especially in cases before the lower courts.

To address these issues, the Legal Aid Act, 2017, and its accompanying regulations in 2018 established a comprehensive framework to coordinate legal aid provision.¹²⁷ This legislation introduced the Legal Aid Registrar to oversee services,¹²⁸ set qualifications for legal aid providers¹²⁹ and formally recognised paralegals as key contributors to the justice system.¹³⁰ The Act also mandated that legal aid institutions maintain records and monitor service delivery, enhancing transparency and accountability.

Organisations such as the Tanzania Paralegal Network and TANLAP now play critical roles in coordinating paralegal services and legal aid providers nationwide.¹³¹ These networks have improved the accessibility of legal services, particularly for marginalised communities, ensuring that legal support reaches those in need.

Promoting gender equality in legal access

Tanzania is a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women, which guarantees women's right to equality before the law and access to justice. Article 15 of the convention outlines critical rights, including the presumption of innocence, the right to legal representation and the right to a fair trial.

Despite these international obligations, the practical realisation of women's rights in Tanzania has faced challenges. For instance, women often encounter social and institutional barriers that prevent them from fully accessing justice. However, through legislative reforms such as the Legal Aid Act and grassroots initiatives, progress is being made to bridge these gaps. ADR mechanisms and community-based interventions, such as marriage conciliation boards, are examples of programmes designed to address gender-specific challenges and provide women with greater access to justice.

The Mama Samia Legal Aid Campaign (2023–2026)

One of the most notable recent initiatives is the 'Mama Samia Legal Aid Campaign', launched in March 2023 by the Ministry of Constitution and Legal Affairs in

¹²⁷ Legal Aid Act, 2017; Legal Aid Regulations, 2018.G.N No. 44/2018.

¹²⁸ Legal Aid Act, sections 6–7.

¹²⁹ Legal Aid Act, Section 10.

¹³⁰ Legal Aid Act, Section 19.

¹³¹ See TANLAP, accessed March 28, 2025, <https://www.tanlap.or.tz/home>.

collaboration with CSOs.¹³² This three-year national campaign aims to expand legal aid services across Tanzania, particularly in underserved areas.

The campaign seeks to address systemic barriers that prevent access to justice by focusing on vulnerable populations, including women, children and indigent communities. By mobilising resources and fostering partnerships between government institutions and civil society, the campaign is a comprehensive approach to enhancing access to legal assistance.

Advancing paralegal training and community justice

In 2023, the Law School of Tanzania introduced the Basic Technician Certificate in Paralegal Work, a milestone in improving access to justice.¹³³ This programme trains selected candidates to serve as paralegals in their communities, equipping them with the legal knowledge and skills to assist underserved populations. These paralegals help to bridge the gap between formal legal systems and marginalised groups, providing legal advice, mediation services and advocacy where professional legal assistance is scarce. By empowering individuals with legal tools, this initiative strengthens grassroots efforts to promote justice and legal awareness within local communities.

Policy and legislative reforms

Tanzania has implemented several policy and legislative reforms aimed at improving access to justice and upholding the rule of law. The Legal Aid Act, along with its 2018 regulations, serves as a foundational framework for ensuring that legal aid is accessible to marginalised populations. Other legislative advancements include the National Election Act and amendments to the Political Parties Act, which promote gender inclusion and address gender-based violence (GBV).

Additional reforms, such as the Prevention and Combating of Corruption Act, the Penal Code and the Civil Procedure Code, have strengthened the legal system's capacity to address corruption and protect human rights. These legal instruments are part of a broader strategy to foster accountability and equity, ensuring that justice is accessible to all segments of society.

132 Mama Samia Legal Aid Campaign, accessed March 28, 2025, <https://www.mslac.or.tz/en>; URT, Ministry of Constitution and Law, "Kampeni ya Msaada wa Kisheria ya Mama Samia" ["Mama Samia Legal Aid Campaign"], accessed March 28, 2025, <https://www.sheria.go.tz/pages/mama-samia-legal-aid-campaign-mslac>.

133 Law School of Tanzania, "Mafunzo ya Usaidizi wa Kisheria Ngazi ya Cheti (NTA Level 4)" ["Legal Aid Training Certificate Level (NTA Level 4)"], accessed March 28, 2025, <https://www.lst.ac.tz/pages/basic-technician-certificate-course-in-paralegal-work-nta-level-4#:~:text=The%20program%20aims%20to%20train,Council%20for%20Technical%20and%20Vocational>.

Technological innovations in judicial processes

The Tanzanian judiciary has embraced technological innovation to streamline judicial processes and improve efficiency. The introduction of the Judicial Case Management System (JCMS), which allows for electronic filing and case registration, has revolutionised the court system.¹³⁴ This innovation is part of the Zero Case Backlog Strategy, which aims to expedite case resolution and reduce delays. E-filing has also ensured continued access to justice during emergencies, such as the COVID-19 pandemic (although, as noted, there remain challenges in implementation).

Strengthening community-based legal aid programmes

Community-based legal aid programmes have become a cornerstone of Tanzania's efforts to improve access to justice. Legal aid providers, advocates and paralegals collaborate with communities to raise awareness of legal rights and provide practical support. These programmes are bolstered by national strategies that address specific societal challenges, such as GBV and child protection.

One important initiative is the National Plan of Action to End Violence Against Women and Children,¹³⁵ which promotes institutional coordination and targeted interventions in areas such as family support, parenting and societal norms.¹³⁶ Other frameworks, including the National Anti-Female Genital Mutilation Strategy 2020/21–2024/25,¹³⁷ reinforce efforts to address systemic violence and uphold human rights. These strategies not only enhance access to justice but also contribute to building a more equitable and inclusive society. For instance, in 2022 the government, in collaboration with stakeholders, established 18 618 women and child protection committees across the country.¹³⁸ These committees are working at the ward level as well as on the level of villages and streets.

Institutional reforms

The government of Tanzania, in order to enhance the rule of law, access to justice and human rights, has implemented a number of important institutional reforms.

¹³⁴ Judiciary Case Management System established by Judicature and Application of Laws (Electronic Filing) Rules, G.N No. 148 of 2018, accessed May 12, 2025, <https://tanzlii.org/akn/tz/act/gn/2018/148/eng@2018-04-13>.

¹³⁵ URT, "National Plan of Action to End Violence Against Women and Children, 2024/25–2028/29" (Ministry of Community Development, Gender, Women and Special Groups, May 2024).

¹³⁶ URT, "National Plan of Action".

¹³⁷ URT, "National Anti-Female Genital Mutilation (FGM) Strategy and Implementation Plan 2020/21–2024/25" (Ministry of Health, Community, Development, Gender, Elderly and Children, 2020).

¹³⁸ Tanzania Ministry of Community Development, UNICEF, UN Volunteers, UN Population Fund and UN Women, "What Does It Take to Protect Every Woman and Child in Tanzania From All Forms of Violence?", Joint Statement, May 15, 2024.

One example is the restructuring of the Office of the Attorney General, which led to the separation of duties between the solicitor general (dealing with civil matters) and attorney general (who now deals with criminal issues/litigation only). This has simplified the work of the attorney general and enhanced justice and the rule of law in Tanzania, as criminal justice is now a function of the National Prosecution Service, which accelerates the handling of criminal trials.¹³⁹

Repressive legislation and the work of the Law Reform Commission

The Law of Marriage Act

The Law of Marriage Act permits a girl to get married at 15 with the consent of her parents or at 14 with the consent of court, while the Kadhi Court Law of Zanzibar permits a girl to get married after puberty.

The judgment in the case of *Attorney-General v Rebeca Z. Gyumi*¹⁴⁰ required that a uniform minimum age of 18 for both girls and boys be introduced in Tanzania Mainland and Zanzibar. This would be in conformance to the UN Convention on the Rights of the Child and other international conventions. The Law Reform Commission of Tanzania has still not completed its research on reforming the Law of Marriage, despite efforts by CSOs to advocate enforcement of the Gyumi decision and the directives of Parliament to the minister of constitution.

The situation presents a unique contradiction: although the government has not amended the relevant provisions of the Law of Marriage Act, those provisions are no longer considered part of Tanzanian law. This is based on Article 30(5) of the Constitution, which stipulates that when the High Court declares a law or action unconstitutional, that law or action remains valid only until the defect is rectified or the time frame set by the court expires – whichever occurs first.

In this case, the High Court provided the government with a one-year window, beginning on 18 July 2016, to address the deficiencies in the Act. However, the government did not take the necessary corrective measures within the specified time. Consequently, on 23 October 2019, the Court of Appeal confirmed that these provisions were no longer part of Tanzanian law. This ruling underscores the constitutional mandate that requires timely compliance with court decisions to uphold the integrity of the legal system.

¹³⁹ Office of the Attorney General (Re-structure) Order, GN No. 48/2018, February 2018.

¹⁴⁰ *Attorney General vs Rebeca Z. Gyumi* (Civil Appeal 204 of 2017) [2019] TZCA 348, October 23, 2019.

The Cybercrimes Act

Section 23 of the Cybercrimes Act, 2015 is problematic owing to its vague language, potential infringement on rights and disproportionate penalties.¹⁴¹ Terms such as ‘false’, ‘misleading’ and ‘insulting’ are undefined, making the provision overly broad and open to subjective interpretation. This ambiguity undermines legal certainty, allowing arbitrary enforcement that risks targeting individuals unfairly.

The provision also poses a significant threat to freedom of expression, a right protected under the Tanzanian Constitution and international treaties. Criminalising ‘false’ information can suppress dissent and discourage public scrutiny of government actions, creating a chilling effect on journalists, activists and citizens. This stifles democratic debate and undermines accountability.

The penalties – fines of not less than TZS¹⁴² 5 million (approximately \$1,966) or imprisonment for at least three years – are excessively harsh and fail to consider the context or severity of the offence. Such disproportionate sentencing violates the principle of proportionality in criminal justice and risks punishing minor infractions with severe consequences.

Additionally, the lack of safeguards against abuse makes the provision prone to misuse, particularly against political opponents or critics. Without clear guidelines, it can be weaponised to suppress legitimate speech, further eroding public trust. The law also falls short of international standards requiring restrictions on expression to be lawful, necessary and proportionate, leaving Tanzania vulnerable to criticism for failing to uphold human rights norms.

Reform is needed to address these issues by narrowing the scope of the law’s provisions, defining its terms clearly, ensuring penalties are proportionate and introducing safeguards to prevent misuse. Such changes would protect freedom of expression while addressing the spread of harmful false information. (See also ‘Freedom of expression and media’.)

Non-Governmental Organizations Act

Regulations in terms of the Non-Governmental Organizations Act, 2002, have issues that require attention. For example, Regulation 4(e) of the NGO Act requires that organisations obtain approval from the state where a funding contract exceeds

¹⁴¹ Cybercrimes Act, 2015, Section 23.

¹⁴² Currency code for Tanzanian shilling.

TZS 20 million (approximately \$7,400).¹⁴³ This process takes time and sometimes the registrar may disallow the project, which is time wasted for human rights defenders and their work. It is especially damaging when that work is meant to serve the marginalised.

In addition, the regulation empowers the registrar 'to ensure that the objectives, programmes, projects and duties of an NGO are in line with the Act, other laws of the land, national plans, and priorities, and respond to the challenges of the area of implementation'.¹⁴⁴

The registrar thus has broad authority to ensure that NGOs' programmes comply with state objectives. The regulations impose a disproportionate infringement of the right to freedom of association, as was shown, for example, in the freezing of Tanzania Human Rights Defenders Coalition accounts in 2020.¹⁴⁵ Another concern is the mandatory re-registration of NGOs every 10 years, as introduced by the 2019 Amendment to the Act. Although the renewal period has not yet arrived, there is growing apprehension within the NGO community that many organisations may face challenges or outright rejection when the time for re-registration comes. This uncertainty creates anxiety and poses a potential threat to the continuity of their operations.

The Political Parties Act

With regard to the Political Parties Act, 2002,¹⁴⁶ Section 5A requires any institution wishing to conduct civic education or any kind of capacity-building training for a political party to inform the registrar 30 days in advance of such training, including information on the people involved and expected results. The registrar may then approve or disapprove the training. Some human rights defenders have been denied the opportunity to provide civic and voter education and, as a result, were denied the opportunity to participate in the monitoring of the general election. This is contrary to provisions in the Constitution that encourage an active citizenry. The law provides for a hefty fine for those contravening the provisions of between TZS 5 million and TZS 30 million (approximately \$1,850 to \$11,100).

The Information Act

The Information Act, 2016, gives the minister the power to ban any newspaper and censor the media. This violates the principle of freedom of information in cases where the minister is biased and acts ultra vires.

¹⁴³ Non-Governmental Organizations Rights and Duties of Assistant Registrars Regulations Act, 2019, Regulation 4(e).

¹⁴⁴ Non-Governmental Organizations Act, Regulation 4(f).

¹⁴⁵ "Tanzania Human Rights Defenders Coalition Temporarily Shuts Down Operations", *The Citizen*, October 29, 2020.

¹⁴⁶ Political Parties Act, Revised Edition, 2002.

The Anti-Money Laundering Act

The Anti-Money Laundering Act, 2006, is not clearly articulated and does not provide proper specifications as to what constitutes money laundering. It also sets out a wide range of offences, including, for example, concealing information about money laundering. As a result, many have been accused of crimes under it, even where these charges are not credible. Human rights activists, especially social media activists such as Tito Magoti and Theodory, have been found to have posted online content that the government claimed was destructive; they were later charged with money laundering and spent at least one year in prison before being released after plea bargaining.

The National Bureau of Statistics Act

The National Bureau of Statistics Act, 2000, requires that permission for research work be obtained from the National Bureau of Statistics. It is impractical for most NGOs conducting human rights work within communities to ask for permission every time they undertake fieldwork. Getting such permission is also a lengthy process, which hinders their activities. The Act prohibits all research from being published without government approval and provides for criminal sanctions if this permission is not obtained.

The Income Tax Act

The Income Tax Act, 2004, grants NGOs exemption from tax liability, but to qualify they must undergo cumbersome registration procedures. Many have struggled with the arduous process of getting the required charitable status. Because these NGOs are not for profit and complement the government's developmental efforts, the government should have removed this section in the law or granted charitable status to those NGOs that have applied so they could continue providing services to the community.

Access to justice

Access to justice remains a critical issue for vulnerable communities in Tanzania. Despite significant strides in legal reform and human rights advocacy, many individuals, particularly women and marginalised groups, face persistent barriers in seeking justice. These barriers include lack of legal awareness, limited access to legal aid services, cultural norms and systemic discrimination.¹⁴⁷

¹⁴⁷ Julinda Begiraj and Lawrence Joseph McNamara, *International Access to Justice: Barriers and Solutions* (Bingham Centre for the Rule of Law Report 02/2014, International Bar Association, October 2014).

Access to justice is paramount for vulnerable communities, ensuring they can assert and protect their rights. It levels the playing field, allowing marginalised groups to seek redress and hold accountable those who infringe upon their rights. This accessibility empowers individuals, fostering a sense of agency and inclusion. Moreover, by addressing the unique needs of these communities, social cohesion and trust in legal institutions are promoted, ultimately contributing to a more just and equitable society. When everyone can navigate the legal system, it strengthens the fabric of society as a whole.¹⁴⁸

Legal framework

The constitution of Tanzania guarantees equality before the law and equal protection before the law, as provided for under Article 13.¹⁴⁹ Article 13 was designed to ensure that all individuals, especially vulnerable communities, have access to justice and are treated fairly within the legal system. In addition, Tanzania is a signatory to various international conventions (as noted above).

Legal protection

In Tanzania, several laws protect vulnerable groups such as women, destitute people, children and persons with disabilities.¹⁵⁰ The Judicature and Application of Laws and Procedure in Cases Involving Vulnerable Groups Rules, 2019, ensures that cases involving these groups are handled with special care and expedited. In addition, the Basic Rights and Duties Enforcement Act, 1994, provides mechanisms for enforcing fundamental rights, including those of vulnerable populations. These legal frameworks aim to safeguard the rights and dignity of those who are most at risk in society. Other legislation enacted to promote access to justice for vulnerable communities include the Land Act, 1999, which provides for equal treatment of men and women to acquire, use and dispose of land.

The Legal Aid Act, 2017, guarantees vulnerable communities' access to justice, as the law recognises legal services rendered by paralegals and other legal aid providers for both civil and criminal cases. However, women and girls still suffer discrimination. For example, the Codified Local Customary Law (Declaration) Order¹⁵¹ makes it difficult for women and girls to inherit immovable property. This defies the principle of equality

148 UN Development Programme, "Access to Justice", accessed March 28, 2025, <https://www.undp.org/justice/access-to-justice>.

149 Constitution of the URT, 1977, Article 13.

150 Fred Lerrisse, Donald Mmari and Mgeni Baruani, *Vulnerability and Social Protection Programmes in Tanzania* (REPOA, 2003).

151 Local Customary Law (Declaration) (No. 4) Order (G.N. No. 436/1963).

before the law. In addition, the law defeats the non-discrimination principle as provided for in Article 13(1) of the Constitution.

Justice and security institutions: Role of the police, judiciary and correctional facilities

The government of Tanzania has attempted to make justice and security institutions such as the police, the judiciary and correctional facilities fairer and more accessible.

The police

The police are responsible for maintaining law and order, investigating crimes and apprehending suspects.¹⁵² They are the first point of contact for victims and witnesses, and their effectiveness in handling cases significantly impacts access to justice.¹⁵³ However, limited resources, corruption and training – coupled with public distrust – hinder their operations and effectiveness.

The judiciary

The judiciary interprets and applies the law, ensuring that justice is served fairly and impartially.¹⁵⁴ Judicial efforts to improve access to justice for vulnerable communities include the following.

- **Introduction of mobile courts.** This has enabled vulnerable communities to access courts instead of having to travel long distances to reach them. The mobile court has also helped to reduce prison congestion and case backload. Instead of bringing remand prisoners to established courts for hearings, the mobile court conducts hearings close to people's homes. This not only saves on transport costs but also saves time for vulnerable and underserved communities.
- **Limiting appeals and revisions on interim orders.** In an attempt to curb the use of appeals on interim orders to delay the disposal of cases, various laws were amended in 2002 to prevent appeals or applications for revision on any preliminary or interlocutory orders of the courts, unless such a decision or order has the effect of finally determining the matter.
- **Introduction of speed tracks.** All civil cases are given a speed track along which they are to be determined. It is the responsibility of a presiding judge or magistrate to

¹⁵² Frank Peter Mangalu, "*Analysis of the Effectiveness of Police Criminal Investigation in Enhancing Criminal Justice in Tanzania*" (BA Diss., University of Dar es Salaam, School of Law, 2019).

¹⁵³ Asina Omari, "*Challenges of Strengthening Access to Justice in Tanzania: A Governance Point of View*" (TANLAP, n.d.).

¹⁵⁴ URT, "The Judiciary of Tanzania", accessed March 28, 2025, www.judiciary.go.tz.

consult the parties and their advocates, if any, during the scheduling and settlement conferences and determine the appropriate scheduling order for the tracking.

- **Plea bargaining.** The introduction of plea bargaining in 2019 was aimed at reducing criminal cases and prison overcrowding. However, its implementation is flawed as it is not used in criminal cases. As a result, the backlog of criminal cases and prison overcrowding remain challenges.¹⁵⁵

Correctional facilities

Correctional facilities such as prisons are responsible for the rehabilitation and reintegration of offenders.¹⁵⁶ They play a role in ensuring that justice is not only about punishment but also about providing opportunities for offenders to reform and reintegrate into society. Conditions in Tanzanian prisons are grim and overcrowded.¹⁵⁷ Notably, pre-trial detainees and convicted prisoners are held together, further straining resources and potentially compromising safety. Alarming, the lack of detention facilities has led to minors being detained alongside adults, raising serious concerns about their wellbeing and protection.

Reports by women prisoners of physical abuse, sexual harassment and beatings underscore the pervasive nature of the challenges facing Tanzania's correctional system. Despite harrowing accounts, there is a notable absence of data on the death rate in prisons, raising questions about transparency and accountability within the system.¹⁵⁸ In general, Tanzanian prisoners face a number of challenges, including inadequate healthcare services, inadequate counselling services, inadequate clothing allowances, inadequate legal aid and a lack of official resettlement and rehabilitation services. Reform of the prison system is needed.

Non-court adjudication

Mediation, arbitration and other alternative dispute resolution mechanisms

Tanzania introduced ADR to facilitate better access to justice by helping parties reach a resolution through means other than the court system.¹⁵⁹ All civil disputes – except

155 World Prison Brief, "Tanzania", accessed March 28, 2025, <https://www.prisonstudies.org/country/tanzania>.

156 World Prison Brief, "Tanzania".

157 Adonis Byemelwa, "Tanzania's Prisons under Fire: Experts call for Comprehensive Reforms to Combat Abuse", *Political Visions*, May 11, 2024.

158 See Tanzania Prisoners Hope Foundation, accessed March 28, 2025, <https://tphf.or.tz/>.

159 Government Notice 422 of 1994; Civil Procedure Code, 1966, Order VIII A. Also see "Operation of the Alternative Dispute Resolution System", *Chief Justice Circular 1* (April 29, 2002).

those filed in the commercial division of the High Court – must be mediated before going to a trial. Despite the fact that ADR mechanisms are a quick way to resolve disputes, lawyers are not always interested in participating. This means there are not enough people with the skills to mediate and arbitrate.

Benefits and challenges of non-court adjudication

Non-court adjudication processes are generally faster than traditional court proceedings, helping to reduce the backlog of cases. These methods are often less expensive than going to court, making justice more accessible to those with limited financial resources. Parties have more control over the process, including the choice of mediator or arbitrator and the scheduling of sessions. Furthermore, non-court processes are typically private, which can be beneficial in sensitive matters. By promoting amicable settlement, non-court adjudication helps preserve business and personal relationships.¹⁶⁰

Legal aid and counsel

Availability of legal aid services

Although each district in Tanzania has some kind of paralegal service, financial constraints and limited legal knowledge make it difficult for the community to access it consistently. Legal aid services are concentrated in urban areas, which means rural populations struggle to access them.¹⁶¹ Limited funding and resources restrict the reach and quality of legal aid services, and many community members are unaware of them. The complexity of legal language and procedures is also a significant obstacle for those seeking legal assistance. Moreover, the judicial system is burdened with an excessive caseload, leading to delays and prolonged waiting times for people seeking legal aid services. Furthermore, traditional and cultural practices sometimes conflict with legal principles, making it challenging to provide effective legal aid services. Addressing these challenges is crucial in improving access to justice for all, especially vulnerable communities.

Organisations providing legal support to vulnerable communities

Legal aid services in Tanzania are available through various organisations and initiatives aiming to provide access to justice for those who cannot afford legal representation.

¹⁶⁰ Hamis T. Hamisi, "Court-Annexed Mediation in Tanzania: Successes, Challenges and Prospects", *International Journal of Innovative Research and Advanced Studies* 9, no. 11 (November 2022): 5–15.

¹⁶¹ Patricia Boshe and Prisca Mbezi, "The Value of Pro Bono Services in Accessing Justice in Tanzania", October 21, 2013.

TANLAP, the Tanzania Women Lawyers Association, Centre for Women and Children Association, LHRC, Tanganyika Law Society and Women Legal Aid Centre, among others, are key players with regard to legal aid services. They have reached millions of people, including women, young people and the rural economically disadvantaged.¹⁶²

Transnational mechanisms

A further level of justice that Tanzanians can access – at least in theory – is Africa’s transnational courts: the African Court on Human and Peoples’ Rights and the East African Court of Justice.

African Court on Human and Peoples’ Rights

Tanzania is a signatory to the African Charter on Human and Peoples’ Rights. Its mandate is, among others, to receive complaints and communications from citizens whose countries are member states of the charter.¹⁶³ The charter has been supplemented by the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights. This body can field rights-related complaints from NGOs or African citizens.¹⁶⁴

The African Court on Human and Peoples’ Rights is based in Arusha, Tanzania. Although applicants from Tanzania constituted a large part of those approaching the court, in an unexpected turn of events, in 2018 Tanzania withdrew the rights of CSOs and individuals to access the court (as enshrined under Article 34(6) of the Protocol) unless the complaint is lodged through the African Commission on Human and Peoples’ Rights – in other words, Tanzania denied its people and private bodies direct access to the court.

A key challenge to this international forum (and others) is that its decisions have no enforcement mechanism. Several decisions have been made against Tanzania, but their remedies have never been implemented by the government. In addition, individuals cannot access the court unless local remedies have been fully exhausted, although there are circumstances where it is almost impossible to exhaust local remedies. For example, in Tanzania, presidential election results cannot be challenged

¹⁶² Owing to limited government support to legal aid service provisions, these legal aid providers are minimally funded by external donors.

¹⁶³ UN General Assembly, “Universal Declaration of Human Rights” (UN, December 10, 1948).

¹⁶⁴ AU, “Protocol to the African Court on Human and People’s Rights to the Establishment of the African Court on Human and People’s Rights in Africa” (AU, 1994), articles 1–3.

in a court of law, which makes recourse to the African Court on Human and Peoples' Rights effectively impossible.

East African Court of Justice

The East African Court of Justice was established under Article 9(1)(e) of the Treaty Establishing the EAC. The court possesses original, appellate, human rights and other jurisdictions, as is to be determined by the council at a suitable date. Unlike the African Court on Human and Peoples' Rights, the East African Court does not possess human rights jurisdiction until a protocol is enacted by partner states operationalising the extended jurisdiction.¹⁶⁵ While Tanzania is a state party to the treaty, it has never been domesticated.

Also in contrast to the African Court on Human and Peoples' Rights, an individual or CSO hailing from a state party may directly lodge a matter before the court. It does not have the African Court on Human and Peoples' Rights' onerous restrictions on accessibility or the requirement that local remedies be exhausted. However, the same challenges regarding the enforceability of the decisions of the court arise. In several reported cases the court ruled against Tanzania but these rulings have not been implemented.

Civil society and legal awareness

Role of NGOs and CSOs in raising legal awareness

NGOs and community organisations play a crucial role in raising legal awareness in Tanzania. They conduct outreach programmes, workshops and training sessions to educate people about their legal rights and the resources available to them. These organisations also provide direct legal assistance, helping individuals navigate the legal systems and access justice. By advocating for policy changes and collaborating with local authorities, NGOs work to create a more just and equitable society. Their efforts are essential in empowering communities and ensuring that everyone, especially the most vulnerable, can exercise their legal rights effectively.

Educational programmes and outreach initiatives

Educational programmes and outreach initiatives for raising awareness and empowering communities in Tanzania include:

¹⁶⁵ East African Community, *Treaty Establishing the East African Community* (EAC, 2000), Article 27(2).

- Legal literacy workshops conducted by NGOs: Educating people about their legal rights and how to access justice.
- School programmes: Integrating legal education into curriculums to equip young people with the knowledge they need from an early age.
- Community legal aid clinics: Offering free legal advice and representation to those who cannot afford it.
- Public awareness campaigns: Using media, including television, radio, newspapers and social media, to reach a broader audience with information on legal rights and services.
- Train the trainer/paralegal initiatives: Equipping community leaders and volunteers with skills to educate others in their communities, creating multiplier effects.

Sentencing and incarceration

Reforms in the prison system

Reforms in the Tanzania prison system have been a focal point of recent efforts to overhaul the criminal justice system. Under the president's leadership, a comprehensive strategy has been outlined to address systemic issues such as overcrowding, poor living conditions and abuse within prisons. The Presidential Commission on Criminal Justice Reform has put forward a series of recommendations aimed at enhancing fairness, efficiency and respect for human rights.¹⁶⁶ These reforms include expanding the prosecution service, integrating information and communications technology systems for greater transparency and ensuring that all districts have access to justice services. The goal is to create a more humane and effective prison system that upholds the dignity and rights of all inmates.

Treatment and rehabilitation of inmates from vulnerable backgrounds

The treatment and rehabilitation of inmates from vulnerable backgrounds focus on providing them with the skills and support to reintegrate into society. Programmes include vocational training in areas such as masonry, carpentry, welding and agriculture. These initiatives aim to equip inmates with practical skills that can help them find employment and lead law-abiding lives upon release. Additionally, counselling and educational services are provided to address the psychological and social needs of inmates.

¹⁶⁶ Jacob Mosenda, "Tanzania Unveils Roadmap for Criminal Justice Reform", *The Citizen*, June 15, 2024.

Challenges

Overall, the challenges facing access to justice in Tanzania can be summarised as follows:

- **Geographical barriers:** Many people, especially in rural areas, have to travel long distances to access legal services.
- **Financial constraints:** Legal services can be expensive and many people cannot afford them.
- **Lack of awareness:** Many individuals are unaware of their legal rights and the available legal aid services.
- **Case backlogs:** The judicial system is overwhelmed with a high volume of cases, leading to delays and extended waiting times.
- **Technical procedures:** Court procedures can be complex and bureaucratic, making it difficult for people to navigate the system.
- **Corruption:** Instances of corruption and unethical conduct within the legal and justice sector undermine trust and fairness.
- **Limited quality legal aid:** There is a shortage of legal aid services, and those that are available are not of good quality.
- **Lack of legal knowledge** and awareness among vulnerable communities.

Lessons learned for improving access to justice in Tanzania

The country's experiences and challenges in accessing justice hold a number of lessons for others.

- **Effective legal reforms are rooted in strong community engagement.** Empowering local communities to participate actively in legal processes ensures that solutions are relevant and sustainable.
- **Raising legal awareness is vital.** Educating individuals about their rights and the available legal services helps bridge the gap between the law and the people it serves.
- **Combining legal assistance with social services is effective.** It helps to address the multifaceted nature of access to justice, ensuring that individuals receive comprehensive support.

- **Building partnerships is crucial.** Cooperation among government bodies, NGOs and CSOs enhances resource sharing and ensures a coordinated approach to justice.
- **Integrate technology into the justice system.** This includes measures such as mobile courts and online resources that can significantly improve accessibility, especially in remote areas.
- **Ensure consistent and sustainable funding for legal aid services.** This is crucial to maintain and expand their reach and effectiveness.
- **Tackle corruption within the legal system.** This is essential to build trust and ensure fair and unbiased access to justice.

These lessons underscore the importance of a multifaceted and collaborative approach to improve access to justice.

Conclusion

Tanzania's progress in promoting human rights, upholding the rule of law and ensuring access to justice has been marked by significant achievements and persistent challenges. The incorporation of the Bill of Rights into the Constitution, the enactment of pivotal laws such as the Legal Aid Act and the establishment of programmes such as the Mama Samia Legal Aid Campaign highlight the nation's commitment to addressing systemic injustices. Technological advancements in judicial processes, the introduction of paralegal training and increased community-based legal aid initiatives have further strengthened efforts to create a more inclusive and equitable justice system.

However, the journey remains fraught with challenges. Discriminatory provisions in legislation such as the Law of Marriage Act and repressive elements in the Cybercrimes Act, the NGO Act and the Information Act reflect lingering gaps in aligning domestic legislation with constitutional and international human rights standards. Geographic, economic and systemic barriers continue to restrict access to justice for marginalised populations, undermining the foundational principles of equality and fairness.

As Tanzania advances, the interplay between human rights, the rule of law and access to justice will remain central to shaping its legal and societal frameworks. The question now lies in how these achievements can be consolidated and systemic barriers dismantled to ensure an enduring legacy of justice and equality. The future holds both challenges and opportunities, as the nation navigates a path toward strengthening its democratic values, harmonising its legal systems and fostering a culture that upholds human dignity above all else.

The way in which the future unfolds will depend on the collective commitment of stakeholders – government institutions, civil society, international partners and the Tanzanian people – to champion progressive reforms and safeguard the principles of justice and human rights. It is in these shared efforts that the promise of an equitable and just society may be realised, setting a benchmark for generations to come.

RECOMMENDATIONS

To the government of Tanzania:

- **Amend repressive provisions:**
 - » Amend sections 13 and 17 of the Law of Marriage Act to eliminate discriminatory provisions. It should ensure the minimum age for marriage is set uniformly at 18 years for both boys and girls, as directed by the court in the Gyumi case.
 - » Revise the NGO Act. The requirement for mandatory re-registration every 10 years should be removed, ensuring the continuity and stability of NGOs.
 - » Amend Regulation 4(e) of the NGO Regulations. The goal is to eliminate excessive restrictions on funding contracts exceeding TZS 20 million (about \$7,400), streamlining the process and reducing administrative barriers.
- **Increase funding for legal aid services, judicial infrastructure and capacity-building programmes for paralegals.** This will ensure access to justice for marginalised communities in rural and underserved areas. A legal aid fund could be established and more resources allocated to offer support in Tanzania's rural areas.
- **Modernise infrastructure.** Investments should be made in modernising court facilities and technology to streamline case management and reduce backlogs.
- **Support technological innovations.** E-justice systems should be expanded, including the JCMS and mobile courts, to improve access to justice, particularly in remote regions.
- **Enhance mechanisms to monitor and address corruption in the judiciary and public institutions.** The objective is to build public trust and ensure equitable access to justice.

RECOMMENDATIONS

To the legal aid system and its providers:

- **Ensure funding is sufficient.** Secure sustainable funding from government, NGOs and international donors to ensure continuity and expansion of legal aid services.
- **Leverage digital platforms.** These can be used to offer online legal advice, case tracking and resources to make services more accessible and efficient.
- **Conduct extensive awareness campaigns.** The goal is to educate the public about available legal aid services and their legal rights.
- **Institute partnerships.** Cooperation between the government, NGOs, community organisations and universities can broaden the reach and scope of legal aid services.
- **Integrate with other services.** Integration with other social services, such as counselling, housing and employment assistance, will help to address the broader needs of clients and communities.

To the Ministry of Constitution and Legal Affairs:

- **Prioritise amendments to outdated and repressive laws.** These include the Cybercrimes Act and the Information Act, which need to be aligned with constitutional and international human rights standards.
- **Strengthen the capacity of the Legal Aid Registrar to oversee the effective delivery of legal aid services by providers and paralegals.**

To the Registrar of NGOs:

- **Establish a simpler and more transparent process for NGO registration and re-registration.** Currently, they are subject to bureaucratic delays, which hinders their operations.
- **Limit excessive oversight.** NGO projects should be aligned with national plans only when they do not infringe on the organisations' objectives or freedoms.

RECOMMENDATIONS

To Parliament:

- **Pass amendments to harmonise conflicting legislation.** This includes setting a uniform age of marriage in both Tanzania Mainland and Zanzibar, consistent with international conventions.
- **Monitor the implementation of court decisions.** Court decisions must be implemented after they are handed down, such as those addressing discriminatory laws and ensuring compliance with human rights standards.

To CSOs:

- **Advocate for specific legal reforms.** These include the amendment of the Cybercrimes Act to define vague terms such as ‘false’ and ‘misleading’ and align penalties with the principle of proportionality.
- **Conduct legal literacy campaigns.** Communities need education on their rights, with a focus on marginalised groups such as women and youth.
- **Consistently monitor and report cases of human rights violations.** Action is only possible after exposure, and it is important that this is done, particularly in respect of violations arising from the misuse of laws such as the Cybercrimes Act and Anti-Money Laundering Act.

To human rights advocates:

- **Use alternative forums and mechanisms for instituting cases.** Tanzania’s courts are congested; engaging in regional and international mechanisms for enforcing human rights can deal with this.
- **Utilise avenues such as Article 108 of the Constitution, judicial review and others to challenge unconstitutional laws and advocate the enforcement of progressive judicial decisions.**

To the judiciary:

- **Increase the number of mobile courts and one-stop judicial centres.** Rural and marginalised communities face challenges in ensuring access to justice and these institutions offer a solution.

RECOMMENDATIONS

- **Uphold constitutional principles in judgments.** This is particularly important in cases addressing human rights and access to justice.

To the international community:

- **Assist in capacity building** for legal practitioners, NGOs and judiciary personnel to ensure laws and practices align with international human rights standards.
- **Advocate for adherence to international treaties.** The objective is to assist Tanzanians to hold the government accountable for human rights obligations.

To the general public:

- Participate in public forums, campaigns and civic education programmes intended to push for legal reforms and demand accountability from institutions.
- Use platforms to voice concerns and ensure elected representatives prioritise human rights and access to justice issues.

CHAPTER 5



Social Justice and Social Protection

These issues are also related to the Broad-based Sustainable Socio-Economic Development thematic area, specifically

» OBJECTIVE 3

Poverty, unemployment and inequality

Question 1 What policies and strategies has the government put in place to reduce poverty and inequality, particularly in terms of access to resources and basic services?

Introduction

The term 'social justice' is defined by the UN as 'a fair and compassionate distribution of the fruits of economic growth'.¹⁶⁷ This definition points to a system in which every citizen has a role to play in societal life and the right to claim the benefits of being part of society. The same definition may further mean that even when some citizens are not able to engage in productive activities, the state and their fellow citizens have a moral obligation to assist them. This may include groups such as persons with disabilities, persons suffering disease and illnesses, children, individuals with substance-use disorders and other marginalised groups.

Overview of social justice in Tanzania

'Social justice' as a concept has evolved over time, and its exact meaning is determined by the needs and aspirations of people in any particular context and at any particular

¹⁶⁷ International Forum for Social Development, *Social Justice in an Open World: The Role of the United Nations* (UN Department of Economic and Social Affairs, 2006), 7.

point in time. In the context of Tanzania, this evolution has followed the country's economic, social, political and cultural dynamics. This can be divided into two main phases.

The first phase began in the colonial period. The Indigenous people were subject to the control of the colonial power and its local agents and suffered severe affronts to their dignity, as well as restrictions on their rights and opportunities. The voices and concerns of Tanzania's Indigenous people went unheard, and as a group they were typically unrepresented. Even when 'represented' they would be 'under-represented' and denied substantive power. Major decisions were made by the colonialists that affected the wellbeing and day-to-day life of the Indigenous people.

Thus, in the colonial era, social justice denoted the freedom of people from foreign control, influence and exploitation.

During the same period, social and welfare associations advocated better living and working conditions for the territory's African population. The general goal was to push for reform and improvement in prevailing practices to reduce poverty and ameliorate the worst features of their lives.

The second phase followed independence. In this phase, the term social justice evolved to mean the struggle for improvement in the status and wellbeing of people by strengthening the social, economic, political and cultural systems already in place. This was done by pursuing initiatives that would reduce disparities between the disadvantaged and the more affluent that were a legacy of the colonial regime. Some of the initiatives undertaken were to ensure equitable development across the country – during the colonial regime, certain areas had been favoured over others and received more developmental support. This had created a few developed cities that were meant for the white population and that had superior infrastructure, which in turn allowed greater access to various social services. This also meant that areas with a majority Black population were underdeveloped. After independence, many towns with predominantly Black populations remained underdeveloped and lacked basic social services, compared to urban areas such as Dar es Salaam and Arusha that had been home to white populations.

However, as noted earlier, as a newly independent nation, the struggle to promote social justice faced many impediments. This was owing to the policies, laws, cultures, customs and practices inherited from the colonial regime. In light of this, the Tanzanian government strove to assure Tanzanians of different backgrounds, as well as foreigners, that they would have equal rights and opportunities regardless of their race, gender, religion, class or other identities.

Despite the colonial legacy, the focus at the time of independence was on creating a Tanzania where everyone felt safe, respected and valued. The father of the nation, the late Nyerere, emphasised that his government would commit to combat three obstacles, or 'enemies', that undermined the development of Tanzania as a nation. These were poverty, ignorance and disease. The fight against these three enemies had to be manifested in the nation's policies, laws and guidelines, such as the Tanzania Development Vision.

Tanzania Development Vision(s)

The Tanzania Development Vision was published in 2000. It built on two previous phases in the country's development. The first of these was developed during the struggle for independence. Tanzanians aspired to gain more control over their territory and to be a free people. However, the expectation that gaining independence would mean the end of poverty and inequality proved to be mistaken – overcoming poverty and inequality required more work than obtaining a flag, independence and sovereignty. This led to the development of the slogan *Uhuru na Kazi* ('Independence and Work'), which implied that true freedom relied on a deliberate effort to eradicate poverty and inequality and foster development.

The second phase was articulated in the Arusha Declaration, passed on 5 February 1967. This was based on the belief that social and economic liberty depended on self-reliance and a socialist mode of production, as is still reflected in the current Constitution: 'The United Republic is a democratic, secular and socialist state which adheres to multiparty democracy.'¹⁶⁸

The Arusha Declaration laid the foundations of Tanzania's subsequent development visions and policies. Its core principles of unity, social cohesion, peace and stability remain central to the nation's growth.

In the 1970s and 1980s, the government enacted policies aligned to the Arusha Declaration. One of these was nationalisation, with the state owning all major means of production. The public sector was obligated to be involved in the production, distribution and provision of social services to the people.

During this second phase, there were several economic crises and reforms were introduced in an attempt to deal with them. This, in turn, created macroeconomic and socio-economic problems within the country. These included inflation, shortages

¹⁶⁸ Constitution of the URT, 1970, Article 3(1).

of essential goods and services, stagnant economic growth, poor delivery of social services and crumbling infrastructure. As a result, the government decided to reform its policies.

Economic liberalisation reforms

These economic liberalisation reforms began in the mid-1980s. Privatisation shifted the economy into a competitive mode, with the intention to improve people's living conditions. However, the reform process left many living in poverty. It became clear that, for economic liberalisation to be realised, it was necessary to create linkages between these policies and people's well-being, with a value chain that would give the majority of citizens access to economic opportunities.

It was from this that the third vision, codified as the Tanzania Development Vision, was embarked upon.¹⁶⁹ As was noted in the introductory chapter ('Tanzania and the APRM'), this was meant to elevate Tanzania to middle-income status within two decades through rapid economic growth driven by investment and economic modernisation. Tanzania has indeed made rapid economic progress, but the benefits have not accrued evenly.

Causes of poverty and inequality in Tanzania

A lot of research tries to explain the causes of poverty and inequality in Tanzania. This section examines the causes of poverty highlighted in *The Impact Evaluation of Productive Social Safety Net in Tanzania Phase II: Baseline Report*, published in 2023 by the Tanzania Social Action Fund (TASAF).

Some of the key factors contributing to poverty and inequality in Tanzania, as set out in this report, include:

- **Lack of diversified sources of household income.** This means that when a household's main source of income is affected, it has a significant impact on that household's ability to meet its basic needs.¹⁷⁰
- **Use of traditional technology.** Many households depend on farming but use outdated farming methods. For instance, only a few use improved seeds, fertilisers

¹⁶⁹ URT, *Tanzania Development Vision 2025* (Planning Commission, 2000).

¹⁷⁰ TASAF, *The Impact Evaluation of Productive Social Safety Net in Tanzania Phase II: Baseline Report* (TASAF, 2023).

and pesticides. This leads to low productivity, which means there is no excess production that can earn them a cash income and improve their living standards.¹⁷¹

- **Willingness or ability to run businesses.** Only 11% of the households surveyed operated a business, which may be owing to the lack of a conducive environment for businesses to grow or a lack of confidence to start a business.¹⁷²
- **Social inequality.** As a result of patriarchal customs and traditions, women are typically in a subordinate position to men, discouraging them from engaging in various activities. This prevents them from attaining economic freedom and combatting poverty. A report by UN Women highlighted that there was still inequality between men and women (with men being in an advantageous position) and a prevalence of GBV, which is a major obstacle for women in exercising their economic, social and political rights.¹⁷³
- **Lack of financial knowledge.** Most households living in poverty are not aware of the opportunities available via banks and financial institutions. For instance, according to TASAF, 4% of respondents have never visited a bank or financial institution to open or close an account. The knowledge gap around financial matters inhibits low-income households from finding financial freedom.¹⁷⁴
- **Limited access to credit.** Many low-income households do not have assets that they can use to secure loans from banks or financial institutions. This leads to the stagnation and failure of business ventures – only 4.5% of households had acquired loans and most are not aware of the relevant information or do not meet loan requirements.¹⁷⁵
- **Frequent health shocks.** Some 65% of households had at least one family member who was sick; only 41% of these households managed to visit a healthcare provider for treatment. Further, only 6% of households have medical insurance.¹⁷⁶
- **Effects of climate change.** This is increasingly becoming a problem as rain cycles have changed, triggering disasters such as floods and landslides that affect both low-income and more affluent households. Climate change has also led to price

¹⁷¹ TASAF, *The Impact Evaluation*.

¹⁷² TASAF, *The Impact Evaluation*.

¹⁷³ World Bank, “Tanzania Can Do More to Protect Its Women and Girls and Promote Gender Equality”, Media Release, April 5, 2022.

¹⁷⁴ TASAF, *The Impact Evaluation*.

¹⁷⁵ TASAF, *The Impact Evaluation*.

¹⁷⁶ TASAF, *The Impact Evaluation*.

increases for staple household goods. In addition, disasters caused by climate change have led to displacement of communities, which exacerbates poverty.¹⁷⁷

- **Global events.** These affect imports and exports, which help the country sustain a healthy economy. There is growing concern over a drop in exports and an increase in imports, which is creating a shortage in foreign currency needed for the importation of goods such as fuel and technology. For instance, the Russia–Ukraine war led to a rise in fuel prices in Tanzania. The COVID-19 pandemic also caused a stall in the country’s economy, as many economic activities were halted.¹⁷⁸

Efforts to overcome poverty and inequality

In Tanzania, the government – with support from local stakeholders, development partners and international agencies – has put expertise and resources into the fight against poverty and inequality. A number of key interventions have helped to reduce poverty or to mitigate its effects. These include:

- **Greater access to basic social services.** New hospitals are being built to provide facilities that can treat people at a lower cost, or at no cost at all. There have also been efforts to upgrade existing hospitals, expand access in rural areas and improve the quality of care.¹⁷⁹ This has helped patients save on transport costs when they access healthcare services.
- **Infrastructure improvements.** The government has invested heavily in infrastructure as a catalyst for improved trade and mobility. It is building roads in areas that have had little or no infrastructure and is attempting to ensure greater availability of a wide range of reliable transport options. This will make travel and commerce cheaper and more efficient.
- **Enactment of laws and policies promoting the participation of marginalised groups.** Affirmative action has been introduced to ensure that marginalised groups have a voice in decision-making processes. The Constitution guarantees equality before the law, which means no one should be treated differently (at least, arbitrarily so) from others. The Persons with Disabilities Act stipulates that the needs of persons with disabilities should be accommodated. Further, the country’s labour laws

¹⁷⁷ TASAF, *The Impact Evaluation*.

¹⁷⁸ TASAF, *The Impact Evaluation*.

¹⁷⁹ Tanzania Ministry of Health, “[Sikonge Kuanza Huduma za Upasuaji Kufuatia Madaktari Bingwa wa Rais Samia Kuwajengea Uwezo](#)” (“Sikonge to Start Surgical Services Following President Samia’s Expert Doctors’ Empowerment Initiative”), October 8, 2024.

emphasise equality and non-discrimination in the employment process and in the workplace.

Relevant legislation and projects

The government has deployed various strategies in combatting poverty and inequality in the bigger vision of attaining social justice for all.

- **Establishment of TASAF, which addresses poverty alleviation.** TASAF implements two main programmes in the fight against poverty: productive household support, along with institutional capacity and integrated delivery systems. These aim to help households living in absolute poverty to progress to moderate-income status.
- **Social protection.** This refers to state intervention to help people escape the worst ravages of poverty and deprivation. The main objective of social protection is to catalyse human development and support economic dynamism. According to Tanzania's National Strategy for Growth and Reduction of Poverty – which is better known by its Kiswahili name, *Mkakati wa Kukuza Uchumi na Kupunguza Umaskini Tanzania (MKUKUTA)* – social protection aims to cover orphans, vulnerable children, persons with disabilities, older persons and women.
- **Social security in the Tanzanian context is a tool deployed to assist in the poverty reduction agenda.** This term denotes policies that provide social safety nets and social insurance schemes, such as the Public Service Social Security Fund and National Social Security Fund.
- **Provision of interest-free or low-interest loans to vulnerable groups since 2018.** These are intended to empower women, youth and persons with disabilities. Interest-free loans were first introduced in 1993, with marginalised groups not required to provide collateral to secure a loan. The 10% loans are revolving loan schemes distributed on the 4-4-2 principle, for youth, women and persons with disabilities respectively. In terms of this plan, local authorities set aside 10% of locally sourced revenue for loans to vulnerable groups, which are distributed according to a formula of 4% to women, 4% to youth and 2% to people with disabilities.¹⁸⁰ However, there have been challenges in making these loans impactful for marginalised groups, as many beneficiaries have not been capacitated to use the capital effectively and then default on their loan repayments.¹⁸¹

¹⁸⁰ UN Association of Tanzania, "Making 10% Loans Work for Youth, Women and People with Disabilities", November 2, 2020.

¹⁸¹ "Why Non-Recoverable Loans Dwindling Efforts to Emancipate Women Tricycle with Disabilities", *Daily News*, July 17, 2023.

- **Introduction of empowerment development projects, aimed at helping marginalised groups.** For instance, in August 2022 the Building a Better Tomorrow project was launched to provide training, land for agriculture and capital, and to connect youth with markets. Despite the size of the project, it faces various challenges, including the readiness and skills of the young people involved in its implementation.¹⁸² Initiatives by civil society have also played a pivotal role in empowering economically disadvantaged communities. The 2021 *NGO Contribution* report shows that, in 2020, 804 fully compliant NGOs had an income of TZS 14 trillion (about \$529 million), which was used in implementing initiatives such as empowering communities with skills that would help them combat poverty.¹⁸³

Conclusion

Tanzania, with its youthful population and historical challenges, has made significant strides in addressing poverty and inequality. The government, alongside CSOs and the private sector, has implemented various strategies to improve living standards and create a more equitable society. However, challenges persist, including limited access to financial resources, inadequate infrastructure, epidemics, corruption and the impacts of climate change.

RECOMMENDATIONS

- **Strengthen social protection programmes.** Expand coverage and ensure effective delivery of social safety nets.
- **Invest in education and skills development.** Equip youth with the skills needed for the 21st-century job market and the advances in technology.
- **Promote sustainable agriculture.** Equip farmers with modern farming techniques and access to markets to boost agricultural productivity. This goes hand in hand with removing taxes and tariffs hindering effective utilisation of technology.

¹⁸² Nesimage Edson Kubetta, "Build Better Tomorrow: Assessing Youth Insight Towards Agribusiness in Manyara Region, Tanzania", *Social Science and Humanities Journal* 8, no. 7 (2024): 4410–4417.

¹⁸³ URT, Ministry of Health, Community Development, Gender, Elderly and Children, *The 2020 Report on NGOs' Contribution to National Development* (Ministry of Health, Community Development, Gender, Elderly and Children, 2021).

RECOMMENDATIONS

- **Enhance financial inclusion.** Expand access to financial services, particularly for women and marginalised groups.
- **Address climate change impacts.** Implement climate-resilient strategies to mitigate the effects of climate change on vulnerable communities.
- **Strengthen governance and transparency.** Promote good governance and accountability to ensure that resources are used efficiently and effectively.

CHAPTER 6



Civic Space, Freedom of Association and the Protection of Human Rights

The issues discussed here relate to the Democracy and Good Political Governance thematic area, specifically:

» OBJECTIVE 4

Promotion and protection of civil and political rights as enshrined in African and international human rights instruments

Question 1 What measures have been put in place to promote and enforce civil rights?

These issues are also related to the Broad-Based Sustainable Socio-Economic Development thematic area, specifically:

» OBJECTIVE 2

Encourage broad-based participation in development

Question 1 What mechanisms have been put in place to promote, extend and encourage stakeholders' participation in broad-based sustainable socio-economic development?

Introduction

This chapter provides a comprehensive analysis of Tanzania's civic space. It examines the impact of legal frameworks governing civic space in the country, alongside the operation of government regulators. The analysis highlights recent developments under the sixth presidency of the URT, assessing the state of civic engagement and its implications for democracy and human rights. It also sets out to evaluate the role of citizens, CSOs and the media in promoting civic engagement and democracy in

Tanzania. In addition, it examines the challenges they face, such as legal restrictions, bureaucratic setbacks and political interference, while highlighting their contributions to governance and accountability. The goal is to assess how these groups function within the current civic space and explore ways to enhance their effectiveness.

Overview of Tanzania's civic and political landscape

In March 2021, Tanzania experienced a major leadership transition following the death of Magufuli. Samia assumed the presidency, becoming the country's first female head of state. Her administration marked a noticeable shift in political tone, promoting dialogue, diplomacy and national unity. She introduced a series of political and economic reforms to foster transparency and improve governance.

Under Magufuli, the political space in Tanzania had become restricted, with a clampdown on opposition activities. The ruling CCM continued to dominate the political scene, but opposition parties, such as Chadema, remained active, despite the shrinking civic space. However, Samia took steps to mend relations, allowing opposition leaders more freedom and encouraging dialogue. This included lifting the six-year ban on political rallies imposed by Magufuli.¹⁸⁴ The move was part of her '4Rs' initiative, which was seen as a potential opening for a more competitive political environment in future elections.

The change in leadership also saw a revitalised approach to foreign diplomacy. Samia has focused on rebuilding Tanzania's relations with international partners, including Western nations, many of which had expressed concerns over human rights during Magufuli's tenure. For instance, on 14 September 2020 Michelle Bachelet, the UN High Commissioner for Human Rights, issued a statement at the 45th session of the Human Rights Council wherein she raised concerns over infringements on democratic and civic space in Tanzania.¹⁸⁵ Samia's ascent to power has thus strengthened Tanzania's global standing and helped re-attract foreign investment. The latter was underscored by the former minister of foreign affairs, January Makamba, during an interview with *The Guardian* newspaper in March 2024. He highlighted that foreign economic diplomacy was the foundation of the current foreign policy with the objective of ensuring a surge in trade and investment agreements. January Makamba, then foreign

¹⁸⁴ "Tanzanian Leader Samia Suluhu Hassan Lifts Ban on Political Rallies", *BBC*, January 3, 2023.

¹⁸⁵ Amanda Shivamba and Anneke Meerkotter, "Rule by Law and Attack on Civic Freedoms in Tanzania" (Policy Brief 4, Southern African Litigation Centre, 2020).

affairs and East Africa cooperation minister, said in March 2024 that Tanzania had reaped \$5.6 billion in capital investment in the period 2021–2024.¹⁸⁶

Tanzania has also experienced a digital transformation accelerated by the COVID pandemic. This offers new avenues for virtual citizen participation but also poses challenges to freedom of expression in countering online threats. Additionally, as in the rest of the world, traditional notions of freedom of assembly and association are redefined in the era of global online activism and informal social movements. Similarly, the right to privacy necessitates a delicate balance between security imperatives and the pervasive influence of technology, which cannot be escaped.¹⁸⁷

Political atmosphere

After Samia became president in March 2021, there were numerous calls for democratic reforms, including of the electoral environment. In response to these calls, the president sought counsel from the Mukandala Task Force on Democratic Reforms and from her political opponents during their bilateral dialogue in January 2023.

The major issues of contention in respect of electoral reform are the independence of electoral management bodies (EMBs), impunity and limited access to justice in electoral disputes, as well as the limited transparency and accountability of EMBs to the public. It was hoped that any reform of the electoral framework would address these (among other) questions.¹⁸⁸

In early February 2024, Parliament made extensive electoral reforms by passing three bills governing elections and political parties in Tanzania. Before the tabling, the Parliamentary Standing Committee on Governance, Constitution and Legal Affairs had convened stakeholders' meetings for public hearings regarding the bills. The tabling of the bills has created a new wave of hope among democracy stakeholders following the demand for a functional legal framework that assures the independence of political and electoral institutions.

The laws that were enacted were the Presidential, Parliamentary, and Councillors Elections Act, 2024; the Independent National Electoral Commission Act, 2024; and

¹⁸⁶ Carlos Banda, "Samia's Economic Diplomacy 'Rakes in \$5.6bn Investments'", *The Guardian*, March 21, 2024.

¹⁸⁷ Tanzania Human Rights Defenders Coalition, *Situation Report on Human Rights Defenders and Civic Space in Tanzania 2023* (THRDC, 2023).

¹⁸⁸ Centre for Strategic Litigation, *A Review of the Newly Enacted Legislation on Elections and Political Parties in Tanzania* (Centre for Strategic Litigation, 2024).

the Political Parties Affairs Act, 2024. Some of the reforms passed under the new laws include:

- The introduction of a new and separate law governing the National Electoral Commission and guaranteeing its independence. Previously, this was covered under the National Elections Act, which has been overhauled by the new law.
- Changes to the selection process of the commissioners via a competitive hiring process presided over by a competent independent selection panel chaired by the chief justice of Tanzania Mainland and the chief justice of Zanzibar as its vice chairperson. Previously these were appointed by the president.
- The removal of the automatic declaration of unopposed candidates as winners of an election. The new law requires that even unopposed candidates be subject to a vote. If the number of votes opposing the candidate exceed those in favour, the candidate cannot be declared the winner. The purpose of this is to avoid political favouritism, political intimidation or buying off of political opponents and the imposition of certain candidates on voters who may not necessarily be the best option.¹⁸⁹

Despite the changes, several gaps have not yet been properly addressed. There were expectations that the Minimum Constitution Reforms Bill would be passed in parallel along with the electoral bills.¹⁹⁰ Outstanding issues include:

- The previous attempt at writing a new constitution suffered a stillbirth. After months of canvassing citizens' opinions and debates by the Constituent Assembly costing billions of shillings, the political elite killed the process before it could deliver a new Constitution.
- A comparative study of EMBs conducted by the Governance and Economic Policy Centre in 2020 showed that, despite some progress, Tanzania failed or fared poorly in many areas related to conducting elections and that EMBs required a major overhaul. When ranked on the common standards and guidelines for electoral management and regulation of political parties developed by the European Commission for Democracy, Tanzania scored unfavourably compared to peer countries such as South Africa, Kenya and Nigeria on a number of major electoral management and dispute resolution indicators. These included the direct

¹⁸⁹ Governance and Economic Policy Centre, "Tanzania's New Political and Electoral Reforms: A Step to the Right, a High Jump to Go!", February 20, 2024.

¹⁹⁰ Legal and Human Rights Centre, "[LHRC's Post-Enactment Analysis of the New Electoral Laws](#)", April 5, 2024.

appointment of the chairperson and vice chairperson of the EMB without this being subject to an independent public vetting process.¹⁹¹

Following the formation of the INEC in April 2024, the commission chairperson announced the upgrading of the voter registration system beginning in July 2024, where voters' information would be updated on the Permanent Voting Register (PVR). The commission demonstrated its commitment to upgrading the voter registration system by incorporating biometric voter registration (BVR) in the PVR. BVR kits are being distributed nationwide and the initiative was projected to be completed in March 2025.¹⁹² In addition, the INEC has introduced the Online Voter Registration Improvement System, which allows voters to register online. This is a major step for Tanzania given the rapid technological advancement globally, but further improvements are needed to allow people to vote online, eliminating the need to stand in long lines.

Nevertheless, despite structural reforms and improvements in the political atmosphere, Tanzania's ruling party still makes ambiguous statements that suggest a continued inclination towards autocracy. For example, during a speech on 15 July 2024 at Kashai Market in Kagera Region, former minister for Information, communications and information technology Nape Nnauye said the CCM would win the 2024/2025 elections, whether through the ballot box or not – and that this would depend on who counted and announced the results. He apologised for the statement, saying it was a joke,¹⁹³ when democracy stakeholders, including social media activists, CSOs and opposition parties, raised concerns regarding the statement.

Another example is a controversial statement by Umoja wa Vijana wa Chama cha Mapinduzi – Kagera chair Faris Buruhan on 16 April 2024 during his visit to Ngara District in Kagera Region. He said the police should not bother to look for people who went missing after insulting the president, with the implication being that those speaking out against Samia online could be eliminated.¹⁹⁴ After this speech

191 GEPC, "Tanzania's New Political and Electoral Reforms".

192 "Tanzania's Independent Electoral Body to Launch Voter Register Upgrade", *The Citizen*, May 15, 2024.

193 Mwandishi Wetu, "Nape aomba radhi kwa kauli ya 'ushindi nje ya boksi'" [Nape Apologizes for 'Outside the Box' Statement], *Mwananchi*, July 17, 2024.

194 Dalali Mkuu, "Mwenyekiti UVCCM Kagera, Faris Buruhan: Tukiwapoteza wanaomtukana Rais Samia mitandaoni, Polisi msiwatafute" ["UVCCM Kagera Chairman, Faris Buruhan: If We Lose Those Who Insult President Samia Online, the Police Should Not Look for Them"] *JamiiForums* (blog), April 17, 2024.

was circulated on digital platforms, including the prominent [jamiiforums.com](#), the secretary-general of the CCM, Emmanuel Nchimbi, condemned the statement.¹⁹⁵

In addition, despite the fact that Samia lifted the ban on political rallies on 3 January 2023,¹⁹⁶ opposition parties still face challenges when it comes to practising their right to freedom of association. There have been several instances of opposition parties being denied permits for peaceful demonstrations and even arrests of opposition party leaders with no clear explanation. In August 2024, Chadema leaders were arrested in the Southwestern city of Mbeya, where they planned to hold a rally to mark International Youth Day. About 500 youth supporters were also detained while making their way to the event. The party's deputy secretary-general, Benson Kigaila, reported that two leaders were beaten and dragged off by police officers during the arrest.

Political rights violations continue to prevail in Tanzania. In 2023, Tundu Antipas Lissu, a prominent opposition figure and lawyer, was arrested after conducting political rallies in Ngorongoro. Lissu defied warnings not to hold a meeting in Ngorongoro and criticised the government for evicting Maasai from Ngorongoro and for the controversial Tanzania–Dubai port deal. Although released with reporting conditions, his detention and charges raise concerns. Additionally, former ambassador to Tanzania Dr Willibrod Peter Slaa, advocate Boniface Mwabukusi and activist Mpaluka Said Nyagali were arrested in August 2023 and detained. They faced treason charges after calling for non-stop nationwide rallies to oppose the Tanzania–Dubai port deal.

These incidents have been condemned by rights groups, opposition parties and CSOs as Tanzania approaches its local government and general elections. 'The mass arrests and arbitrary detention of figures from the Chadema party, as well as their supporters and journalists, is a deeply worrying sign in the run-up to local government elections in December 2024 and the 2025 general election,' said Sarah Jackson, Amnesty International's deputy regional director, East and Southern Africa, on 12 August 2024. One of the most prominent CSOs in Tanzania, the Legal and Human Rights Centre, also denounced the arrests, noting that the CCM and another opposition party, ACT Wazalendo, held Youth Day rallies without any issues.¹⁹⁷

Incidents of the abduction and killing of citizens, opposition leaders and government critics have gained significant attention. One social media activist, Edgar Mwakabela,

195 "Dkt. Nchimbi apinga kauli ya Mwenyekiti wa UVCCM Kagera aliyeahidi 'kuwapoteza' wakosoaji wa serikali", ["Dr. Nchimbi Opposes the Statement of the UVCCM Kagera Chairman Who Promised to 'Disappear' Government Critics"] [JamiiForums](#) (blog), April 17, 2024.

196 "Samia Suluhu Hassan Lifts Ban".

197 "[Freed Tanzanian Opposition Leaders 'Beaten' during Mass Arrests](#)", *RFI*, August 14, 2024.

known as Sativa on X, went missing on 23 June 2024. He was found, injured, on 27 June 2024 in Katavi Forest and claimed he had been abducted by ‘unknown’ people from Dar es Salaam. This incident was similar to events during Magufuli’s era when activists and journalists were threatened, abducted and, in some cases, found dead. This has evidently continued under the leadership of Samia, despite her promise of reform under the ‘4Rs’ initiative.¹⁹⁸

Another notable case was the murder of Chadema secretariat member Ali Kibao in September 2024, after armed men had abducted him from a bus travelling from Dar es Salaam to the port city of Tanga. His body was discovered the day after the abduction, drawing local and international attention.¹⁹⁹ This incident led to the issuing of a joint statement by the EU heads of mission, along with the British High Commission, the Canadian High Commission and the embassies of Switzerland and Norway, expressing their concerns about reports of political and human rights activists being assaulted, abducted and killed. They urged the government to conduct thorough investigations.²⁰⁰

Following Kibao’s death, the Chadema leadership organised protests. On the day of the demonstrations, Chadema leaders were arrested, sparking a public outcry over the government’s suppression of democracy and attempts to evade accountability for citizens’ safety.

Civil society engagement

In the realm of civil society in Tanzania, there have been some noteworthy advancements, primarily to do with administrative improvements aimed at facilitating sectoral growth and expansion. These endeavours signify a commitment to cultivate a friendlier environment for CSO operations. This shift underscores a growing recognition of the significance of freedom of expression and open dialogue within Tanzanian society.

The civil society sector in Tanzania has a significant impact on socio-economic developments. Its contributions are recognised in policies such as the Tanzania Five Year Development Plan 2021/2022–2025/2026 and the Zanzibar Development Vision 2050. Effective collaboration between CSOs and the government plays a crucial role in the successful implementation of policies and programmes aimed at enhancing

198 Imani Lubaba, “Abductions and Political Violence in Tanzania: Can Reforms Overcome the Dark Shadow?”, *Tanzania Digest*, October 6, 2024.

199 Evelyn Musambi, “A Tanzanian Opposition Official Is Found Dead with Signs of Beating and Acid Attack”, *Associated Press*, September 9, 2024.

200 Gadiosa Lamtey, “EU, UK, Canada Condemn Abduction and Killing of Chadema Cadre”, *The Citizen*, September 10, 2024.

the quality of life of Tanzanian citizens. Recent reports show that 44% of CSOs actively engage with the government, indicating a growing willingness to collaborate.²⁰¹

The civil society sector has grown over time and regained its momentum after Samia came into power. However, it still faces numerous challenges. As one report put it:²⁰²

70% of CSOs face financial constraints, mostly relying on a few grant-making bodies. Notably, 68% of CSOs receive support from the Foundation for Civil Society (FCS) and the Legal Service Facility (LSF), while 36% heavily rely on international donors like the EU, Sida, and UKAid, potentially prioritising donor preferences over local needs. Legal compliance is another hurdle for many CSOs. The June-July 2023 FCS survey reveals that only 32% fully understand legal requirements, with 56% having moderate knowledge. Financial and reporting compliance presents significant challenges, especially for organisations representing women, youth, and PWDs [persons with disabilities]. Gender disparity, lack of strategic planning, and over-reliance on external donors are other notable concerns. However, 73% of CSOs express a desire to diversify funding sources.

On 17 October 2024 the UN Human Rights Commission called on the Tanzanian government to take immediate action amid a crackdown on civil society ahead of elections. Human rights experts highlighted that the Tanzanian government had used the NGO Act to arbitrarily deregister CSOs and restrict their activities. Furthermore, on 2 August 2024 a government decision (Notice No. 673) delisted several villages in the Ngorongoro Conservation Area from the local voter roll and instead registered residents in Msomera – an area approximately 600km away – without prior and informed consent. This sparked widespread concern and led to peaceful protests among the Maasai people, who saw this action as a direct threat to their ancestral lands and livelihoods. Experts welcomed the Arusha High Court's decision of 22 August 2024 to temporarily suspend the notice and later decisions, communicated in notices 796 and 797 of September 2024, to reinstate administrative areas, including parts of the Ngorongoro Division.²⁰³

201 Foundation for Civil Society, *The State of Civil Society Organisations in Tanzania, January to June 2023* (FCS, 2024).

202 FCS, *The State of Civil Society Organisations*, 1.

203 Office of the UN High Commissioner for Human Rights, "[Tanzania: Experts Call for Urgent Action amid Crackdown on Civil Society Ahead of Elections](#)", Media Release, October 17, 2024.

Legal environment for CSOs

The NGO Act, 2002, as amended in 2005 and 2019, regulates the registration, operation and funding of NGOs and CSOs. While the law provides a legal framework for CSOs, there have been concerns about provisions that give the government broad discretion to deny registration or impose restrictions on CSOs. The sustainability of NGOs will effectively be guaranteed if the spirit of the NGO Act, which establishes perpetual entities, is respected. However, Section 12 – read together with sections 22 and 23 – does not allow a citizen to register an NGO that operates outside national confinements. This hinders Tanzanians who wish to operate beyond the borders of the country. For instance, currently, if an NGO wants to operate outside Tanzania, it needs to have a fresh registration to work in the second country, rather than just complying with existing conditions.²⁰⁴

Moreover, an NGO's right to privacy is contravened by the requirement to submit to the Registrar of NGOs all contracts with donors exceeding TZS 20 million (\$8,046). The NGO Act and regulations also contravene the 'acceptable standards' laid out in the Financial Action Task Force's International Standards. This has resulted in Tanzania being ranked as 'non-compliant', since the NGO legislation is regarded as being unsuitable to deal with possible exposure to the risk of terrorist financing activities.²⁰⁵

Section 4 of the Basic Rights and Duties Enforcement Act was deemed to contravene access to justice as enshrined in the Constitution by requiring a petitioner to the High Court to prove how s/he is affected personally by an alleged abuse, thereby restricting public interest litigation by CSOs. The amendments were re-enforced less than a year after Tanzania had withdrawn the right of NGOs to file cases against the country in the African Commission on Human and Peoples' Rights – then Tanzanian minister of foreign affairs and East African cooperation Palamagamba Kabudi signed the notice of withdrawal on 14 November 2019.²⁰⁶

Conclusion

Despite some improvements under Samia, CSOs, political parties and media outlets in Tanzania continue to face significant regulatory restrictions, bureaucratic hurdles and licensing challenges. Repressive laws such as the Political Parties Act and the NGO Act still hold considerable influence, limiting the ability of these groups to operate freely.

204 THRDC, Situation Report on Human Rights.

205 Center for Strategic Litigation, *Tanzania Civic Space Monitor 2023: The End of the Affair* (CSL, 2024).

206 CSL, *Tanzania Civic Space Monitor 2023*.

These challenges underscore the need for more comprehensive reforms to ensure that civic engagement, political competition and media freedom are fully protected in Tanzania's evolving democracy.

RECOMMENDATIONS

- **Enhance the legal and policy frameworks for civic space.** Restrictive laws, such as the Media Services Act, NGO Act and Political Parties Act, should be revised to align with international human rights standards. This process should ensure that these laws promote rather than hinder freedom of expression and association. For example, the government should amend the NGO Act to remove unnecessary reporting requirements and allow NGOs to operate beyond national boundaries without re-registration. In addition, it should restore the ability of CSOs to engage in public interest litigation.
- **Undertake electoral reforms.** Tanzania should ensure that the implementation of the newly enacted electoral laws addresses gaps in transparency, accountability and the independence of electoral bodies. Specifically, this should empower the INEC to operate autonomously, free from political interference. Continuous oversight of the updated voter registration system and the integration of biometric technology should be provided to enhance trust in the electoral process.
- **Strengthen the capacity of CSOs.** The challenges faced by CSOs should be addressed, particularly financial constraints and legal compliance issues. For instance, funding mechanisms to reduce dependency on external donors – focusing on locally driven initiatives – should be established. Capacity-building programmes for CSOs should be established to improve legal compliance, financial management and advocacy skills, with particular emphasis on inclusivity for women, youth and persons with disabilities.
- **Encourage inclusive civic engagement and accountability.** Public participation and transparency in decision-making processes at all levels of governance should be promoted by all stakeholders. Suggested measures include expanding platforms for citizen dialogue – including online and offline forums – to facilitate constructive engagement with policymakers and institutionalising mechanisms for regular monitoring and reporting on human rights violations and civic space constraints. This would include independent audits of government actions and policies.

CHAPTER 7



Freedom of the Media and of Expression

The issues discussed here relate to the Democracy and Good Political Governance thematic area, specifically:

» OBJECTIVE 4

Promotion and protection of civil and political rights as enshrined in African and international human rights instruments

Question 1 What measures have been put in place to promote and enforce civil rights?

Question 3 How vibrant, independent and influential are CSOs in your country?

These issues are also related to the Broad-based Sustainable Socio-economic Development thematic area, specifically:

» OBJECTIVE 2

Encourage broad-based participation in development

Question 1 What mechanisms have been put in place to promote, extend and encourage stakeholders' participation in broad-based sustainable socio-economic development?

Introduction

Benjamin Cardozo, former associate justice of the US Supreme Court, once said: 'Freedom of expression is the matrix, the indispensable condition, of nearly every other form of freedom.' This was said in the judgment of the *Frank Palko v Connecticut*

State case.²⁰⁷ The US civil rights body, the American Civil Liberties Union, has further insisted: 'Protecting free speech means protecting a free press, the democratic process, diversity of thought, and much more.'²⁰⁸ These quotes make clear that freedom of expression and media freedom are intertwined. Any harm to the media does harm to freedom of expression. In Tanzania, currently, freedom of expression and of the media are going through tough times.

Overview of media freedom

In 1787, US president Thomas Jefferson wrote: 'Were it left for me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate to prefer the latter.'²⁰⁹

What Jefferson was saying is that a society with a media (and the information it disseminates) but without a government is more sustainable than one with a government but no media. The media supplies information that makes societal life possible. The following are elements of free media:

- **Sunshine laws:** According to the *Cambridge Dictionary*, sunshine laws are laws that make it easier to get information about the government, how it makes decisions, spends money, etc., especially information that was previously secret.²¹⁰
- **Access to Information Act:** If a country has such a law, it helps the media to work properly and citizens to be well informed about their country.
- **Freedom of information laws:** A country must have laws protecting its citizens' right to request certain information from the government.
- **Media freedom:** A country must guarantee and respect the right of the media to work freely without state interference or any kind of pressure.
- **Free expression:** A country must respect the right to express public criticism of the government. Criticising the government for not living up to its promises, or for abusing its powers, is merely an exercise of the right to freedom of expression. When the government listens to critics, it is demonstrating respect for freedom of expression.

207 *Palko v. Connecticut*, 302 US Supreme Court 319 (1937).

208 ACLU, "Free Speech". Undated, accessed May 8, 2025, <https://www.aclu-wy.org/en/issues/freespeech>.

209 "Extract from Thomas Jefferson to Edward Carrington", *Jefferson Quotes and Family Letters*, January 16, 1787.

210 Cambridge Dictionary, "Sunshine Law", accessed March 28, 2025, <https://dictionary.cambridge.org/dictionary/english/sunshine-law>.

- **Right to protest:** A country must accept the holding of peaceful public protests. Peaceful protests are an essential element of freedom of expression. Acknowledging and respecting the rights of its citizens to engage in peaceful protest is a mark of a democratic government.
- **Artistic freedom:** A country must respect the rights and freedom of artists to their craft. Delivering messages through arts, acknowledging artists' freedom to speak for their societies, is an important facet of freedom of expression.

International standards on freedom of expression

The right to freedom of expression is recognised as a human right in the UN's Universal Declaration of Human Rights of 1948, as well as in other human rights conventions and by international human rights law.

- Article 19 of the Universal Declaration of Human Rights states: 'Everyone has the right to freedom of opinion and expression.'²¹¹
- Article 19 of the International Covenant on Civil and Political Rights (ICCPR) states:
 1. Everyone shall have the right to hold opinions without interference.
 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice.²¹²

(Tanzania signed the ICCPR treaty in 1976. That means that the country is committed to the content of the ICCPR treaty, including Article 19.)

- Article 9 of the African Charter on Human and Peoples' Rights, also known as the Banjul Charter, states:
 1. Every individual shall have the right to receive information.
 2. Every individual shall have the right to express and disseminate his opinion within the law.²¹³

²¹¹ UN, *Universal Declaration of Human Rights*, UN General Assembly, December 10, 1948, Article 19.

²¹² UN, *International Covenant on Civil and Political Rights*, UN General Assembly, December 16, 1966, Article 19.

²¹³ AU, *African Charter on Human and People's Rights*, Eighteenth Assembly of Heads of State, June 1981, Article 9.

Freedom of expression is protected by a raft of international and regional treaties, as well as by Tanzania's own legal and governance system.

- Freedom of expression and the URT Constitution:

In the Tanzanian Constitution, freedom of expression has been positioned in a category along with the right to freedom of religion, a person's freedom of association and the right to freedom of movement. Section III of the Tanzanian Constitution, entitled 'Basic Rights and Duties', has a subsection named 'The Right to Freedom of Conscience', with Article 18 stating:

Every person...

- (a) has a freedom of opinion and expression of his ideas;
- (b) has a right to seek, receive and, or disseminate information regardless of national boundaries;
- (c) has the freedom to communicate and a freedom with protection from interference from his communication; and
- (d) has a right to be informed at all times of various important events of life and activities of the people and also of issues of importance to the society.²¹⁴

Freedom of the media in Tanzania: Legal framework and challenges

Development and sound democracy depend on a free media. Society has to be informed and involved in every step that the government takes. An independent media is a powerful bridge between society and government.

Legislation

Tanzania Communication Regulatory Authority Act, 2003

This legislation was enacted to establish an authority to regulate issues relating to communication. The most notorious of its provisions was its Content Committee.²¹⁵ Among other things, the latter was mandated to oversee, control and regulate the nature of content to be aired. Most media houses have been summoned to this committee to explain the content they have put out, and some have been suspended from operating or strongly reprimanded.

²¹⁴ Constitution of the URT, 1977, Article 18.

²¹⁵ Tanzania Communication Regulatory Authority Act, No. 12 of 2003, sections 26–27.

Before 2016, the Tanzania Communications Regulatory Authority (TCRA) Act did not overtly undermine freedom of expression, but in subsequent years – coinciding with Magufuli’s ascent to power – it has been used to close media space and intimidate government critics. It has been speculated that the fact that Magufuli’s election coincided with a surge in support for the opposition was behind the ramping up of intimidation of the media through this Act. In the 2015 general election, Tanzania’s opposition – for the first time since the re-introduction of multipartyism – received more than 100 seats. Muzzling freedom of expression was a convenient means to suppress criticism.

The Electronic and Portal Communications Act, 2010

This Act regulates the issuing of licences for print, mainstream and online media and prohibits the operation of media programmes without licences from authorised authorities. It also covers the issuance of licences for postal services, a prohibition on operating postal services without a licence, regulations on the applicability of SIM²¹⁶ cards and a prohibition on the use of SIM cards without registration.²¹⁷

This is one of the most intrusive laws in Tanzania and has been used by state agencies to harass human rights defenders, activists and journalists. For example, an opposition leader from Chadema was arrested for owning an unregistered SIM card and denied bail for an offence that is actually bailable.²¹⁸

The Cyber Crimes Act, 2015

The Cyber Crimes Act deals with various online crimes. The main problem has been Section 16, which deals with the publication of ‘false information’, without there being a clear interpretation by the courts as to what constitutes false information.²¹⁹ This has enabled the government to use the act to harass critics and human rights defenders, although the higher courts have overturned all convictions under the Cyber Crimes Act. A good example, at the time of writing, is the criminal charges levelled at Slaa, the prominent politician and former ambassador to Sweden.

216 Subscriber identity module.

217 Electronic and Postal Communications Act, Cap 306 [R.E. 2022], sections 116–60.

218 “After Going Missing for 29 Days, Police Confirm to Detain Kombo Mbwana for Social Media Misuse. Experts Say It’s Unlawful Detention and a Crime by Police”, *The Chanzo*, July 15, 2024.

219 Cyber Crimes Act, 2015, Section 16.

The Media Services Act, 2016

The Media Service Act was enacted in 2016, repealing the Newspaper Act of 1978. The Act established a director of information services whose mandate is to issue licences to media houses and suspend the same when conditions of the licence are breached.²²⁰

The threat to media freedom is illustrated by Part VII of the Act, which incorporates criminal offences for media and journalists deemed guilty of contravening its regulations. Originally, the minimum sentence was five years if convicted and/or a fine of between TZS 10 million and TZS 50 million (about \$3,700 to \$18,600). The law was amended, reducing the maximum sentence to three years and the maximum fine to TZS 5 million (\$1,850), but, in general, the criminal sanctions were retained.²²¹ The Media Services Act has been a threat to the media space in Tanzania since its enactment.

The Statistics Act, 2015

The Statistics Act criminalises the publication of any statistical information without prior authorisation from the National Bureau of Statistics and allows the government to withhold information in ‘the public interest’.

The Statistics Act, 2015 was amended in 2019, after the research and statistics firm Twaweza released an opinion poll indicating that the popularity of the then incumbent, Magufuli, had declined.²²² Twaweza’s press release, dated 5 July 2018, stated that Magufuli’s popularity rating had dropped by 16%, from 71% in 2017 to 55% in 2018. The Tanzania Commission for Science and Technology issued a seven-day ultimatum to Twaweza to explain why legal measures should not be taken against the organisation for allegedly conducting a survey without first securing a permit.²²³ Four days after Twaweza published its report, the Tanzania Immigration Department confiscated the passport of Twaweza’s executive director, Aidan Eyakuze, and instituted an investigation into Eyakuze’s citizenship.²²⁴

In response, Eyakuze filed a lawsuit in the High Court against the commissioner general of the Tanzania Immigration Services Department, the commissioner of citizenship and passport in the Tanzania Immigration Services Department and the attorney general.²²⁵

220 Media Service Act, 2016, as amended in 2023, Section 5.

221 Media Service Act, 2016, as amended in 2022, sections 47–53.

222 Twaweza, “Speaking Truth to Power” (Brief 48, Twaweza, July 2018).

223 “Tanzania’s Twaweza in Trouble as Costech Claims Recent Survey Was Uncertified”, *The Citizen*, July 11, 2018.

224 “Eyakuze’s Citizenship Probe in New Twist”, *The Citizen*, October 16, 2018.

225 Misc. Civil Case No. 11 of 2019, in the High Court, TZ and Civil Appeal No. 13 of 2020, in the Court of Appeal.

Freedom of expression in Tanzania over the years

The compromised safety of journalists and hindrance to the performance of their work has been widely acknowledged in Tanzania. In 2023 the Tanzania Human Rights Defenders Coalition Protection Desk documented seven incidents in which journalists or media outlets' rights had been violated, totalling 14 journalists or media outlets. Most of these involved arbitrary arrest, malicious prosecution and threats, as well as confiscation of journalists' working tools.²²⁶

The law has thus been used to attack and intimidate media outlets and journalists, abusing their right to freedom of expression. In addition to Eyakuze, Abdul Nondo, a human rights activist, had his citizenship probed between 2018 and 2020. Similarly, the Immigration Department confiscated the passport of the Bishop of the Full Gospel Bible Fellowship Church, Zachary Kakobe, a few days after he had criticised the government.²²⁷

Ally Mtanda, spokesperson for the Immigration Department, spoke to *The Citizen* on 15 October 2018, confirming that investigations into the citizenship of the three were ongoing.²²⁸

At times, actions undermining freedom of expression have taken a more directly violent turn, with suspicions that this has been orchestrated by or from within the state. In November 2016 social media activist and Chadema member Ben Saanane disappeared, and his whereabouts remain unknown. This occurred when he was writing pieces questioning the validity of Magufuli's PhD.²²⁹

In November 2017 Azory Gwanda, a journalist, was abducted by unknown men and his whereabouts also remain unknown. Gwanda, a correspondent for MCL, was investigating killings in the Kibiti, Rufiji, and Mkuranga areas in Pwani Region.²³⁰

226 THRDC, *Situation Report on Human Rights*.

227 "Kakobe: Tell Me Where I Belong", *The Citizen*, April 10, 2018.

228 "Eyakuze's Citizenship Probe in New Twist", *The Citizen*, October 16, 2018.

229 "PhD ya msemakweli ni mpenzi wa Mungu" ["A Truthful PhD is a Lover of God"], JamiiForums (blog), December 19, 2019.

230 "PhD ya msemakweli ni mpenzi wa Mungu"; Global TV Online, "Mwananchi Waanika Kisa cha Kupotea kwa Mwandishi Azory Gwanda" ["Citizens Expose the Case of the Disappearance of Writer Azory Gwanda!"], YouTube, December 9, 2017.

In 2018, the then minister of home affairs, Kangi Lugola, in reply to a question from a journalist, said the government should not bother searching for people who decided to 'displace themselves because of their life problems'.²³¹

Similarly, on 23 April 2019 the then minister of information, culture, arts, and sports, Dr Harrison Mwakyembe, said in Parliament that Gwanda was not the only person who had disappeared in Kibiti: 'We are talking about the case, which is very weak. This journalist was lost in the area where hundreds of Tanzanians were lost; nobody asks [about] those hundreds except that one only [Gwanda] who is gold.'²³²

The then minister of foreign affairs, Prof. Palamagamba Kabudi, in answer to a question from the *BBC* in July 2019, said that 'Azory Gwanda was not the only person who had been killed or disappeared in Mkuranga, Kibiti, and Rufiji'.²³³

On 29 July 2019 Erick Kabendera, another journalist, was detained for seven months, until February 2020, on charges of money laundering, tax evasion and leading organised crime.²³⁴ Kabendera's detention was seen as an example of rising repression of the press and critics of Magufuli.

In December 2019 Tito Magoti, a human rights activist, was arrested and remanded for four days before being brought to Kisutu Resident Magistrate's Court, Dar es Salaam on 29 December 2019.²³⁵ Magoti and an associate, Theodore Giyan, were charged with three counts of leading a criminal gang, money laundering and possession of a computer programme designed for the purpose of committing an offence.²³⁶

Kabendera, Magoti and Giyan were abused in similar ways. They were taken without clear information as to their whereabouts and the police initially denied holding them. It took a public outcry on social media for the police to admit to having arrested them. None of those arrested was convicted of the charges against them.

231 "Hatuhusiki Na Kupotea Kwa Azory, Waziri Kangi Lugola" ["We Are Not Responsible for the Disappearance of Azory, Minister Kangi Lugola"], *Mwananchi Digital*, July 6, 2018.

232 MwanaHALIS TV, "Dk. Mwakyembe Atonesha Vidonda vya Azory/Ahoji 'Uspecial' Wake" [Dr. Mwakyembe Shows Azory's Wounds/Interviews his 'Special']], YouTube, April 23, 2019.

233 Bongo 5, "MAHOJIANO BBC: Prof KABUDI watoana jasho na Zuhura Yunus / Ishu ya utekaji na usalama wa Taifa" [BBC INTERVIEW: Prof KABUDI Spars with Zuhura Yunus / The Issue of Kidnapping and National Security], YouTube, July 11, 2019.

234 "Tanzania Journalist Erick Kabendera to Spend Christmas in Jail", *BBC*, December 18, 2019.

235 Millard Ayo, "Siku 5 Kizuizini: Tito Magoti Afikishwa Kortini, Akabiliwa Na Utakatishaji Fedha Wa Mil.17" ["5 Days in Detention: Tito Magoti Appears in Court, Faces 17 Million in Money Laundering Charges"], YouTube, December 24, 2019.

236 Legal and Human Rights Centre, "Six Months behind Bars, Justice for Tito Magoti and Theodory Is Yet to Be Served", 2020.

In February 2018 the government brought charges against a number of senior Chadema leaders, including the party chairperson, Freeman Mbowe. He was accused of conspiring to commit an offence and holding an unlawful assembly in February 2018 in protest against irregularities during the by-election in Kinondoni constituency in Dar es Salaam. During the protest, the police forcibly dispersed protesters, which resulted in the death of a student, Akwilina Akwilini. She is believed to have been killed by shots fired by the police.²³⁷

The Chadema prosecutions were an attack on freedom of expression, as those leaders were peacefully delivering their message through marching. Akwilini's killing could have been prevented if the police had respected citizens' right to freedom of expression and allowed protesters to demonstrate in peace. A few days after her death, the police issued a statement announcing that the investigation would be closed without the culprits having been identified. At the same time, some protesters were brought to the Kisutu Resident Magistrate's Court with gunshot wounds. They were arrested and remanded at Oysterbay Police Station, Kinondoni, Dar es Salaam without being given medical treatment.

On 10 March 2020, all nine Chadema leaders were convicted and sentenced to five months in prison or a fine (in total) of TZS 350 million (\$270 000). They were freed after paying the fine. The funds for the fines were contributed by members of the public locally and abroad.

On 19 May 2020, Mbowe (chair), John Mnyika (general secretary), Salum Mwalimu (deputy general secretary) and five other senior leaders – Peter Msigwa, Halima Mdee, Esther Matiko, John Heche and Ester Bulaya – lodged an appeal in the High Court. They subsequently won the appeal.²³⁸

One of the offences of which they had been found guilty was sedition. On 21 March 2019 the East African Court of Justice ruled, among other things, that the provisions relating to sedition in sections 52 and 53 of the Media Services Act are in violation of articles 6(d), 7(2) and 8(1) of the Treaty for the Establishment of the EAC. The decision of the court is binding on all states parties.

²³⁷ "Chadema Top Brass Released on Bail", *The Citizen*, April 4 2018.

²³⁸ Freeman Aikael Mbowe and Others vs Republic (Criminal Appeal 76 of 2020) [2021] TZHC 3705 (June 25, 2021).

Threats to media freedom in Tanzania

A concerning trend of government intrusion on media freedom has thus become evident in recent years. Indicative of this trend, in 2017 then president Magufuli said at a media conference that the media community did not have as much freedom as it thought it had.²³⁹

Since the 2015 general election, many newspapers and radio stations in the country have closed down. In January 2016 *Mawio*, a weekly investigative newspaper, was banned under the Newspaper Act, 1976 for allegedly inciting violence in some of its articles. The two editors of *Mawio*, Jabir Idrissa and Simon Mkina, were briefly detained.²⁴⁰ The *Mawio* management took the matter to court, which then overturned the decision of the government.²⁴¹

In June 2017 *Mawio* was banned again under Article 59 of the Media Services Act, which allows the authorities to prohibit or otherwise sanction the publication of any content that jeopardises national security or public safety.

In August 2016 the weekly newspaper *Mseto* was banned for three years. The reason for the ban was an article titled ‘Waziri amchafua JPM’ (‘Minister Soils JPM’, with JPM standing for John Pombe Magufuli, the then president). The story claimed that the then deputy minister for works, transport and communication, Edwin Ngonyani, had taken bribes in a bid to raise funds for Magufuli’s election campaign.

The ban was justified in terms of Section 25(1) of the Newspapers Act, which states:²⁴²

Where the Minister is of the opinion that it is in the public interest or in the interest of peace and good order so to do, he may, by order in the Gazette, direct that the newspaper named in the order shall cease publication as from the date specified in the order.

239 ZeShoot, “Magufuli: Waandishi kueni makini na kalamu zenu” [“Magufuli: Writers, Be Careful With Your Pens”], YouTube, March 24, 2017.

240 Kibanga Ampiga Mkoloni, “Mawio Newspaper Permanently Banned With Effect from January 15th, 2016”, JamiiForums (blog), January 16, 2016.

241 “Mahakama Kuu yalitoa kifungoni Gazeti la Mawio” [“The High Court Releases *Mawio* Newspaper Editors from Prison”], Dar24, accessed March 28, 2025, <https://dar24.com/mahakama-kuu-yalitoa-kifungoni-gazeti-la-mawio/>.

242 TANZLII, “Newspapers Act”, accessed March 28, 2025, <https://tanzlii.org/akn/tz/act/1976/3/eng@2002-07-31#:~:text=No%20person%20shall%20print%20or,by%20him%20to%20the%20Registrar.>

The *Mseto* management opened a case in the East African Court of Justice against the attorney general, claiming the ban was illegal. *Mseto* won the case.²⁴³

Several radio stations have also been affected. In August 2016 the then information minister, Nape Nnauye, announced the immediate and indefinite ban of Radio Five and Magic FM for having allegedly aired unspecified seditious content. (They subsequently resumed broadcasting.)

In March 2017 Dar es Salaam regional commissioner Paul Makonda entered the headquarters of Clouds Media with armed police officers in an attempt to pressure the staff into airing a video meant to harm the reputation of a popular church leader, Bishop Josephat Gwajima of the Glory of Christ Tanzania Church. The station (Clouds TV) declined to comply.²⁴⁴

Nnauye launched an investigation into the matter, ultimately recommending sanctions against the commissioner.²⁴⁵ Instead, Magufuli fired Nnauye.

On 19 September 2017 a weekly tabloid, *Mwanahalisi*, was banned for two years after being accused of inciting violence.²⁴⁶ Previously, *Mwanahalisi* had been forced to cease printing for three months. On 29 September 2017 *Raia Mwema*, a newspaper, was banned for 90 days over an article that criticised the Magufuli presidency. The newspaper published the story under the headline 'Urais Utamshinda John Magufuli' ('The Presidency Will Conquer John Magufuli').²⁴⁷

On 15 January 2018 IPP Media Limited issued a statement apologising to Magufuli and instituted a self-imposed punishment by not printing its newspaper, *Nipashe Jumapili*, for three months after publishing a story about Magufuli and the opinions of supporters who wanted him to remain in power. The government, through its principal secretary for information, culture, arts and sports, Dr Hassan Abbasi, supported the

243 *The Managing Editor of Mseto and Hali Halisi Publishers Limited v the Attorney-General of the URT*, East African Court of Justice, Ref. No. 7 of 2016.

244 M.M. Mwanakijiji, "Makonda na Clouds FM - Saa Nzima Iliyopotea" ["Makonda and Clouds FM - The Whole Lost Hour"], YouTube, March 20, 2017.

245 Global TV Online, "Waziri Nape Akabidhiwa Ripoti, Paul Makonda Alivyowatoroka Kamati ya Uchunguzi" ["Minister Nape Submits Report on How Paul Makonda Escaped the Investigative Committee"], YouTube, March 22, 2017.

246 Simu.TV, "Gazeti La Mwanahalisi Lafungiwa Kwa Miaka miwili" ["Mwanahalisi Newspaper Banned for Two Years"], YouTube, September 19, 2017.

247 Simu.TV, "Gazeti La Raia Mwema Lafungiwa Kwa Miezi Mitatu" ["Raia Mwema Banned for Three Months"], YouTube, September 29, 2017.

pre-emptive ban.²⁴⁸ Presumably, IPP Media Limited had decided to forestall even more severe punishment by the government.

In 2017, Business Times Limited – the first private media company in Tanzania – was forced to stop publishing its newspapers, *Majira*, *Business Times*, *Spoti Starehe*, *Dar Leo* and *Maisha*, after the government had confiscated the printing plant of its sister company, Business Printers Limited (BPL).

The BPL management filed a case against the commissioner general of the Tanzania Revenue Authority (TRA) and the attorney general asking for the return of its property and compensation. The government requested out-of-court mediation, which is still ongoing.

On 23 June 2020 the government announced the cancellation of the Kiswahili newspaper *Tanzania Daima* both inside and outside Tanzania. According to the director of the Information Services Department, *Tanzania Daima* was alleged to have published defamatory, seditious and false information against the government that had violated the media laws and journalism ethics.²⁴⁹ Before the cancellation of its licence, *Tanzania Daima* had been banned for 90 days for allegedly publishing false information.²⁵⁰

On 7 December 2020 New Habari (2006) Limited, one of the biggest media companies in Tanzania, stopped its operations because of adverse business conditions. New Habari had published some of the country's leading newspapers, such as *Mtanzania*, *Rai*, *The African*, *Bingwa* and *Dimba*. The financial setback that caused New Habari and other media companies to halt production arose from the government's decision to stop advertising with private media companies. The policy was introduced by the Magufuli administration; prior to his incumbency the private media worked commercially with the government.

In August 2023 the right to access information was jeopardised by restrictions on access to Clubhouse – a social networking app using audio chats for thematic discussions. It was reported in February 2023 and again in August that year that Tanzania was blocking access to Clubhouse. Stakeholders expressed concern over this move, calling it an attempt to restrict the online civic space and so denying Tanzanians

248 "Gazeti la Nipashe lajiadhibu" ["Nipashe Newspaper Punishes Itself"], *Mwananchi*, February 20, 2021.

249 "Gazeti Tanzania Daima lapigwa marufuku kuchapishwa na kusambazwa ndani na nje ya Tanzania" ["Daima Newspaper Banned from Publication and Distribution Inside and Outside Tanzania"], *BBC*, June 13, 2020.

250 "Serikali ya Tanzania yalifungia gazeti la Daima kwa siku 90" ["Tanzanian Government Bans Daima Newspaper for 90 Days"], *BBC*, October 24, 2017.

an opportunity to discuss various social, political and economic topics. It can still be difficult to access the platform without a VPN.²⁵¹

On 1 October 2024 *The Citizen* loaded an animated video on its X (formerly Twitter) and Instagram platforms depicting a woman watching a TV broadcast that showed people complaining about missing or murdered relatives and friends.²⁵² On 2 October 2024 the TCRA suspended the online content licence of MCL – which owns *The Citizen* – for 30 days, saying it had published content that damaged the country's image. The authority's public notice stated: 'On 1 October 2024, Mwananchi Communications Limited published in social media platforms, content that is prohibited.' The TCRA said the content had created negative perceptions of the nation that would disrupt unity, peace and national harmony, adding that the content published by *The Citizen* is prohibited by the Online Content Regulations, 2020.²⁵³

Whistle-blowing in Tanzania and its consequences

In a bid to promote and facilitate the reporting of organised crime, corruption, unethical conduct, abuse of office, and illegal and dangerous activities, the Ministry of Constitutional and Legal Affairs issued the long-awaited Whistle-Blower and Witness Protection Regulations, 2023. The Regulations came into force on 10 February 2023 and also provide for the protection of whistleblowers and witnesses against potential retaliation or victimisation.

Despite this, people who expose cases of disappearance and murder in Tanzania still face the possibility of prosecution. The Pwani Zone chair of Chadema, Boniface Jacob, and social media celebrity Godlisten Malisa were charged in April 2024 with unlawfully releasing information concerning the death of someone in police custody. The accused were said to have released information that Robert Mushi, also known as Babu G, had died in a police cell, while police claimed he had died in a road accident.²⁵⁴ The police officers accused of causing Mushi's death were the same ones who arrested Jacob and Malisa.

251 Tito Magoti, "Tanzania's Govt Shutdown the Internet in 2020. Now, We're Taking It to Court", *The Chanzo*, July 17, 2024.

252 Alfred Lasteck and Wycliffe Muia, "Tanzania News Sites Banned over Animation Deemed Critical of President", *BBC*, October 3, 2024.

253 Tanzania Communications Regulatory Authority, "Suspension of the Online Media Services Licences Issued to Mwananchi Communications Limited T/A The Citizen, Mwananchi Digital, Mwananchi and Mwananspoti", Public Notice, October 2, 2024.

254 Criminal Case No. 11805/2024, Resident Magistrate Court, Kisutu, Dar es Salaam.

In 2022 policemen in Mtwara were accused of assaulting and killing a businessman, Mussa Hamisi, and stealing TZS 70 million (\$30,000) from him. Samia stopped the police from investigating themselves and instructed Prime Minister Kassim Majaliwa to handle the investigation. Eventually, seven police officers were arrested and brought to court.²⁵⁵

A similar incident had occurred in 2006, with three businessmen from Mahenge in Morogoro Region killed in the Mabwepande forest, Dar es Salaam. They were also robbed of TZS 200 million (approximately \$74,200) and minerals worth millions of shillings. Efforts by the police to cover up the matter failed owing to the intervention of then president Kikwete, who formed a commission led by Judge Mussa Kipenka that uncovered police involvement in the murder.²⁵⁶

Censorship of artistic works

In 2023, rapper Emmanuel Elibariki, popularly known as Ney wa Mitego, criticised Samia's administration in the song *Amkeni (Wake Up)*, a move that led to the song's swift ban by Basata (the National Arts Council).²⁵⁷

Basata and the TCRA also banned his song called *Wapo* in 2017, although the ban was lifted later. Other songs of his with strong political messages have also been banned – *Alisema* in 2018, *Mama* in 2021, *Tozo* in 2022 and *Nitasema* in 2024.

Nay wa Mitego, who calls himself 'the President of Justice', also finds it difficult to perform live concerts because Basata will not grant the necessary permits.

Rapper Joseph 'Sugu' Mbilinyi released #279 in June 2018. The title of the song refers to his inmate number – he was imprisoned in February 2018 after being found guilty of uttering abusive words against Magufuli at a political rally. Sugu was sentenced to five months in prison, but served only 73 days.²⁵⁸ Later, he won his appeal and the High Court overturned the judgment of Mbeya Resident Magistrate's Court.²⁵⁹

255 "Seven Officers in Court for Murder of Mtwara Mineral Dealer", *IPPmedia*, February 8, 2022.

256 *Republic v Acp. Abdallah Zombe & 12 Others*, Criminal Case No. 26, 2006.

257 Global TV Online, "Breaking: Wimbo Wa Nay Wa Mitego 'Amkeni' Wafungiwa Rasmi, Tcra Watuma Ujumbe Huu – 'Ni Uchochezi'" ["Breaking: Nay Wa Mitego's Song *Amkeni* Officially Banned, TCRA Sends This Message – 'It's Provocation'"], YouTube, July 29, 2023.

258 "Sugu, Masonga jela miezi mitano" ["Sugu, Masonga Jailed for Five Months"], *Mwananchi*, February 26, 2018.

259 Joseph Mbilinyi and Emmanuel Masong, Criminal Appeal No. 29 of 2018, High Court of Tanzania, Mbeya.

Sugu, who was by then an MP representing Mbeya Urban constituency, used #219 to comment on politics in Tanzania and the prison environment. Basata banned the song, claiming that it could incite public violence.²⁶⁰

Conclusion

Although perhaps not as severe as is the case in overtly undemocratic countries, in a real sense Tanzania has a long way to go for the media to operate freely and for every citizen to enjoy freedom of expression.

Historically, freedom of the press and freedom of expression in Tanzania have relied on the will of the president. During Kikwete's era, there were many improvements, but this trend reversed when Magufuli took office. Currently, under Samia, there has been some relief, but it remains to be seen whether this will be sustained.

RECOMMENDATIONS

- **Promote press freedom and media safety.** Progress made under Samia's administration should be built upon by ensuring consistent enforcement of press freedom protections. Key actions should include removing provisions that allow government overreach under the Cybercrimes Act and Electronic and Postal Communications (Online Content) Regulations. Mechanisms for the protection of journalists, including independent oversight bodies to address violations and ensure justice, should be strengthened.
- **Popularise the Access to Information Act, 2016.** This law was passed alongside the Media Services Act, 2016 but has since been shelved. It must be popularised to give the press – and Tanzanians in general – procedures for accessing publicly held information. Currently, a culture of secrecy and a general lack of awareness are preventing people from accessing such information.
- **Adopt and domesticate the AU's Model Law on Freedom of Information** to set standards for future reforms of Tanzania's access to and freedom of information laws.

²⁶⁰ Daily News Digital, "Sugu kutumia mawakili sita kuishitaki Basata kufungia wimbo wake" ["Sugu Engages Six Lawyers to Sue Basata for Blocking his Song"], YouTube, June 20, 2018.

CHAPTER 8



Unlocking the Potential of Youth

The issues discussed here relate to the ‘democracy and political governance’ thematic area, specifically:

» OBJECTIVE 7

Promotion and protection of the rights of children and young persons

Question 2 What concrete measures have been taken to promote and protect the rights of the youth?

These issues are also related to the ‘broad-based sustainable socio-economic development’ thematic area, specifically:

» OBJECTIVE 3

Poverty, unemployment and inequality

Question 5 What policies and strategies are put in place for combating unemployment, particularly among the youth?

Introduction

Tanzania, like many African countries, has a youthful population. According to a 2020 USAID report, young people under the age of 35 constituted 77% of the population, while those between the ages of 15 and 35 accounted for 35%.²⁶¹ This demographic reality highlights the need to empower young people to take a meaningful role in shaping the country’s future in the social, economic, political and technological

²⁶¹ USAID, *Tanzania Youth Assessment Report* (USAID, 2020).

spheres. Integrating youth into a comprehensive and well-harmonised development agenda will help unlock their potential to the benefit of Tanzania as a whole.

Overview of youth employment and economic opportunities

Despite the country's high economic growth rate over the past decade, youth unemployment remains a pressing issue. According to the 2020 USAID report, Tanzania's labour force was growing at 2.3% a year, with about 800 000 youth joining the labour force each year. However, fewer youth were finding employment in the secondary and tertiary sectors,²⁶² largely owing to a mismatch between their knowledge, skills and competencies and those demanded by the labour market. Youth unemployment in urban areas was five times higher than that in rural areas, while the highest levels of unemployment were among those belonging to the 15–24 cohort. As a result, many are compelled either to engage in non-productive or illegal work such as sports betting, petty crime or prostitution or to stay jobless.

Despite growing opportunities in agribusiness and the emerging digital and green economies, most youth in Tanzania lack the skills to navigate these sectors. Efforts by the government and other actors notwithstanding, Tanzania's job market produces only 50 000–60 000 formal sector jobs annually.²⁶³

It is worth noting that the agricultural sector is a major player in Tanzania's economy. Indeed, it has a multiplier effect on several other sectors and significantly contributes to food security and economic growth. Firstly, Tanzania has favourable climatic conditions that support agriculture and the majority of its people, particularly in rural areas, depend on agriculture as their main source of livelihood. Yet agriculture is held back by a lack of modernisation; it is rain-fed, which leads to low productivity. Secondly, financial institutions rarely finance start-up businesses in these contexts, because there is generally a lack of collateral and a perception of high risk.

The majority of youth, including graduates from secondary and tertiary institutions, are job seekers and there is acute competition for the limited job opportunities in urban areas. The lack of rural development and lack of urban opportunities are linked, as most regions have natural agricultural advantages but these resources and opportunities are not integrated into national development plans.

262 The secondary sector includes value adding processing such as factory work, while the tertiary sector involves services, such as in sales and banking.

263 Danish Trade Union Development Agency, *Labour Market Profile: Tanzania and Zanzibar 2021/2022* (DTDA, 2022).

Youth leadership and governance: Bridging the gap

In an era of rapid societal evolution, youth participation plays a significant role in sustaining development efforts. The lack of participation by youth in civic engagement, leadership and decision-making is a serious problem, despite the decades-long efforts of government and non-state actors to empower youth to participate in such processes. According to the Inter-Parliamentary Union, the percentage of MPs aged 30 or younger accounts for only 4.9% of the total (split between 1.1% male and 3.7% female).²⁶⁴

This lack of youth representation is the result of a number of factors, including misplaced government policy priorities, insufficient civic and voter education and restricted democratic space under certain administrations. This has had the effect of limiting critical skills and the adoption of new ideas in the decision-making process, which may have been introduced by youthful representatives. A report by Research and Education for Democracy in Tanzania shows that youth voter turnout was very low in the 2020 general election owing to challenges in civic education and restrictive election laws, among others. Fewer than half of registered youth voters voted in the elections. According to the report, voter education efforts focussed on polling stations, voting procedures and the dos and don'ts of voting, rather than on civic education to enable youth and the general public to make informed decisions.²⁶⁵

Health and well-being: Ensuring a healthy future

Effective healthcare that enables young people to engage in productive work, stay in school and contribute to and participate in society is a prominent issue in Tanzania. Access to healthcare – particularly mental health and reproductive health services – remains limited for many young Tanzanians. Young people in Tanzania report experiencing difficulties in terms of the high cost of healthcare, the interpersonal skills of health professionals and limited 'youth-friendly' healthcare facilities, including sexual and reproductive health services. When young people do not have access to affordable healthcare and specialised mental health services there are far-reaching consequences, including an increased risk of chronic diseases, mental health issues and poor academic performance.

Mental health issues are a major public health concern among young Tanzanians. A report by the Overseas Development Institute on mental health and psychosocial

²⁶⁴ International Parliamentary Union, "United Republic of Tanzania: National Assembly", accessed March 28, 2025, <https://data.ipu.org/parliament/TZ/TZ-LC01/data-on-youth/>.

²⁶⁵ Research and Education for Democracy in Tanzania, *Report of the 2020 General Elections in Tanzania* (REDET, 2021).

wellbeing in Tanzania showed that a quarter of adolescents reported having witnessed their father commit an act of violence against their mother at least once, while 23% had witnessed another relative assault their mother. Poverty was also cited as a major driver of mental ill-health among adolescents, with both adolescents and adults reporting that inadequate nutrition and hunger, along with other unmet basic needs (including sanitary pads for girls), caused adolescents to become anxious and depressed, and to compare themselves negatively with those from more affluent families.²⁶⁶ This has led to an increasing demand from young people for reliable healthcare services that prepare them for a safe, productive and fulfilling life. Addressing healthcare challenges will empower young people to make informed decisions about wellbeing and relationships. In addition, it will help them navigate a world where HIV/Aids and other sexually transmitted infections still pose serious risks to their health and well-being.

Education and technology

Education is a cornerstone of development, yet access to quality education in Tanzania remains unequal. While certain initiatives have increased enrolment, challenges such as overcrowded classrooms, inadequate teacher training and limited access to digital tools persist. One study shows that the introduction of fee-free education led to a surge in enrolment in primary schools, but this has also created challenges, such as rising pupil-teacher ratios, infrastructure limitations and a shortage of teachers.²⁶⁷

Furthermore, many graduates find themselves ill-prepared for the job market owing to a mismatch between curriculums and industry demands. This disconnect is particularly evident in emerging sectors such as the green economy, digital jobs and renewable energy, where specialised skills are in high demand. The findings of a workshop on challenges facing the implementation of free education in Tanzania highlighted that there was a mismatch between the skills supply and labour demand in the country, as education and training are often disconnected from industry requirements. The situation has been caused by several factors, including inadequate investment in teaching and learning facilities for skills development at the technical and vocational education and training level. There is also a reluctance among young people to acquire technical and vocational skills, owing to the 'degree holder syndrome' – a general aspiration to acquire academic degrees or equivalent

266 Carmen León-Himmelstine et al., *Mental Health and Psychosocial Well-Being among Adolescents in Tanzania*, Report (Overseas Development Institute, December 2021).

267 Lucia Samwel Lucumay and Rose Ephraim Matete, "Challenges Facing the Implementation of Fee-Free Education in Primary Schools in Tanzania", *Heliyon* 10 (2024).

qualifications.²⁶⁸ Investing in quality education would play a pivotal role in driving innovation in technology, social and economic initiatives among youth, in terms of both self-employment and accessing formal jobs in government and the private sector.

Environmental and climate action: Empowering youth as agents of change

Climate change poses a significant threat to major sectors of Tanzania's economy, particularly agriculture, water resources, health and ecosystems. The role of youth in addressing these environmental issues is crucial – they must be enabled to drive climate action and community resilience. The government has failed to integrate young people into sustainable climate action. A survey by UNICEF highlighted that almost 60% of young people felt that they had not learned enough about the climate crisis in school, while 80% felt that learning about climate change would be crucial in securing their future. On the positive side, 70% believed their actions could impact climate policy in Tanzania.²⁶⁹ Comprehensive climate action programmes should respond to this demand, empowering young people with the necessary knowledge of climate change to advocate for sustainable climate action to drive solutions. This would include climate-resilient agriculture, renewable energy and biodiversity conservation.

Conclusion

While the challenges facing Tanzania's youth are substantial, they present opportunities for transformative change in the social, economic, technological, environmental and political spheres. By prioritising dynamic investments in education, employment creation and governance, Tanzania can empower its young population and allow it to thrive. In addition, it is necessary to build sustainable change agents and participative processes for youth to drive change and ensure equitable access to quality healthcare. With well-crafted policies, tailored and harmonised programmes and strong partnerships, the potential of Tanzania's youth can be unlocked to serve as the cornerstone of a more inclusive, sustainable and prosperous future for the country.

268 National Council for Technical Education, "[Unlocking Bottlenecks for Skills Development in Tanzania](#)" (Policy Brief, National Council for Technical Education, 2021).

269 UNICEF, [Children for Climate Action: Voices from Tanzania](#) (UNICEF, 2014).

RECOMMENDATIONS

In respect of youth unemployment:

- **Promote sustainable social and business enterprises.** The government and other service providers should enhance service provision and capacity development programmes to foster youth-led innovation in the agricultural value-added chain, creative industries, social entrepreneurship and digital economy.
- **Institute legal and policy reform.** Create a programme for legal and policy reforms to help youth navigate the labour market. This could consist of, among others, tax holidays and grace periods for youth-led businesses and startups, along with guidelines for and regulation of digital jobs and their protection. Government agencies must be required to provide youth empowerment funds, while the allocation of Skills Development Levy and Corporate Social Responsibility funds to youth skills development must be diversified, to enable youth to acquire practical skills in the difficult labour market.
- **Drive changes in financial inclusion.** Youth-friendly financing options, such as low-interest loans and alternative collateral systems, should be introduced to support young entrepreneurs and innovators in agriculture, manufacturing and the creative industries. This will facilitate the creation of sustainable solutions to development challenges, while generating income and creating more jobs.
- **Develop skills and build labour market information systems.** The training offered by higher learning institutions and vocational training centres need to be made more responsive to the skills demanded in the contemporary workplace. Regular skills gap analyses are needed to identify the competencies demanded by industries. Employers and industry leaders should be involved in the design and delivery of training programmes. Additionally, strong partnerships should be developed with businesses to co-fund and co-develop training initiatives, as well as to encourage industries to set up in-house training facilities and collaborate with educational institutions. The goal would be to enable students to acquire the skills demanded in the labour market.

RECOMMENDATIONS

In respect of youth and governance:

- **Strengthen the representation of youth.** Quotas must be established for youth representation in local government, Parliament and the cabinet to ensure that their perspectives and needs are integrated into development and budget planning at all levels.
- **Operationalise youth councils.** The Youth Council Act, 2015 should be put into operation, with the engagement of stakeholders. This would play a significant role in providing a platform for young people to voice their concerns, advocate for their rights and influence policy decisions at the local and national level.
- **Monitor policy compliance.** Mechanisms that ensure that political parties adhere to gender and social inclusion should be strengthened to promote youth participation in leadership roles.

In respect of youth and healthcare:

- **Expand mental health services.** Healthcare authorities in the state and private sector should deploy trained mental health professionals in schools and communities to provide critical support to young people.
- **Put in place universal healthcare.** Health insurance schemes to cover youth, regardless of their economic status, are imperative to ensure access to affordable care.
- **Expand nutrition programmes.** Better nutrition and healthy lifestyles can be encouraged through school meal initiatives and community-led food programmes.

In respect of youth education and training:

- **Invest in infrastructure.** Digital infrastructure in rural and underprivileged areas should be expanded to foster equitable access to technology, enabling young people to gain the skills needed for 21st century jobs.
- **Revamp vocational training and technical education.** By aligning vocational education with market demands, Tanzania can equip youth with practical skills in high-growth sectors such as the digital economy, renewable energy, sustainable agriculture and agribusiness.

RECOMMENDATIONS

- **Enhance affordability.** Increased funding for scholarships, education loans with low-interest rates, favourable working modalities and grants for vulnerable groups will make education accessible to all.

In respect of the youth and climate change:

- **Promote climate-resilient agriculture.** Investments in youth-led initiatives for sustainable farming practices can enhance food security and resilience to climate change.
- **Supply training for green jobs.** By equipping youth with the skills needed in emerging industries such as renewable energy and carbon markets, Tanzania can create employment opportunities while addressing environmental challenges.
- **Develop a national strategy on climate mobility.** Developing a dedicated strategy to address climate-induced displacement will protect vulnerable youth and communities in Tanzania while fostering the adaptive capacities of community groups.

CHAPTER 9



Promoting Citizen Participation and Inclusion in Democratic Processes

The issues discussed here relate to the Democracy and Good Political Governance thematic area, specifically:

» OBJECTIVE 1

Entrenching constitutional democracy and the rule of law

Question 1 Does the political system as practised in your country allow for free and fair competition for power and the promotion of democratic governance?

» OBJECTIVE 6

Promotion and protection of the rights of women

Question 1 What measures have been taken to promote and protect the rights of women in the country?

Question 2 What measures have been put in place to enhance the role of women in the democratic process and in the governance of your country?

» OBJECTIVE 7

Promotion and protection of the rights of children and young persons

Question 1 What concrete measures have been taken to promote and protect the rights of children?

Question 2 What concrete measures have been taken to promote and protect the rights of the youth?

» OBJECTIVE 8

Promotion and protection of the rights of vulnerable groups, including internally displaced persons, refugees and persons with disabilities

Question 1 Identify vulnerable groups in your country and outline measures your country has taken to promote and protect the rights of permanently disadvantaged or vulnerable groups including, but not limited to, internally displaced persons, refugees and persons with disabilities?

These issues are also related to the Broad-based Sustainable Socio-economic Development thematic area, specifically:

» OBJECTIVE 2

Encourage broad-based participation in development

Question 1 What mechanisms have been put in place to promote, extend and encourage stakeholders' participation in the broad-based sustainable socio-economic development?

Question 2 To what extent are the private sector and civil society involved in the design, formulation and implementation of development policies and strategies?

» OBJECTIVE 3

Poverty, unemployment and inequality

Question 2 What policies and strategies have been adopted by your country to combat social inequality, in particular with regard to people with disabilities?

Question 3 What are the national programmes, policies and strategies put in place to reduce poverty, in particular the feminisation of poverty?

Introduction

Citizen participation and inclusion are key principles of democracy and democratic culture. However, for citizens to participate and engage meaningfully, they need accurate and timely information, while an inclusive democracy requires a purposeful and deliberate political system with functional democratic institutions.

Promoting citizen participation and the inclusion of historically marginalised groups in Tanzania is important for strengthening democratic governance and ensuring that no one is left behind in terms of voicing opinions and taking part in decision-making processes.

Tanzania operates within a multiparty political system characterised by a dominant ruling party, the CCM, which has held power – in its present form or as TANU – since the country's independence in 1961. The main opposition party, Chadema, and 18 other political parties play a crucial role in advocating democratic reforms and accountability. The political environment has been shaped by historical ideologies, particularly socialism²⁷⁰ (Ujamaa in Kiswahili). Although the country has shifted towards a market-based economy, the principles and values of socialism, including collective well-being and national solidarity, remain deeply entrenched in the country's political culture.

Tanzanian political parties actively engage the public by presenting and promoting their manifestos, which address such issues as development, education, healthcare and economic reforms. The long-term dominance of the CCM is presumably due to its ability to deliver on development projects, ensure political stability and use the power of incumbency to win elections. By contrast, since the re-introduction of the multiparty political system in 1995, opposition parties such as Chadema have been struggling to take power but have advocated democratic reform, good governance and enhanced accountability. They have won only a few constituencies, some local councils and a number of wards in other councils.

In recent elections, Tanzania has experienced electoral dissatisfaction, with political protagonists – especially opposition parties – complaining that electoral processes have been unfairly handled by the country's EMBs. Most of the complaints revolve around a lack of transparency and the unfair nomination process for candidates. In addition, the Magufuli government banned political parties from organising and holding political

270 Horace Campbell, "Socialism in Tanzania: A Case Study", *Third World Politics* 6, no. 8 (1975): 41–51.

rallies and frequently interrupted their political activities.²⁷¹ In view of the fact that the current situation is a product of the past, it is reasonable to predict that, in the future, the same problems are likely to arise, with Tanzanians going to their next multiparty general elections in 2025.

Political and electoral systems of Tanzania and how they provide for inclusion and citizen participation

Political system and political parties

Tanzania is a multiparty democratic system. The country has 19 registered political parties of equal legal status but with different degrees of influence. Some parties are more established and better resourced than their peers, while others have been struggling for decades – since the re-introduction of multiparty democracy – to gain traction. Political parties are registered and monitored by the Office of the Registrar of Political Parties.²⁷²

The role of political parties in Tanzania

Political parties are pivotal to democratic governance in Tanzania. They perform several essential functions, including policy formulation, membership recruitment, public interest articulation and the nomination of candidates for various political offices. They mobilise people to participate in democratic processes, provide government oversight by holding leaders accountable for their actions and agitate for change.

It is important to note that political parties have internal democratic and inclusion challenges of their own. Women and youth, as well as persons with disabilities, have complained that they are often excluded from contesting party primaries when nominations for party candidatures are done. This could be owing to the patriarchal nature of parties and has lowered the confidence of women in frontline politics.²⁷³

Political parties, especially those in opposition (and in particular those lacking parliamentary representation) are financially weak. They also have fewer technical

271 Tanzania Elections Watch, *Not Free, Not Fair: Final Observation Report on the General Elections Held in Tanzania on October 28, 2020*, February 28, 2021.

272 Office of the Registrar of Political Parties, "Functions of the Office", accessed March 28, 2025, <https://www.orpp.go.tz/pages/general-functions-of-the-office>.

273 Victoria M. Lihuru, "The 2020 CHADEMA Special Seats Dispute in Tanzania: Does the National Electoral Commission Comply with the Law?", *Journal of African Elections* 20, no. 2 (2021): 102–19.

teams to fulfil their mandates and challenge the legal framework in advocating an environment conducive to the conduct of democratic politics.

All political parties have avenues to ensure that they are perceived to be inclusive. For example, they have wings for youth, women or older persons, although none of them has a wing or special body for those living with disabilities. Such bodies, while seen as mechanisms for inclusion and representation, also promote discrimination – at times, members of these groups may be regarded as belonging only in these bodies and not to the party as a whole.

Electoral system

Tanzania follows the first-past-the-post electoral system for electing representatives for constituencies and a proportional representation system for electing MPs for special seats, as well as for councillors for special seats on district, town, municipal and city councils. Elections are managed by three EMBs: the INEC, the PO-RALG and the ZEC. The INEC is responsible for general elections in both Tanzania Mainland and Zanzibar, the PO-RALG handles civic elections (local government elections) in Tanzania Mainland and the ZEC is responsible for Zanzibari elections. As Zanzibar does not have local government authorities, there are no civic elections; the House of Representatives in Zanzibar functions like a Parliament and its elections are managed by the ZEC. The INEC works in Zanzibar to manage elections for the president of Tanzania and 50 MPs for the constituencies in Zanzibar (Unguja and Pemba).

The INEC serves as the cornerstone of Tanzania's electoral system. Established under the Constitution of the URT, under the current legislation (Independent National Electoral Commission Act, 2024) the INEC is mandated to organise presidential, parliamentary and local government elections. However, owing to logistical unpreparedness, the 2024 civic elections were left to be administered by the traditional EMB, the PO-RALG. The INEC is tasked with maintaining an accurate and comprehensive national voter register, which is fundamental to ensuring that all eligible citizens can exercise their electoral rights. The INEC also does boundary delimitation and oversees voter education across the country.

The role of the judiciary in electoral conduct

The judiciary is a critical arbiter in the electoral process, ensuring that the rule of law is upheld and that electoral disputes are resolved fairly. Its responsibilities include:

- Adjudicating electoral disputes. The judiciary addresses legal challenges arising from electoral processes, including disputes over election results, candidate eligibility and allegations of electoral malpractice.
- Ensuring compliance with electoral laws. Courts interpret and enforce electoral laws, safeguarding the rights of voters and candidates while promoting accountability in the electoral process.

However, a widespread complaint is that electoral cases take longer than they should (especially given the importance to democracy of resolving these disputes) because no special courts have been set up for this purpose. The law should allow cases to be taken to court both during election times and after the declaration of results so that justice can be done, even during nomination and campaigning.

Current state of politics in Tanzania, gender and the inclusion of youth, women and persons with disabilities

Social inclusion in politics

Social inclusion is a priority in Tanzanian politics, as reflected in the Political Parties Affairs Laws (Amendment) Act, 2024. This legislation requires that each political party develop a gender and social inclusion policy to ensure the representation of women, youth and persons with disabilities in political processes. The initiative underscores the government's commitment to promoting diversity and inclusivity in the political arena. However, there are no mechanisms in place to ensure that parties adhere to this requirement.

For the past 30 years, youth, women and persons with disabilities have expressed concerns about inadequate inclusion and participation in politics and public life.

While efforts have been made by the government, along with some political parties and CSOs, to address exclusion, the transition to an inclusive and participatory democracy in Tanzania remains incomplete. It continues to be frustrated by factors such as the institutional weaknesses of elected bodies and political parties and inadequate participatory democracy within most political parties themselves.

Participation of women in elections

Women's involvement in the public sphere reflects their influence (or lack thereof) in the private sphere, particularly at the household level. Despite progress in recent decades, women's political participation and leadership in Tanzania are hindered by

discriminatory norms, violence and limited resources, including time. These challenges result in their underrepresentation in decision-making platforms that determine access to vital resources and services.²⁷⁴

After about three decades of multiparty democracy, Tanzania has shown some progress in women's political participation. Although the executive and Parliament are led by women, female candidates remain under-represented: only 23% of parliamentary and 7% of councillor candidates in 2020 were women.²⁷⁵ Most women gain seats through the special seats system, with only 10.2% of female parliamentarians and 6.5% of female councillors directly elected in constituencies. Women also hold only 10.5% of chairperson and general secretary roles in Tanzania's registered political parties. To achieve parity, gender quotas have been introduced.²⁷⁶

Overview of gender quotas in Tanzania

Legal framework: The Tanzanian Constitution mandates gender equality in political participation. Article 66(1) specifically states that no less than 30% of the members of the National Assembly must be women. This provision is supported by various policies, including the National Gender Policy and the Gender and Women Development Policy.²⁷⁷

Reserved seats: The National Assembly includes 113 reserved seats for women, representing approximately 30% of the total 393 seats. This quota system has been instrumental in ensuring women's representation in legislative processes.²⁷⁸

Political party quotas: Some political parties in Tanzania, such as the CCM, have internal rules promoting women's participation. However, these quotas are not universal across all parties.

Outcome of quotas in Tanzania

National Assembly representation: Since November 2022, women have held 36.9% of seats in the National Assembly, with 63.1% occupied by men. However, as noted above,

²⁷⁴ URT, *Gender Profile Tanzania Mainland*, Report (UN Women Tanzania, African Development Bank and Ministry of Community Development, Gender, Women and Special Groups, 2024).

²⁷⁵ Research and Education for Democracy in Tanzania, *The 2020 General Election in Tanzania* (REDET, May 2021).

²⁷⁶ Victoria M. Lihuru, "Promoting Women's Political Participation in Tanzania: Assessing Voluntary Gender Quotas in CCM's and CHADEMA's Constitutions", *Journal of Southern African Studies*, 49, no. 5-6 (2023): 1003-1021.

²⁷⁷ UN Women, "Women's Representation in Local Government: A Global Analysis" (Working Paper, UN Women, 2021).

²⁷⁸ Inter-Parliamentary Union, *Women in Parliament in 2022: The Year in Review* (Inter-Parliamentary Union, March 2023).

relatively few women are directly elected; most gain seats through the special seats system.

Parliamentary and councillor candidacy: In the 2020 elections, 24% of parliamentary candidates were women, up slightly from 19% in 2015. For councillor positions, only 661 of the 9 231 candidates were women, indicating low female representation in local government.

Impact of gender quotas

Increased representation: As of 2023, women constituted about 36% of the National Assembly, making Tanzania one of the leading countries in Africa for women's political representation.²⁷⁹ The representation of women has risen significantly since the introduction of gender quotas.

Policy advocacy: Women legislators in Tanzania often prioritise issues that affect women and children, leading to the enactment of laws addressing GBV, healthcare and education.²⁸⁰

Youth voice and participation in democratic governance

Youth participation in Tanzanian democratic governance involves various forms of engagement, including voting, advocacy and representation in leadership. This is expressed in the following ways.

Demographic significance and electoral participation

Tanzania's youth form a significant demographic, with more than 50% of the electorate under the age of 35, emphasising their potential influence on political outcomes. Voting engagement among Tanzanian youth is relatively high, with surveys indicating that 68% of young people believe voting is crucial. This enthusiasm often translates into active participation during election cycles, highlighting youth as politically aware and motivated voters, while many of them attempt to contest, as reported by election observers in 2015.²⁸¹ (Although, as explained in the previous chapter, much work remains to be done to involve youth fully.)

²⁷⁹ International Institute for Democracy and Electoral Assistance, "Women's Political Participation", African Barometer, 2021.

²⁸⁰ Women in Law and Development in Africa, *Tanzania Women's Rights Situation 2015* (WiLDAF, 2016).

²⁸¹ LHRC and Tanzania Civil Society Consortium for Election Observation, *Report on the United Republic of Tanzania General Elections of 2015* (LHRC and TACCEO, 2016).

Representation in governance

Youth representation in formal political positions remains limited, despite their large numbers. For instance, youth-led policy initiatives are infrequent. Young people in leadership roles are often viewed as symbolic, with actual decision-making power concentrated among older politicians. In local governance, some young leaders participate through youth councils or advisory roles, although this involvement typically occurs at lower levels and often has limited influence on major policy decisions. This disconnect creates a perception among young people that they are under-represented and that their voices are not fully considered in political processes.

Platforms for youth engagement

Youth councils and advisory bodies: Some municipalities have youth councils or advisory bodies where young people can discuss local issues and propose solutions. However, these councils are limited in scope and often lack the political weight needed to drive significant policy changes. In 2015, Tanzania made moves towards the establishment of the National Youth Council by enacting the National Youth Council Act, 2015, which unfortunately has not been made operational to date.²⁸² The National Youth Council is meant to bring together youth representatives regardless of their political and religious affiliations from the sub-district to the national level. The goal is to provide them with a common voice. Renewed efforts are needed from both the youth and the government to make it operational.

Social media: Digital platforms have become crucial forums for amplifying youth voices. Social media provides young people with an accessible way to express opinions, share information and mobilise around political causes. This visibility enables youth to engage in governance without relying on traditional political structures.

Youth advocacy for policy reform

Young people in Tanzania are increasingly advocating for policies that address their needs, such as employment, quality education, representation, inclusion and healthcare. Through both formal and informal channels, youth-led organisations and activists are pushing for reforms that consider their unique challenges. However, advocacy efforts are sometimes restricted owing to legal and political obstacles that limit their full participation in elections. Between 2016 and 2020, several repressive laws were enacted to control internet use, limit freedom to communicate research findings

282 Rose Shayo, *Parties and Political Development in Tanzania*, Research Report 24 (Electoral Institute for Sustainable Democracy in Africa, 2005).

and infringe the space and autonomy of NGOs.²⁸³ These have a particular impact on youth activism.

Key challenges limiting political participation and inclusion in Tanzania

Tanzania's political landscape faces several significant challenges that impede broad political participation, particularly among women, youth and other marginalised groups. These challenges are multifaceted and deeply rooted in its socio-economic and cultural contexts, ultimately undermining democratic governance and inclusive political processes.

Economic dependence

A substantial proportion of women and youth in Tanzania remain economically dependent on their spouses or families. This reliance constrains their ability to engage in political activities or pursue leadership positions owing to a fear of financial repercussions or loss of familial support. This economic vulnerability dissuades individuals from advocating for their interests or taking on political roles, thereby limiting the diversity of voices in political discourse and decision-making.

Cultural norms and gender roles

Traditional cultural norms and entrenched gender roles significantly restrict women's participation in politics. The prevailing notion that politics is a predominantly male domain perpetuates societal expectations that confine women to domestic responsibilities. These cultural norms not only diminish women's confidence and agency but also inhibit their willingness to engage in political processes. As a result, women remain grossly under-represented in decision-making bodies, thereby limiting their influence on policies that directly affect their lives and communities.

Stigmatisation of persons with disabilities

Individuals with disabilities in Tanzania face pervasive societal stigma and are often regarded as 'bad luck' or burdens on their families and communities. This discrimination leads to their exclusion from political participation, as cultural attitudes discourage their involvement in leadership roles and governance. The lack of representation for persons with disabilities in political processes perpetuates their marginalisation, further entrenching societal inequalities.

283 Fatih Serkant Adiguzel et al., "The Impact of Legal Repression on Citizen Online Behavior: Evidence from Tanzania's Jamii Forums" (Working Paper, Sabanci University, 2023); Kida Mwangesi, "Analysing Tanzania's Media Laws and Their Repressive Clauses", *The Citizen*, May 27, 2024.

Limited access to education and training

Barriers to education and vocational training, particularly in rural areas, hinder the capacity of women and youth to acquire the necessary skills for effective political engagement. Insufficient access to quality education limits their understanding of political processes, policy issues and governance. As a result, many potential candidates may feel inadequately prepared to participate in political discussions or pursue candidacy, thus perpetuating a cycle of disengagement from the political sphere.

Violence and intimidation

The political environment in Tanzania is often characterised by violence expressed through GBV and intimidation, as well as hostility towards youth who aspire to enter politics. Such threats create a hostile atmosphere that deters individuals from engaging in political activities or seeking leadership roles. This climate of fear is especially pronounced during election periods, where aggressive tactics can dissuade potential candidates from stepping forward or participating actively in campaigns, reinforcing existing power dynamics and limiting political pluralism.

Political manipulation and bribery

Youth vulnerability to political manipulation is a concern – ‘due to unemployment, many of them could easily be manipulated’.²⁸⁴ This manipulation undermines democratic values and indicates a need for education on ethical governance and political integrity.

Limited political support

Women often lack the same level of support and resources as their male counterparts. Access to funding, mentorship and political networks remains limited for many aspiring female politicians.

Conclusion

A significant step towards fostering good governance and democratic practices in Africa has been made, but the participation of women, youth and persons with disabilities remains inadequate because of the various challenges affecting political and electoral systems, as well as intra-party dynamics. By addressing key challenges and implementing strategic recommendations, it is possible to promote political stability and socio-economic development across Tanzania.

284 LHRM and TACCIO, *Report on the General Elections*, 160.

RECOMMENDATIONS

- **Promote quotas for excluded groups.** Government and CSOs should advocate for quotas in political parties and legislative bodies to ensure that women, persons with disabilities and youth are adequately represented in governance.
- **Expand civic education.** CSOs, in collaboration with relevant public institutions and partners, should expand civic education programmes to help citizens understand their rights and responsibilities within the democratic system, reduce susceptibility to manipulation and empower ethical political participation.
- **Resolve economic limitations to participation.** The government should address economic constraints, particularly youth unemployment, to allow young people to focus on political engagement without the immediate pressures of financial insecurity. Programmes supporting job creation and entrepreneurship could reduce these barriers.
- **Promote awareness of violence and its impacts.** The government, in collaboration with stakeholders, should increase public awareness of violence against women in politics and elections for a violence-free electoral environment. This will help foster a more inclusive political culture as a motivation for women, persons with disabilities and youth to participate in politics and elections without fear.
- **Mentor young persons with disabilities to enter politics and government.** The government, youth-led and youth-focused organisations and development partners should support initiatives that provide mentorship and capacity-building programmes for young people. This should include young persons with disabilities aspiring to enter politics, so as to prepare a new generation of accountable, participatory and transformative leaders who will embrace citizen participation.
- **Cooperate to counter electoral violence.** Partnerships between government agencies, CSOs and international bodies should be encouraged to provide comprehensive support services for those affected by electoral violence.²⁸⁵

285 Victoria M. Lihuru, "Exploring Suitable Electoral Systems for Promotion of Women's Representation in Tanzania and Rwanda", *African Studies Quarterly* 21, no. 3 (2022): 61–75.

RECOMMENDATIONS

- **Observe elections through a gendered lens.** CSOs should establish independent election monitoring and observation bodies to observe elections with a focus on gender equality and inclusion. These bodies can provide valuable insights and recommendations for future electoral and democratic reforms.
- **Apply technological solutions.** The government, CSOs and various other partners should support the use of technology and social media to report incidents of GBV in politics and during elections to enable timely interventions and accountability.

CHAPTER 10



Climate Change and Climate Justice

The issues discussed here relate to the Corporate Governance thematic area, specifically:

» OBJECTIVE 5

Ensuring that organisations act as good corporate citizens

Question 3 How are organisations complying with environmental regulations in your country and conducting business in an environmentally friendly manner?

These issues are also related to the Broad-based Sustainable Socio-economic Development thematic area, specifically:

» OBJECTIVE 1

Promote and accelerate broad-based sustainable socio-economic development

Question 5 What are the measures adopted to ensure environmental sustainability and accountability? (Especially Indicator d: Describe measures put in place for combating climate change, specifying, among others)

Introduction

Climate change is a pressing global crisis with profound implications for the environment and society.²⁸⁶ The escalating frequency and intensity of extreme weather

²⁸⁶ UNEP, *Emissions Gap Report 2021: The Heat Is On – A World of Climate Promises Not Yet Delivered* (UNEP, 2021).

events, sea-level rise, disruptions in agricultural systems and loss of biodiversity underscore its severity and urgency.²⁸⁷ As global temperatures rise and weather patterns grow more unpredictable, vulnerable populations bear the burden of climate-related impacts, facing increased food insecurity, water shortages and forced displacement.

The responsibility for climate change differs substantially among individuals and groups. Many of the people and nations most affected by climate change are among the least responsible for it. The richest 1% of the global population have caused twice as much carbon emissions as the poorest 50% over the 25-year period from 1990–2015, which means the richest 1% produce more carbon emissions than the poorest 66%.²⁸⁸

Tanzania is not immune to the impacts of climate change. Despite its rich resources and diverse topography across four climate zones, a large part of the population relies on rainfed agriculture, which is threatened by rising temperatures, prolonged drought and heavy rainfall.²⁸⁹ Many communities also depend on coastal and inland fisheries that face risks from sedimentation and rising water temperatures.²⁹⁰ These challenges threaten lives and properties, pushing communities deeper into poverty.²⁹¹ Therefore, urgent and decisive action is essential to mitigate climate change effects, achieve climate justice and ensure a sustainable future.

Despite the significant impacts of climate change on communities in Tanzania and the government's efforts to address these challenges through various regulatory frameworks, the country continues to face critical challenges. Among these are inadequate sectoral coordination, difficulties in integrating policies and strategies into ministerial plans and a failure to adopt appropriate technologies, primarily owing to insufficient funding.²⁹² Acknowledging that climate finance remains one of Tanzania's most pressing problems, this discussion explores various obstacles and offers recommendations related to climate financing. It will focus on analysing the structural

287 Intergovernmental Panel on Climate Change, *Climate Change 2021: The Physical Science Basis*, Contribution of Working Group I to the Sixth Assessment Report, 2021, accessed March 28, 2025, <https://www.ipcc.ch/report/ar6/wg1/>.

288 Tim Gore, "Confronting Carbon Inequality: Putting Climate Justice at the Heart of the COVID-19 Recovery", Oxfam Media Briefing, September 20, 2020.

289 Food and Agriculture Organization, *The State of Food and Agriculture 2021: Climate Change and Food Systems*, Report (FAO, 2021).

290 World Wildlife Fund, "Climate Change: Ocean and Fisheries", Fact Sheet, November 2018.

291 World Bank, *United Republic of Tanzania: Country Climate and Development Report* (World Bank Group, 2024).

292 Abbas S. Kitogo and Jon C. Lovett, "Multi-level Analysis of Climate Knowledge Management in Tanzania", *International Journal of Social Science Research and Review* 6, no. 3 (2023): 249–274.

and systemic issues surrounding climate finance, including aspects related to carbon markets.

Climate change vulnerabilities in Tanzania

Tanzania is very vulnerable to the adverse impacts of climate change, yet its preparedness to address these impacts is behind that of many other countries globally. According to the Notre Dame Global Adaptation Initiative Country Index, Tanzania is the 45th most vulnerable nation out of 182 assessed and the 58th least prepared to leverage investments for adaptation actions of 192 countries evaluated.²⁹³ According to the National Climate Change Strategy 2021,²⁹⁴ Tanzania is estimated to be losing as much as 2% of its annual GDP owing to the impacts of climate change-related disasters. These include frequent and prolonged droughts, recurrent flooding, strong winds and rising sea levels accompanied by saltwater intrusion. Such challenges affect various sectors, including agriculture, fisheries, energy and health.

Tanzania has seen the growing prevalence of recurrent floods and droughts, with both the frequency and intensity of these events escalating in recent decades. Floods accounted for roughly two-thirds of all natural disasters in the country over the past 40 years. The average incidence of floods per year rose from 0.8 in 1980–2010 to 1.8 in 2011–2022. Moreover, floods and earthquakes caused an estimated total loss of approximately \$463.8 million in 1980–2022.²⁹⁵

Since November 2023 Tanzania has been subjected to heavy rains that have led to devastating floods and landslides in Hanang, in the Manyara region. These events have destroyed thousands of homes, impacted nearly 44 000 individuals and resulted in 89 fatalities. The heavy rainfall persisted into 2024, affecting additional regions such as Dar es Salaam, Geita, Kilimanjaro, Manyara, Mbeya, Morogoro, Pwani and Unguja. The cumulative effects of these floods have been tragic, with reports indicating the loss of 155 lives, 236 injuries and the displacement of approximately 200 000 people and 51 000 households. In the Pwani and Morogoro regions alone, 76 700ha of farmland was inundated, displacing 10 800 households to temporary camps and shelters.²⁹⁶

293 Notre Dame Global Adaptation Initiative, “ND-GAIN Country Index”, accessed March 28, 2025, <http://gain.nd.edu/our-work/country-index/>.

294 URT, Vice-President’s Office, “*National Climate Change Strategy (NCCS)*” (Vice-President’s Office, Division of Environment, 2012).

295 International Monetary Fund, Africa Department, “*Building Resilience to Climate Change*”, *IMF Country Report* 23, no. 154 (2023).

296 International Federation of Red Cross and Red Crescent Societies, *Tanzania, Africa: Floods and Landslides 2023–24 – Revised Emergency Appeal*, Reliefweb, May 8, 2024.

Owing to climate change, staple crops such as maize and beans have seen declining yields, posing a significant threat to food security in a country where most of the population relies on agriculture for their livelihoods.²⁹⁷ Additionally, Tanzania's coastline, including regions such as Coast, Dar es Salaam, Lindi, Mtwara, Tanga and Zanzibar, which is home to about 10 million people and where livelihoods depend on marine resources, is facing severe erosion because of rising sea levels.²⁹⁸ This not only endangers coastal communities but also adversely affects fisheries and tourism, both critical sectors for the nation's economy.²⁹⁹ Specifically, sea-level rise is projected to inflict damages of approximately \$200 million a year owing to lost land and infrastructure nationwide. This scenario calls for significant investments in adaptation strategies to protect the estimated 800 000 Tanzanians who are expected to be affected annually by flooding related to rising sea levels.³⁰⁰

Climate change has led to the loss of local crop varieties. The decline in biodiversity diminishes the availability of diverse foods that are crucial for a balanced diet, resulting in increased reliance on a few staple crops that may not offer sufficient nutritional diversity.³⁰¹ This reliance can adversely affect the health conditions of the majority, contributing to issues such as stunting and other effects of malnutrition. A diverse diet is vital for proper growth and development, and the depletion of local crop varieties exacerbates health problems, particularly among vulnerable populations such as children. The shift towards monoculture farming also limits the range of nutrients necessary for overall health, emphasising the need for strategies that promote agricultural diversity to support well-being.

Drought conditions in Tanzania, exacerbated by climate change, have led to a significant reduction in both water availability and grazing land, resulting in substantial livestock losses for pastoralists. By way of illustration, the Ministry of Livestock reported that at least 157 695 cattle, 48 290 goats, 94 230 sheep, 6 135 donkeys and eight camels perished in the Coast, Tanga, Kilimanjaro, Arusha, and Manyara regions between September 2021 and January 2022. Between July and September 2022, drought

297 Fredy L. Maro and Albino J.M. Tenge, "Impacts of Climate Change on Traditional Irrigation Farming Systems and Adaptation Strategies in West Usambara Highlands, Tanzania", *Tanzania Journal of Agricultural Sciences* 22, no. 2 (2023): 146–160.

298 Romy Chevallier, *Marine and Coastal EbA for Enhanced Resilience in Southern Africa, Country Review: Tanzania*, Special Report, Appendix 4 (South African Institute of International Affairs, 2019).

299 Michael Case, *Climate Change Impacts on East Africa: A Review of the Scientific Literature* (WFF, 2006).

300 Chevallier, *Marine and Coastal EbA*.

301 Victor Owino et al., "The Impact of Climate Change on Food Systems, Diet Quality, Nutrition, and Health Outcomes: A Narrative Review", *Frontiers in Climate* 4 (2022).

conditions in the northern region of Kilimanjaro resulted in the death of at least 320 cattle and 250 goats, with numbers continuing to rise.³⁰²

Additionally, there are significant conflicts between farmers and pastoralists, particularly in areas impacted by drought. These tensions often arise from competition over dwindling natural resources such as water and grazing land, which stands to become more severe as the impact of climate change intensifies. Areas such as Kilombero, Kilosa, Mvomero and Ulanga districts in Morogoro; Handeni and Kilindi in Tanga Region; Mbarali District in Mbeya; Arumeru and Kiteto in Arusha; Mkuranga and Rufiji in Pwani; Kongwa in Dodoma; and Hai in Kilimanjaro are susceptible to conflicts between farmers and pastoralists. These clashes often result in violence, loss of life, property damage and disruptions to livelihoods.³⁰³

Climate change significantly exacerbates gender inequality in Tanzania, creating new challenges for women. Diminishing water sources increases the time women spend collecting water, especially during droughts, limiting their opportunities for education and income generation. Extreme weather events such as floods disproportionately affect women who have limited resources and decision-making power, often leaving them vulnerable to violence during the recovery period. Additionally, health risks are heightened for women during heatwaves and malaria outbreaks, as they frequently serve as primary caregivers.

Men dominate leadership roles in village councils, resulting in climate adaptation policies that overlook women's specific needs. Limited access to financial resources hampers women's ability to adopt climate-resilient agricultural practices. Addressing these issues requires integrating gender perspectives into climate policies, empowering women in decision-making roles and ensuring that adaptation strategies cater to the needs of women and marginalised communities. This will promote resilience and equity amid climate challenges.

Tanzania has envisioned achieving a high quality of life, peace, stability, unity, good governance, an educated society and a competitive economy capable of sustainable growth and shared benefits by 2025. These goals are essential for ensuring a decent life for all citizens. However, the country is still far from realising this vision, largely owing to the impacts of climate change-related disasters. As the country works towards its Tanzania Vision 2050, prioritising climate change action becomes critical to achieving

302 ACT Alliance, "Food Insecurity (Drought) in Tanzania", ACT Alert, December 5, 2022.

303 Davis Mwamfupe, "Persistence of Farmer–Herder Conflicts in Tanzania", *International Journal of Scientific and Research Publications* 5, no. 2 (2015): 1–8.

its objectives. To transform Tanzania into a middle-income country, a comprehensive and effective policy framework is necessary to guide the nation's climate change response. Additionally, accountable leadership is required to allocate adequate resources for the implementation of climate action initiatives.

Policy frameworks and governance

The government of Tanzania has made significant strides in addressing climate change by establishing strategic frameworks to enhance its climate response efforts. The Environmental Management Act, 2004 (EMA) mandates the Vice-President's Office (VPO), with guidance from the National Environmental Advisory Committee, to lead climate change initiatives and integrate climate considerations into the development plans of ministries, departments and agencies (MDAs) and local government authorities (LGAs). The EMA also established various councils, committees and positions responsible for environmental management, including the National Environment Management Council, sector environment sections within ministries, regional environmental management experts within regional secretariats and environmental management officers with their respective environment committees at city, municipal, district and town-council level.³⁰⁴

The government has established frameworks to advance the nation's climate change adaptation and mitigation efforts, notably the National Climate Change Response Strategy of 2021–2026.³⁰⁵ These strategies aim to build capacity for climate change responses, improve institutional arrangements and coordination to effectively tackle climate challenges, encourage participation in mitigation activities and mobilise financial resources for climate initiatives. Additionally, in 2015, the Tanzanian government formulated and submitted the country's Intended Nationally Determined Contributions (INDCs) to the UN Framework Convention on Climate Change (UNFCCC), demonstrating its commitment to addressing climate change.³⁰⁶ In 2021, the INDC was revised to include new commitments to reduce emissions by 30–35% by 2030 compared to a business-as-usual scenario, encompassing mitigation actions in areas such as energy, transportation, forestry and waste management. It also addressed adaptation actions related to agriculture, livestock, forestry, energy, coastal and marine environments, fisheries, water sanitation and hygiene, tourism, land use

304 URT, Vice-President's Office, *Guidelines for Integrating Climate Change Adaptation into National Sectoral Policies, Plans and Programs of Tanzania* (Vice-President's Office, Division of Environment, 2012).

305 URT, Vice-President's Office, *Guidelines for Integrating*.

306 Edidah Ampaire et al., "Barriers to Successful Climate Change Policy Implementation in Tanzania" (Info Note, CGAIR Research Programme on Climate Change, Agriculture and Food Security, December 2016).

and urban development, health, infrastructure, disaster risk reduction and other cross-cutting sectors. The total estimated cost of implementing the Nationally Determined Contribution (NDC) is \$19.2 billion.

The National Strategy for Reduced Emissions from Deforestation and Forest Degradation (REDD+), released in 2012, plays a critical role in promoting sustainable forest management and reducing emissions associated with deforestation, thereby contributing to global climate goals. The National Guidelines for Mainstreaming Gender into Climate Change Policies (2012) ensure that gender considerations are integrated into climate strategies, recognising that climate change disproportionately affects women and marginalised communities. The Agriculture Climate Resilience Plan (2014–2019) provides a roadmap for enhancing the resilience of the agricultural sector, which is vital for food security in a nation heavily reliant on agriculture. The National Climate Change Response Strategy (2021–2026) outlines the government's comprehensive approach to addressing climate change impacts through adaptation and mitigation measures across all sectors.

Moreover, the Tanzanian government has actively sought to incorporate climate change considerations into other essential policy documents, which underscores the cross-cutting nature of climate issues. The National Environment Policy (2021) articulates the government's commitment to sustainable environmental management, while the National Water Policy (2002) addresses the need for effective water resource management in the face of climate variability.

While a policy framework exists for addressing climate change, significant gaps remain in the institutional infrastructure needed for effective implementation.³⁰⁷ A major challenge is the lack of coordination among various stakeholders. For example, water allocation spans multiple ministries – Water and Irrigation; Agriculture, Livestock and Fisheries; and Energy – yet communication is often limited. Competing agendas, cumbersome communication protocols and resource constraints hinder collaborative efforts. Although information flows between local levels and ministries, this exchange is restricted by bureaucratic inefficiencies, inadequate infrastructure for data sharing and a reliance on local government officers, who may lack relevant expertise on climate change-related issues. Further, both LGAs and MDAs have limited capacity and resources to engage grassroots participation in policy processes, as well as inadequate

307 Michal Nachmany, "Climate Change Governance in Tanzania: Challenges and Opportunities" (Policy Brief, Grantham Research Institute on Climate Change and the Environment, 2018).

budgets to implement programmes effectively. This disconnect is recognised by both national- and local-level stakeholders.³⁰⁸

Climate financing

Overview of the climate financing context

The UNFCCC defines climate finance, referring to local, national or transnational funding, drawn from public, private and alternative sources of financing, to support mitigation and adaptation actions that address climate change. According to the *Global Landscape of Climate Finance 2023* report, average annual public climate finance was \$640 billion and private climate finance \$625 billion in 2021/2022, with a combined total of \$1.3 trillion. Of this financing, 61% was provided through debt instruments and 33% through equity instruments, with only 5% issued as grants, primarily from public sources. Most of the funding was directed toward sectors such as renewable energy and low-carbon transportation, while the 5% allocated as grants predominantly supported underserved sectors, including agriculture, forestry, land use and natural resource management.³⁰⁹

Mitigation activities accounted for 91% of climate finance tracked in the Landscape in 2021/2022, averaging \$1.15 trillion per year, financing mostly low-carbon energy systems (44% of mitigation finance, amounting to \$510 billion). Of this, \$490 billion went to renewable energy, while another 26% of mitigation finance (\$334 billion) financed low-carbon transport. The rest was invested in supportive infrastructures such as electric vehicle charging points; energy-efficient building and infrastructure; and agriculture, forestry and other land use. Adaptation activities, including agriculture, water management, waste management, land use and disaster risk management, received the remaining. This last is concerning, as least-developed countries require immediate adaptation support. Despite the advancements in global climate financing, the estimated funding required is not being made available. To maintain a 1.5°C pathway by 2050, investments must exceed \$1.6–3.8 trillion.³¹⁰

As a nation whose economy heavily relies on climate-sensitive activities, particularly agriculture, adequate climate financing is crucial for fostering sustainable development in Tanzania. A study conducted by the Stockholm Environment Institute in 2010 estimated that building adaptive capacity and enhancing resilience

308 Ampaire et al., "Barriers to Successful Climate Change".

309 Barbara Buchner et al., *Global Landscape of Climate Finance 2023* (Climate Policy Initiative, 2023).

310 International Renewable Energy Agency, *World Energy Transitions Outlook 2023: 1.5°C Pathway* (IRENA, 2023).

to future climate change in Tanzania would require between \$100 million and 150 million annually. However, this figure rises to approximately \$500 million per year – or potentially more – when considering the additional needs for social protection and accelerated development. Furthermore, to meet its NDC commitments of reducing emissions by 30% to 35% by 2030, Tanzania requires an estimated total budget of \$19 billion.³¹¹

The government of Tanzania has various potential avenues for mobilising resources for climate financing. It is eligible for numerous international climate funds governed by the UNFCCC financial mechanism, such as the Global Environment Facility, Green Climate Fund, Least Developed Countries Fund and Adaptation Fund. Tanzania thus has access to critical financial support. Additionally, development partners, including Norfund, Finnfund, the World Bank, African Development Bank and Deutsche Gesellschaft für Internationale Zusammenarbeit, also provide valuable resources.

Locally, Tanzania can finance climate action through government budget allocations and by engaging the private sector, particularly in the energy and finance sectors. However, despite these potential sources, the country faces a significant gap in climate financing, primarily owing to inadequate technical and institutional capacity.³¹² For instance, the country's Finance Development Assessment Report indicated that the target was to mobilise a total of \$304 million from various financing sources under the UNFCCC financial mechanism and other partners. By 2020, only TZS 24.7 trillion (\$10.7 million) had been mobilised, representing just 3.6% of the targeted amount (excluding from non-state actors).³¹³

Key climate finance concerns

Inadequate coordination mechanism for mainstreaming climate change action across sectors

Climate change is a cross-cutting issue that requires a multisectoral approach, engaging nearly all MDAs and LGAs. However, Tanzania's public institutional framework remains underdeveloped in terms of effectively delivering climate finance. The lack of clear differentiation between climate change and environmental issues has created confusion, as they are often treated as interchangeable. This is evident in the existing institutional architecture, which has evolved from one primarily designed to

311 URT, Vice President's Office, "Nationally Determined Contribution" (Vice-President's Office, Division of Environment, July 2021).

312 UN Framework Convention on Climate Change, *Technical Assessment of Climate Finance in the East African Community* (UNFCCC Secretariat, 2020).

313 Fadhila H.A. Khatibu et al., "Climate Finance Availability and Access in Tanzania" (Policy Brief 04/2022, REPOA, June 2022).

address environmental concerns, which encompass protection of the environment. [A critical question arises: will this structure be robust enough to integrate climate change considerations into plans, programmes and projects across all relevant sectors of the economy?³¹⁴

According to the EMA, the VPO, through its Environment Division, is tasked with leading climate change initiatives and providing guidance on integrating climate considerations into national, sectoral, regional and district development plans. However, the division has a limited climate team that often balances climate issues with other environmental concerns. This creates a disconnect between the VPO and other key MDAs and LGAs and results in a stumbling block in mainstreaming climate considerations throughout government plans and budgets. Furthermore, the policy design process tends to be top-down, with information flows restricted by structural constraints and a reliance on local government officers who may lack the necessary expertise. These factors collectively exacerbate the challenges arising from inadequate capacity and resources.³¹⁵

The establishment of the President's Office Planning Commission (POPC) offers a vital opportunity to integrate climate change considerations into government plans and budgets across various MDAs and LGAs. By positioning itself at the heart of national economic planning, the POPC can play a crucial role in mainstreaming climate change into the government's strategic framework, ensuring that sustainability is a priority in all development initiatives. But this will only be possible if the commission has a dedicated climate change department staffed with experts on climate change who can develop effective guidelines and advise all MDAs and LGAs.

There have been notable advances in coordination structures, exemplified by the National Climate Change Steering Committee and the National Climate Change Technical Committee. These forums are crucial for facilitating cross-sectoral climate change actions, including financing strategies. While both committees have been established and are operational, they do not meet regularly and lack a supporting secretariat apart from the National Climate Change Focal Point. Consequently, the coordination of climate change initiatives across different sectors and government levels continues to be a significant challenge, hindering the coherence of national budget allocations.³¹⁶

314 Neil Bird and Pius Yanda, *Climate Finance in Tanzania: What Is Recorded in the National Budget?*, Research Report (Overseas Development Institute, London, 2014).

315 Nachmany, "Climate Change Governance".

316 Bird and Yanda, *Climate Finance in Tanzania*.

Dependency on external budget support

Like many countries in the Global South, Tanzania faces serious challenges in mobilising domestic resources to fund its recurrent and development plans. Research conducted by the IMF and the World Bank shows that tax-to-GDP ratios of below 15% are inadequate to support even the most essential functions of the state.³¹⁷ In 2018, Tanzania's tax-to-GDP ratio was just 11.6%, which was also considerably lower than the sub-Saharan average of 16.5%.³¹⁸ As a result, the government of Tanzania relies heavily on external sources, such as loans and grants, to finance its national budget – a reliance that extends to budget allocations for financing climate change initiatives. This dependency poses a significant obstacle to achieving effective climate change adaptation, as it hampers the establishment of timely and sustainable financing mechanisms needed to direct funds toward the implementation of climate action plans.

Moreover, many external resources for climate financing are limited and face intense competition from various countries. The application processes for these funds can be complex, often requiring a high level of expertise that may be lacking in poorer countries. Additionally, the review of funding proposals can take a considerable amount of time, sometimes even years, thereby preventing timely access to critical climate financing. The Agriculture Climate Resilience Plan for 2014–2019 acknowledges that, owing to competition for scarce funds and the unpredictability of external financing, a flexible tool is essential for building resilience and ensuring growth in the agricultural sector.³¹⁹ Many of these external funding sources also come with stringent conditions, which may compel countries to invest in environmentally harmful sectors, such as industrial agriculture and fossil fuel extraction, simply to meet repayment obligations.

The burden of debt: Climate financing challenges in Tanzania

Approximately 95% of global climate finance is sourced from debt and equity instruments, leaving only 5% available as grants. This funding model places an additional burden on countries that are already facing the impacts of climate change. Tanzania has been receiving climate financing through loans from a range of institutions, including the World Bank, African Development Bank, Climate Investment

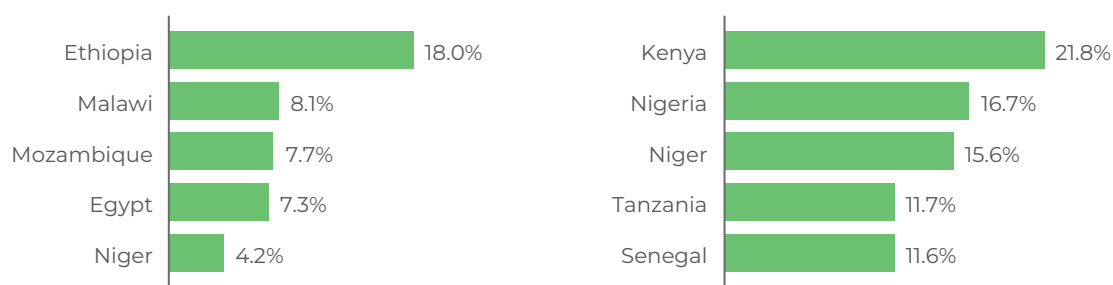
317 Rauk Felix Junquera-Varela and Bernard Haven, "Getting to 15 Percent: Addressing the Largest Tax Gaps", World Bank (blog), December 18, 2018; World Bank, "Mobilizing Tax Resources to Boost Growth and Prosperity in Sub-Saharan Africa", Results Brief, September 9, 2019.

318 World Bank, "Tax Revenue (% of GDP)", accessed March 28, 2025, <https://data.worldbank.org/indicator/GC.TAX.TOTL.GD.ZS?locations=TZ>.

319 URT, Ministry of Agriculture, Food Security and Cooperatives, "Agriculture Climate Resilience Plan 2014–2019" (Ministry of Agriculture, Food Security and Cooperatives, 2015).

Funds, IMF and Green Climate Fund. For example, in 2022 the country ranked as the fourth biggest beneficiary of adaptation concessional loans from the International Development Association (IDA), receiving 11.7% of the total adaptation loans provided by the IDA, but was not even among the top five grant recipients. Further, Tanzania was ranked as the third biggest borrower from the IDA.³²⁰

FIGURE 1 FIVE LARGEST RECIPIENTS OF GRANTS AND CONCESSIONAL LOANS FOR ADAPTATION IN AFRICA, 2022



Source: Development Initiatives, "Concessional Loans for Africa's Climate Crisis: Whose Fiscal Effort?", Fact Sheet, August 2024, 8

For Tanzania, which is already struggling with the effects of severe climate change, such debts present a significant challenge. High levels of debt can lead to reductions in public spending, constraining the government's ability to invest in essential services and climate interventions that foster a just transition, especially from a feminist perspective. Consequently, the pressures of mounting debt may hinder efforts to enhance resilience and promote sustainable development in vulnerable communities.

The austerity conditions associated with these loans, such as restrictions on wage bills, significantly constrain public spending, particularly in education and healthcare, further impacting vulnerable communities. Additionally, to meet loan repayment obligations, governments feel pressured to generate foreign exchange by investing in export-oriented agribusiness and extractive industries, including fossil fuels. These investments contribute to greenhouse gas emissions and exacerbate climate change, while also perpetuating food insecurity in affected regions.

320 World Bank, International Development Association, "IDA Financing FY 2023", accessed March 28, 2025, <https://ida.worldbank.org/en/ida-financing>.

Inadequate technical capacity to access global climate funds

In Tanzania, a significant challenge faced by government agencies and non-state actors in securing climate funds is the lack of adequate technical capacity to develop project proposals demonstrating a climate rationale that satisfies the eligibility criteria of climate funding sources. Accessing climate finance, particularly from international financing mechanisms, is cumbersome and takes a long time, which is worsened when stakeholders are unable to prepare bankable proposals.³²¹ This capacity gap is particularly evident among CSOs and private sector players, who struggle to access the necessary climate-related grants to implement critical interventions in communities.³²² Without the skills and knowledge required to prepare compelling proposals, these stakeholders find it difficult to leverage available funding opportunities that could drive essential climate action.

Challenges in carbon markets

Carbon markets are increasingly recognised as effective mechanisms for combatting climate change by converting carbon dioxide emissions reductions into tradable carbon credits, which can be bought and sold to offset emissions. Achim Steiner, the UN Development Programme's administrator, underscores its potential to help unlock the trillion-dollar funding gap for developing countries' climate action commitments, although he cautions that revenue should not compromise climate impact, Indigenous rights or human rights.³²³ In 2022, Tanzania took significant steps to formalise its carbon market by issuing the National Carbon Trading Guide, leading to the registration of 21 companies for carbon trading. The minister of state in the Vice-President's Office, Union and Environment, as reported in the Daily News on 15 July 2023,³²⁴ has indicated that Tanzania aims to generate at least TZS 2.3 trillion (\$1 billion) annually from this initiative. While comprehensive revenue data is currently lacking, just one company – Carbon Tanzania – reported raising about TZS 15 billion (\$6,904,159) in 2023 from three projects.³²⁵

321 URT, Vice-President's Office, "[National Climate Change Response Strategy 2021–2026](#)" (Vice-President's Office, Division of Environment, 2021).

322 Nyakorema Rioba et al., "[Local Potentials to Realise NDCs: Potential Roles of CSOs and Private Sectors in Realising NDC and Other Climate Actions in Tanzania](#)" (Policy Paper, CAN Tanzania, January 2023).

323 UNDP, "[UN Development Programme Launches Plan to Boost Integrity of Carbon Markets and Increase Access to Finance Schemes in Developing Countries](#)", Media Release, December 4, 2023.

324 Bernard Lugingo, "[Tanzania Eyes Over 2tr/- From Carbon Trading Annually](#)", *Daily News*, July 15, 2023.

325 Carbon Tanzania, [Impact Report 2023](#) (Carbon Tanzania, 2023).

While the carbon market offers a promising avenue for climate financing, it remains uncertain whether the revenue generated from carbon credits is being allocated effectively to support climate actions. For instance, in the Takata Mountain project, revenues totalling \$5,746,117 raised in 2023 were primarily used to construct healthcare facilities, provide health insurance and enhance educational services, including covering school fees for children. While these initiatives are vital for community well-being they do not necessarily align with the objectives of climate financing, which should focus on direct actions that address climate change impacts.³²⁶ Further, carbon offsets primarily target emission reductions, which is a climate mitigation challenge faced by developed economies. In contrast, Tanzania, classified as a developing country, urgently requires investment in adaptation measures as an immediate solution to its climate challenges. Given the pressing climate issues Tanzania currently faces, prioritising adaptation financing is essential for enhancing resilience and effectively addressing the impacts of climate change.³²⁷

The implementation of carbon trading can negatively impact local communities, particularly in developing nations, by disrupting vital economic activities tied to livelihoods. Changes in land use and resource allocation under carbon-trading schemes can negatively affect traditional practices such as agriculture, forestry and fishing.³²⁸ For example, if carbon credit systems incentivise landowners to convert agricultural land to forestry, this shift can harm food production in regions dependent on subsistence farming, potentially resulting in food insecurity and economic instability. A case study from Madagascar's REDD+ programme illustrates how such initiatives, while aimed at conserving forests, can marginalise community households whose livelihoods relied on forest resources, leading to socio-economic challenges.³²⁹

Lack of effective climate financing tracking systems

While Tanzania has successfully secured climate change financing, without effective tracking systems it is difficult to accurately quantify the total climate finance accessed, the expenditures incurred and the impacts on resilience-building and low-carbon growth initiatives. This monitoring gap complicates the evaluation of the effectiveness

326 Carbon Tanzania, "Ntakata Mountains: Protecting Forests for Farmers, Wildlife and Climate", Fact Sheet, 2024.

327 Rachel Glennerster and Seema Jayachandran, "Think Globally, Act Globally: Opportunities to Mitigate Greenhouse Gas Emissions in Low-and Middle-Income Countries", *Journal of Economic Perspectives* 37, no. 3 (Summer 2023): 111–135.

328 Molly Peters-Stanley, Gloria Gonzalez and Daphne Yin, "State of the Forest Carbon Markets 2013: A Global Perspective on Markets and Investment" (Forest Trends' Ecosystem Marketplace, 2013).

329 Lalaina Cynthia Ratsimbazafy, Kazuhiro Harada and Mitsuru Yamamura, "Forest Conservation and Livelihood Conflict in REDD: A Case Study from the Corridor Ankeniheny Zahamena REDD Project, Madagascar", *International Journal of Biodiversity and Conservation* 3, no. 12 (2011): 618–630.

and outcomes of these financial resources. Notably, neither budgeted expenditures nor funding from dedicated climate funds is classified in the national budget, making it challenging to track financial flows and increasing the discretionary nature of these funds. Moreover, off-budget climate finance can be distributed among multiple beneficiaries, with no designated authority responsible for overseeing these funds or their implementation. Climate change is not explicitly incorporated as a priority theme in the national budget process, and the absence of a systematic coding for climate expenditures necessitates manual analysis.³³⁰

The government allocates funding for climate change initiatives to various ministries as part of their plans and budgets within the broader framework of MDAs and LGAs. Additionally, the private sector invests in projects related to climate adaptation and mitigation. However, the absence of an effective tracking system for both public and private climate financing complicates the ability to ascertain the total investments made in specific components of climate action, such as mitigation and adaptation.³³¹ This lack of clarity also obscures which sectors receive the most funding and which climate-vulnerable sectors receive less support. Consequently, this information gap hinders effective planning and makes it challenging to achieve a balanced approach to financing for both adaptation and mitigation efforts across relevant sectors.³³²

Conclusion

Facing the vast impact of climate change, Tanzania needs to enhance its adaptation efforts. Through its policy framework, the country has established a solid foundation for this, but must now put it into operation. This will require a significant commitment of resources. These need to be sourced, often from partners internationally, and properly managed by Tanzanian stakeholders. The consequence is that, looking forward, Tanzania will have to deal with a rising burden of debt, challenges in accessing carbon markets and deficiencies in maintaining and tracing Tanzania's financing systems.

Going forward, it is clear that something must change, and that the climate financing system itself must be adapted.

330 World Bank Group, *Financing Climate-Resilient Growth in Tanzania*, Report ACS11581 (World Bank Group, 2015).

331 UN Department of Economic and Social Affairs, *Developing the Strategic Guidelines for Climate Financing, Considering Possible Linkages between Climate Financing and post COVID-19 Agricultural Development in Tanzania* (UNDESA, December 2021).

332 URT, Vice-President's Office, *"National Climate Change Response Strategy 2021–2026"* (Vice-President's Office, Division of Environment, 2021).

RECOMMENDATIONS

- Improve climate change coordination.** A centrally coordinated approach is essential for effective planning, resource mobilisation and execution of climate actions. By doing so, it will be possible to foster confidence among international funders in the country's systems for channelling climate finance, ultimately enhancing the implementation of these vital actions. The financing mechanism under the Ministry of Finance should be designed to integrate climate change considerations into national planning and budgeting processes at all levels, from local to national. This can be achieved through the introduction of dedicated budget codes for climate initiatives, which will help in tracking the climate finance received, identify financing gaps and monitor climate action expenditures. The mechanism must ensure the coordination of the private sector to promote climate-friendly investments and to guide and track their climate interventions effectively. Additionally, CSOs play a crucial role, as they typically receive substantial resources to implement climate-related initiatives. The planning guidelines should incorporate legal requirements for integrating climate change actions into the plans of MDAs and LGAs. Additionally, a mechanism should be established to monitor the integration of these climate change actions into plans, using mutually agreed upon key performance indicators.
- Improve domestic resource mobilisation to reduce dependency.** To reduce dependency on external financing for climate action, the government of Tanzania must take urgent and decisive steps to enhance its domestic revenue collection in a progressive manner. This entails expanding the tax base fairly and effectively, particularly by taxing the informal sector and addressing issues of tax evasion. It is also vital to boost taxpayer morale through transparent investment in critical public services. Local governments should focus on improving revenue generation by setting realistic targets, resolving staff shortages and implementing effective revenue collection systems. It is also crucial to tackle non-compliance, especially by enforcing Electronic Fiscal Device receipts and efficiently managing tax arrears. Moreover, a comprehensive review of current tax incentives, including double taxation agreements, is essential to ensure transparency and public accountability. Efforts to curb illicit financial flows should prioritise enhancing customs capacity, combatting tax avoidance, strengthening border compliance measures and addressing corruption. By adopting these measures, Tanzania

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can improve domestic resources mobilisation, ultimately contribute to sufficient and sustainable climate financing and reduce reliance on external funding.³³³

- Build capacity.** To effectively address existing capacity gaps, the government should identify the specific capacity needs of climate change stakeholders at all levels in MDAs and LGAs. It is also essential to implement tailored capacity-building initiatives for diverse stakeholder groups. Additionally, creating easily accessible information resources that cater to the unique needs of different users will enhance awareness and understanding of climate change responses.³³⁴ This capacity-building initiative should focus on enhancing the understanding of stakeholders regarding the integration of climate response strategies into sectoral plans and budgets. It should also emphasise the importance of sectoral coordination and resource mobilisation, including the development of high-quality proposals for climate funding applications.
- Implement carbon markets.** The government should implement targeted capacity-building initiatives, enhance access to information and foster trust between communities and external stakeholders. By empowering communities with the necessary knowledge and skills related to the carbon market, equitable participation can be promoted, ensuring that the benefits of climate initiatives are shared fairly. Additionally, the allocation of carbon market revenues should prioritise adaptation measures focused on enhancing resilience in vulnerable communities through projects such as sustainable agriculture, water resource management and disaster preparedness. To effectively manage carbon market revenues, clear guidelines must be established to ensure that funds directly support climate action initiatives aligned with national adaptation goals. Engaging local communities in the planning and implementation of carbon-trading initiatives is essential to consider their needs and traditional practices, thereby preventing disruptions to their livelihoods. Furthermore, creating complementary income-generating opportunities, establishing robust monitoring mechanisms and offering

³³³ ActionAid Tanzania, *Sealing the Gaps: An Analysis of Revenue Forgone Within the Tanzania Tax System and How It Could Be Used to Fund Public Education* (ActionAid Tanzania, November 2021).

³³⁴ Ampaire et al., "Barriers to Successful Climate Change".

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technical support for local actors are crucial steps to ensure sustainable participation in climate adaptation efforts. These measures will foster accountability, enhance community resilience and contribute to achieving national climate objectives.

- **Avoid loan financing.** The government should mobilise grant-based financing rather than loans to prevent the accumulation of debt. This strategy will help break the cycle of debt dependency and allow for a greater focus on effective climate adaptation and mitigation strategies without the burden of repayment. If borrowing is necessary, concessional lending practices should be prioritised to ensure that interest rates are significantly lower than market rates. Such an approach could include extended repayment terms, grace periods and other favourable conditions to ease the financial strain. Additionally, loans tied to austerity measures from organisations such as the Bretton Woods institutions should be avoided, as they can exacerbate economic challenges. Furthermore, the government should actively participate in international advocacy efforts aimed at negotiating climate debt relief or restructuring for nations facing severe financial difficulties. This may involve debt-for-nature swaps or other innovative financing solutions that align environmental objectives with debt reduction. Continuous collaboration with international stakeholders is crucial to ensure that climate finance is equitable and tailored to the unique needs of countries grappling with it.

CHAPTER 11



Public Financial Management and Accountability

The issues discussed here relate to the Economic Governance and Management thematic area, specifically:

» OBJECTIVE 3

Promote sound public finance management

Question 1 What has your country done to promote sound public finance management?

» OBJECTIVE 4

Fight corruption and money laundering

Question 1 What measures have been taken by your country to fight corruption in public procurement and with what results?

Introduction

Tanzania has experienced relatively strong growth in recent years, some of which has been attributable to the country's prudent fiscal and monetary policy measures. Nevertheless, domestic resource mobilisation in Tanzania faces significant challenges that hinder budget credibility. For instance, there are high illicit financial flows owing to trade misinvoicing. This has resulted in the government missing revenue targets set out in the national budgets for the past five years. Tanzania Mainland has the lowest tax-to-GDP ratio in East Africa at 12.5%, compared to Kenya at 14.2%, Rwanda at 15%, Uganda at 13.7% and Burundi at 18%. The tax-to-GDP ratio of 12.5% is also below the target set in the Five-Year Development Plan III of 14.4% in the financial year 2025/26. The low tax yield is compounded by a poor taxation regime with unfriendly and

inefficient systems that burden both small and medium-sized enterprises and large-scale investors, and relies heavily on income tax from households. According to the World Bank and the IMF, a country with a tax-to-GDP ratio of less than 15% is often unable to finance its basic budgetary functions.³³⁵

Zanzibar's economic performance was better, growing by 7.4% in 2023/24, up from 6.8% in 2022/23. Activities that contributed to the growth were finance and insurance, accommodation and trade, aided by an improved business environment.³³⁶ Moreover, domestic resource mobilisation in Zanzibar was also satisfactory, with the tax-to-GDP ratio increasing to 19.4% in 2022/23 from 16.2% in 2021/22. This means the Island was able to finance its basic budgetary functions.³³⁷

Public financial management performance in Tanzania

For effective control and management of public resources, the appropriate legal frameworks, organisational arrangements and operational systems must be in place, along with the commitment of the authorities.

Public financial accountability (PFA) is concerned with collecting, allocating, using, tracking and reporting public financial resources. PFA uses working tools such as auditing, budgeting and accounting to ensure that government officials adhere to agreed policies, laws, rules and regulations on financial management and control. At the same time, it is intended to inform citizens about the financial position, financial performance, services provided and accomplishments of the government.³³⁸

Effective and transparent financial management results in the efficient utilisation of resources. It also increases financial performance and improves service delivery. Government financial accountability is a key factor in developing a democratic society and economy. Citizens are interested in the costs of raising government revenues, the effectiveness of the money spent and alternative government revenues or expenditures.

335 Policy Forum, *Trade Mis-Invoicing: A Threat to Domestic Revenue in Tanzania* (Policy Forum and Tax Justice Network Africa, 2023).

336 Bank of Tanzania, *Annual Report 2023/24*, accessed March 28, 2025, <https://www.bot.go.tz/Publications/Regular/Annual%20Report/en/2024123015411243.pdf>.

337 Bank of Tanzania, *Annual Report 2022/23*, accessed March 28, 2025, <https://www.bot.go.tz/Publications/Regular/Annual%20Report/en/2023123114565911.pdf>.

338 Victor Fedosov and Tetiana Paientko, "Government Financial Accountability: Key Problems and Main Trends in Post-Communist Countries", *Zeszyty Teoretyczne Rachunkowości* 99, no. 155 (2018): 25–40.

The URT government has instituted many public financial management reforms aimed at improving the country's public financial management systems. These have involved numerous studies, research projects, consultations and advice received from within and outside the country.

In Tanzania, meaningful citizen participation in public finance management (PFM), especially in demanding accountability from office bearers, is desirable but unrealised. This has an extensive history dating back to the socialist era, which lasted from the 1960s to the 1980s. In this period, Tanzanian citizens were not taught to demand accountability from the elites and public officials. Currently, an NGO known as WAJIBU (the Institute of Public Accountability, which publishes the *Country's Annual State of Financial Accountability* report)³³⁹ seeks to educate the public on PFA. The latter concept is gaining popularity. WAJIBU's 2022/23 analysis shows that, in Tanzania Mainland, six out of 31 PFM indicators (equivalent to 19%) were rated D/D+³⁴⁰ – the lowest Public Expenditure and Financial Accountability score. This indicates that the country's PFM framework needs improvement. The World Bank's Public Expenditure and Financial Accountability assessment conducted in Zanzibar indicated that 16 out of 31 PFM indicators (equivalent to 52%) were rated D/D+.³⁴¹ Most of the challenges identified in both Tanzania Mainland and Zanzibar undermined budget credibility and limited citizens' access to fiscal information.

While Tanzania has been successful in raising the quantum of unqualified audits, there remains a lack of attention to implementing corrective measure required by the controller and auditor general (CAG), as well as the Parliamentary Public Accounts Committee and Local Authorities Accounts Committee.

An example is the non-allocation of funds as approved in the budget to finance development at the LGA level. The CAG's report for 2022/23 indicated that 10 LGAs did not allocate TZS 0.50 billion (approximately \$185,400) to villages/street offices to finance development projects; seven LGAs did not allocate TZS 0.77 billion (approximately \$285,000) to agriculture, fishing and livestock operation funds; and two LGAs did not allocate TZS 1.32 billion (approximately \$489,000) to the Tanzania Rural and Urban Roads Agency for financing road infrastructure. This amounts to a total non-allocation

339 Based on the World Bank's framework for assessing public financial management. See PEFA, "Framework for Assessing Public Financial Management", accessed March 28, 2025, https://www.pefa.org/sites/default/files/PEFA_2016_Framework_Final_WEB_0.pdf.

340 Institute of Public Accountability, *Country's Annual State of Financial Accountability* (WAJIBU, 2022).

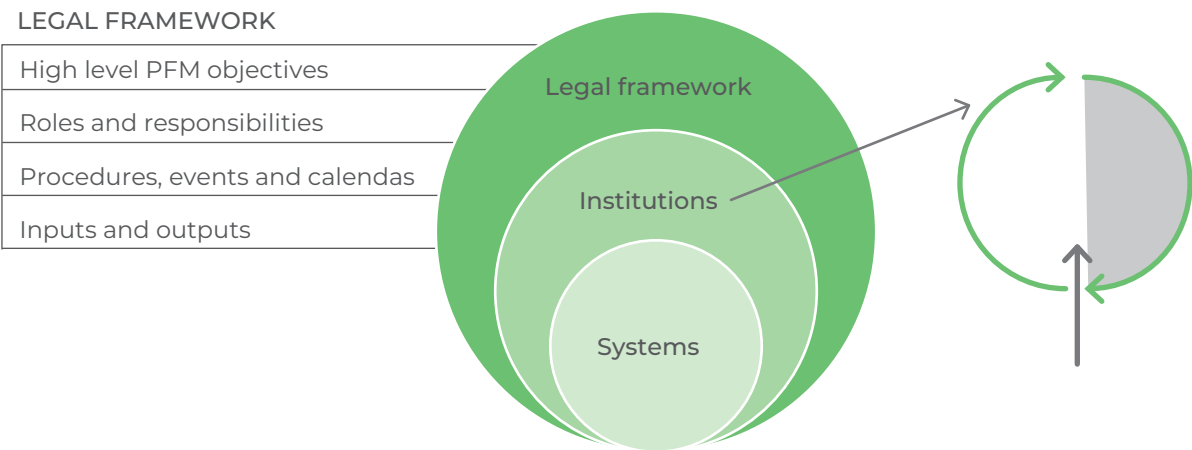
341 Revolutionary Government of Zanzibar, "PEFA Assessment", 2018.

of TZS 20.23 billion. (approximately \$7.5 billion). This non-compliance with budgetary guidelines has made it impossible to execute planned activities.³⁴²

Public financial management framework in Tanzania

The PFM framework in Tanzania comprises three components working interdependently: legal and institutional framework; domestic and international accountability actors; and systems and processes. Figure 2 explains the PFM framework in Tanzania, showing the interrelations between the various parts. The legal framework covers the institutions and systems whereby both state and non-state actors are influenced by the political economy, power relationships and incentives or disincentives in their operations.

FIGURE 2 INTERRELATIONSHIP BETWEEN THE LEGAL FRAMEWORK, INSTITUTIONS AND SYSTEMS IN THE PFM FRAMEWORK IN TANZANIA



Source: WAJIBU Institute of Public Accountability, Tanzania, The PFM Legal Framework

342 URT National Audit Office, *General Report on Local Government Audit for the Financial Year 2022/23* (Controller and Auditor General, National Audit Office), p. 15 accessed May 10, 2025.

The Constitution sets the basis for the country's PFM system. Article 8(1) recognises the ultimate need for government accountability by emphasising citizen participation in government activities and requirements for the government to utilise public resources in progressive realisation of human rights for social welfare.³⁴³

- the primary objective of the Government shall be the welfare of the people;
- the Government shall be accountable to the people; and
- the people shall participate in the affairs of their Government in accordance with the provisions of this Constitution.

On the other hand, The Tanzania Budget Act, 2015 governs budgeting and resource allocation to ensure aggregate fiscal discipline through effective control of the budget. It also aims to ensure the strategic allocation of resources by planning and executing the budget in line with government priorities. The Public Finance Act, 2022 (as amended) and its Regulations define in detail the roles, functions and responsibilities of key state actors in the management of public revenues and expenditure. These include the minister of finance, the paymaster general, the accountant general, the internal auditor general, the accounting officers of public authorities, the internal auditor general, the accounting officers and warrant holders in ministries, departments and agencies, chief executive officers and the CAG.

This legislation and the associated regulations define the necessary internal controls and the country's financial reporting framework. The Local Government Finance Act, 1982 allows LGAs to plan, collect and utilise financial resources and set up reporting and accountability mechanisms to the central government, Parliament and the public.

Moreover, the Government Loans, Guarantees and Grants Act, 1974 gives the minister of finance the authority to execute an agreement or instrument relating to a loan or guarantee raised with the government. On the audit function, the Constitution establishes the office of the CAG under Article 143. The Tanzania Investment Act, 1997 makes provision for investment in Tanzania – providing more favourable conditions to investors – and for related investment matters. This Act provides leadership in investment policy and direction for a clear consensus on the National Investment Programme. As the basis of establishing sound PFM and PFA systems, the legal framework in Tanzania is not a major issue. The main problem is non-compliance with the laws and regulations as presented in the PFM performance section.

³⁴³ Constitution of the URT, 1977, Article 8(1).

Opinions expressed in social media spaces show that citizen involvement in PFM remains low in Tanzania. Sentiments expressed widely on social media and in the mainstream media hold that Parliament needs to exercise its budget control function effectively, using the approved budget as a management tool. This controllership function can be exercised by Parliament through its Budget Committee, where quarterly budget execution reports are scrutinised, as specified in Section 53 (2) of the Budget Act, 2015. In addition, Section 55 of the same Act provides for in-year reporting requirements, whereas the commissioner for budget is required to prepare a report on actual revenues and expenditure on a quarterly basis, to be submitted to the paymaster general, and cause the same to be published. This process is not working satisfactorily, since Parliament currently receives the budget execution reports on a semi-annual basis through the Ministry of Finance. However, Article 90(b) of the Constitution allows the president to dissolve Parliament if the National Assembly refuses to approve a budget. This means if the budget is in favour of the government and contested by citizens, there is no room to address citizens' concerns, since it implies that Parliament should be dissolved.

Institutional framework: Domestic and international accountability actors

The institutional framework in Tanzania has evolved over time. In the early 1980s and towards the 1990s, the structural adjustment programmes promoted by the World Bank produced many reports on public institutions, with some making proposals for improvement while others proved inadequate. Moreover, with the introduction of multiparty politics in 1992, Tanzania's public institutions also changed to reflect that move. This means more democratic institutions were created and more citizen demands for sound public financial accountability were heard in the media. In addition, more collaborations and mergers were formulated by the government to build and strengthen public institutions such as the Prevention and Combating of Corruption Bureau (PCCB), the TRA, the *Business Registrations and Licensing Agency*, the Office of the Treasury Registrar, the Tanzania Investment Centre and the Internal Auditor General.

The biggest challenge in the institutional framework that supports PFM in Tanzania is the accessibility of these public institutions to allow meaningful citizen participation, given the existing bureaucratic procedures, fraud, corruption and cumbersome procedures. Despite some improvements to the country's public financial management system, accountability remains a major issue. There are inadequate implementation of oversight recommendations, unaccounted-for expenditures and non-compliance with the Public Procurement law. In addition, the concept of public financial accountability is still not clearly understood and owned by the general public.

PFM systems and reform processes

Systems and reform processes are key elements in the PFM process because they inform decision makers on the day-to-day management of public resources. Historically, Tanzania has implemented various reforms aimed at improving and strengthening PFM systems and processes, such as the Public Financial Management Reform Programme (PFMRP I-VI). Recently, the Tanzanian government completed implementation of the PFMRP V, which began in 2017/18 and ended in June 2021/22. In November 2022 the government launched the PFMRP VI for 2022/23–2026/27. The PFMRPs were initially introduced in 1998 when the government started working with its development partners to improve PFM systems in the country. The PFMRP reforms have been operating at a satisfactory level so far owing to the introduction of the Electronic Government Authority, which has designed various e-systems and policies to improve government operations. For instance, the introduction of the Government Electronic Payment Gateway has greatly assisted in curbing corruption in the public sector, while the recently introduced e-procurement system (National e-Procurement System of Tanzania, or NeST) is helping to reduce fraud and malpractices in public procurement. The planning system (Planning and Reporting System, or Planrep) and the accounting system (Mfumo wa Ulipaji Serikalini, or MUSE) are aimed at reducing misappropriations in planning, execution and financial management. These PFM systems are currently working satisfactorily in enhancing PFA in the country.

Governance and corruption in the public sector

Corruption refers to the misuse of public resources for personal gain. Corruption weakens public entities and renders them incapable of delivering services to citizens. ‘Red flags’ are issues involving corruption and fraud that are raised in the report of the CAG in a particular audited year. Figure 3 shows the trend of the red flags in the public sector as analysed by WAJIBU (note the Public Authorities). It shows that in 2021/22, these reached a record high of TZS 2,015.78 billion (approximately \$747.3 million). This means public authorities in the country had the most audit issues with corruption red flags.

Section 27 of the Public Audit Act, 2008 specifies the procedure to be used if corruption is discovered during the audit process. The CAG is to report the matter to the PCCB and the Director of Public Prosecution for further investigation and action. This procedure often takes time and does not provide feedback to the public. This calls for action to be taken in compliance with the Public Audit Act.

Moreover, the Transparency International Corruption Perceptions Index of 2023 shows that Tanzania has made some progress in the fight against corruption, scoring 40 (up from 38 in 2022). This ranked the country 87th out of 180 countries surveyed.³⁴⁴ More could be done, especially in terms of engaging stakeholders, particularly the public, in the fight against corruption by providing them with meaningful feedback on the status of corruption in the country.

Citizen participation in the budget process

In Tanzania, citizen participation in the budget process is a major challenge. Citizens often do not understand the budget process or use available opportunities to participate, such as budgeting processes at the community level (village planning meetings). For instance, the Open Budget Survey emphasises public access to central government budget information; formal opportunities for the public to participate in the national budget process; and the role of budget oversight institutions, such as the legislature and national audit office, in the budget process. The 2023 survey shows that Tanzania's Open Budget Index score on transparency was 41/100, public participation was 13/100 and budget oversight was 43/100. These scores are all below those of Uganda, Kenya and Rwanda. They are also below the global averages of 45/100 for transparency, 15/100 for public participation and 45/100 for budget oversight.³⁴⁵

Similarly, the media and CSOs have limited technical capacity to engage in meaningful dialogues on public financial management and the fight against corruption. This is partly owing to the CAG's reports and other PFM information being presented in technical jargon/accounting language. CSOs and the media have limited capacity to interpret and communicate this information. A few CSOs, such as WAJIBU, engage in meaningful engagement with the CAG's reports by providing simplified and user-friendly analysis reports to citizens and media. Most media, however, sensationalise superficial issues in the CAG's reports while missing strategic and systemic issues and analytical citizenry-engaging content.

These weaknesses result in an inefficient PFM system for managing public resources to deliver quality social services. The biggest lesson here is that citizen engagement in the budget process is crucial.

³⁴⁴ Transparency International, *Corruption Perceptions Index Tanzania*, 2023.

³⁴⁵ International Budgeting Partnership, "Open Budget Survey 2023: Tanzania", accessed March 28, 2025, <https://internationalbudget.org/open-budget-survey/country-results/2023/Tanzania>.

Conclusion

The main issues in the PFM landscape in Tanzania are the country's budget management, citizen participation in the budget process and issues relating to governance and corruption. It should be clear that, in order to improve the country's PFM system, it is crucial that citizens demand accountability from duty bearers. Any government that is kept under pressure to deliver better services to its people will likely act, but a government that is left without such demands or pressure will likely neglect its duties.

RECOMMENDATIONS

To the government:

- **Enforce accountability.** Government institutions must take disciplinary measures against individuals found guilty of financial mismanagement, corruption or irregularities highlighted in the CAG reports. This includes holding those responsible accountable through legal proceedings, sanctions and dismissal.
- **Strengthen oversight mechanisms.** The government should enhance the capacity and independence of oversight bodies.
- **Increase transparency to stakeholders.** Management letters – internal reports issued by the CAG after auditing an entity – should be made available to the public. Since public entities are owned by citizens there should be no secrets from them. These documents record weaknesses observed by the CAG on the collection and use of public resources and could be a powerful resource to fight corruption.
- **Fight corruption.** In line with increasing the involvement of citizens in the fight against corruption in the country, the PCCB's annual performance report should be made public. This will enable citizens to be fully informed and aware of corruption in the management of public resources.

To non-state actors:

- **Encourage involvement in PFM.** CSOs and NGOs involved in advocacy work should help capacitate citizens to have a better understanding of their roles and responsibilities in PFM, and therefore demand action for prudent PFM.

RECOMMENDATIONS

- **Demand accountability.** Citizens should actively demand transparency, accountability and participation by calling for action on the issues raised in the CAG reports.
- **Monitor implementation of audit recommendations.** Citizens, CSOs and the media should closely monitor the implementation of audit recommendations and the parliamentary directives demanding proper service delivery.
- **Advocate for compliance with PFM reforms.** Advocate for compliance with policy reforms and institutional changes that strengthen transparency, accountability and participation in public financial management. This includes supporting legislative initiatives, promoting budget transparency and demanding ethical conduct and integrity from government officials.
- **Use strategic litigation.** Use legal mechanisms and call for judicial interventions into public financial accountability matters in order to enforce transparency and accountability – ie, the implementation of Section 27 of the Public Audit Act.

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