

REPORT II
The Proposed Tanzania Democratic Governance Project:
Proposed Activities, Benchmarks and Issues

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The Statement of Work for the Buy-in (DO 28) lists three outputs of the consultancy. This report is responsive to the requirement for "list of components and activity benchmarks," and "a report on how the proposed activities will contribute to improved DG in Tanzania." As such it covers and combines activities 2, and 3 of the Scope of Work." A separate report (Report I) covers the administrative and Institutional capacity of the organizations with which the Mission proposes to work.

Methodology

In performance of the task the consultant, Dr Robert Charlick, visited Tanzania from April 9 to May 1, 1995. He held a series of meetings with the Mission and in particular with the Project Development Office, met on one occasion with members of the mission's foreign Service National Staff (Tanzanians), and held a briefing members of the democracy country team, including representatives of AID, USIS, and the U.S. Embassy. Because of the proposed design of this Project and the nature of the specific components, Dr Charlick worked closely with the Public Affairs Officer of USIS (Kiki Munshi), and consulting with the probable future PAO (Kate Delaney). In addition, he conducted interviews with many relevant individuals and representatives of Tanzanian organizations (see People Contacted in Appendix I), read available documentation, and consulted broadly on issues of concept and implementation with representatives of the following donors who are involved in DG work in Tanzania (Royal Danish Embassy, Royal Netherlands Embassy, British High Commission, British Council, ILO, and informally with representatives of the Canadian High Commission, and Swedish SIDA. During the visit, Dr Charlick spent a total of five days conducting interviews and visited outside the capital, in Dodoma, Morogoro, and Zanzibar.

This activity was planned by USAID/Tanzania as part of a series of visits by technical specialists in preparation of the Project Paper for the Tanzanian Democratic Governance Project, a project which had at the time of the consultancy been approved as a New Activity Description (621-0182). Other technical specialists involved in this activity were drawn from USAID/Washington (Jenna Luche, WID Specialist, and Yolanda Comedy, Global/D specialist in Civil Society) and from REDSO/ESA (John Harbeson, Regional Democracy Advisor). Unfortunately, the technical specialist had to be scheduled to be in country at different times, and could not interact in the field (with the exception the visit of Yolanda Comedy during the last week of Dr. Charlick's consultancy. As a result, with the exception of the representative from Global/D Dr Charlick was unable to meet with the other technical specialists to discuss the entire project or specific

components of it. The following report, therefore, are his best thinking and ideas based on this visit and on three previous visits to Tanzania since Spring 1992.

The consultant is grateful to the mission, to the PDO office, to the Director of USIS for the opportunity to participate in this activity and for the support they generously provided.

SECTION I: Democratic Governance Objectives and Tanzania's Democratic Governance Initiative

The notion of "democratic governance" continues to present problems both to scholars and to practitioners who employ it in various way. It can best be understood in both U.S. foreign policy and in AID's overall economic assistance program, by distinguishing three concept: governance, democracy, and "good governance," and by coming to grips with the relationships between the three in the context of Africa development.

Governance, simply means the way in which societies organize themselves for the management of their "public" or collective resources. In many policy documents the term has been confused with what the British for a number of years have called "good governance." At the minimum, good governance implies public management which is effective, efficient and responsive. In addition, most analysts and donors also include in their understanding of good governance the notions of accountability, transparency and predictability. In essence these are ways in which public management can be improved and kept "good" against the tendencies of leaders and bureaucracies in all political systems to avoid responsibility and to manage in the interest of the few (including themselves). In a recent interview Speaker of the Tanzanian National Assembly, Pius Msekwa captured all these dimensions of "good governance."¹

Democracy is a form of governance in which public management is based on, and is responsive to, the "people" or the popular will. Western theories of democracy, such as the notion of "polyarchy," stress the process whereby this consent is effectively exercised, emphasizing the need for truly competitive choices between leaders and programs contending for control over public management functions (in order to facilitate meaningful political accountability), and broad and freely expressed political participation. As African historian Achille Mbembe writes, without broad and meaningful participation governance arrangements, even those which have the appearance of democratic structures in national constitutions and institutions can be merely "shadow democracies"...administrative multipartyism created from above."²

¹John Kulekana, "Msekwa Spells out his Strategy," Daily News, April 27, 1995, p. 4; he says "good governance covers all of the following... the rule of law... respect for human rights (referred to above "predictability" and "legal accountability") ...the capacity to make correct and timely social and economic decisions...(referred to above as "effectiveness" and "efficiency") (and) transparency in the conduct of public affairs."

²The Guardian(of Tanzania), "Sowing democracy in Africa's Country-Side," April 14, 1995.

While it is possible conceptually to treat democracy and good governance as separate dimensions of societal development, many recent AID policy papers, including the February 1994 policy papers on Sustainable Development argue that democracy and good governance overlap. The argument is that, in the context of regimes which have been rooted in personal rule and narrowly-based patronage, democratic practices, effectively structured, are vital to improving governance performance in responsiveness, transparency and accountability. The concept of "**democratic governance**," therefore, that the Africa Bureau developed in its Democratic Governance Project emphasizes the ways in which donors and host country national can improve governance performance by encouraging the growth of effective democracy. In essence, although not all aspects of democratic development necessarily contribute directly to improved governance (for example, high stakes winner-take-all elections can provide incentives for electoral corruption and for fierce patronage after elections, and interest group pluralism can make policy formation and conflict management more difficult in certain settings), AID should concentrate ways to promote both democratic accountability and responsiveness and effective governance in its DG activities. The exact mixture will depend on the country situation, including its stage of regime transition and consolidation of democracy.

The Opportunity for Improving Democratic Governance Through the TDGI

The DG Situation in Early 1994

In early 1994, the ARD Democratic Governance Assessment³ conducted in Tanzania resulted in the following relevant conclusions:

- the Tanzanian political system was in the early stages of transition to democracy. The former single party was still effectively managing and controlling all aspects of the formal transition with little input from other political actors or interests;
- Numerous legal barriers still existed to the effective exercise of a rule of law, to separation of powers, and to the free development of a civil society, and the regime in power exhibited little inclination to reduce these barriers;
- means, both legal and practical, for the exercise of effective popular control and choice were still quite limited;
- progress in expanding political participation was being made but was slow and by no means assured. Decentralization of decision-making, for example, was taking place only informally, and without meaningful legal protection. Registration and election processes and laws had yet to result in a free and fair national poll on the current regime and its

³ARD, Inc., Tina West, Robert Charlick, Michael Lofchie, and Ali Trip, The Transition to Democratic Governance in Tanzania: An Assessment and Guidelines for Near-Term Action, A report to USAID/Tanzania, March 15, 1994.

policies. Apart from the former single party, the CCM, political parties were still weak and poorly equipped to offer meaningful alternatives or to effectively compete for power;

- while citizen organization at various levels and degrees of formal association had flourished in Tanzania in recent years, civil society and particularly the development of associations with civic purposes, still operated under serious legal and practical constraints, was weak, and had limited capacity to influence the state and its policies.

These conclusions have been confirmed and amplified in recent papers presented by Tanzanian scholars.⁴ These Tanzanian writers conclude that the direction and pace of the transition have been carefully managed and largely controlled by the ruling party (Mmuya, 1994, 189), that separation of powers is far from achieved with resultant continued abuse of executive authority and police powers, that free expression, especially through the private media, has expanded dramatically but that given existing legislation⁵ freedom of the media continues to be perilous, that institutions of civil society have been growing in importance but are still weak compared to the power of the state, and that political parties, as instruments for mobilizing ordinary Tanzanians and for linking them to public decision and choice processes thus far constitute a poor basis for expanded and stable democracy (Mmuya, 1994, Chapter 8).

From this Tanzanian analysis emerges a very clear agenda for a democratic transition:

- the need to support the judiciary as an institution with a unique role as a limiter of abuse of authority in a system in which multiparty competition has not yet resulted in effective limits on executive power or in an independent legislature;
- the need for civic education on democracy and rights, for the forging of an informed citizenry which can "fight for its democratic rights," and for the development of a "political culture that respects human rights and democratic principles," not only among the citizenry, but "in state organs and officials." (Mwalusanya, 40).

⁴"Transition to Democracy in Tanzania," A Study for the Global Coalition for Africa and Africa Leadership Forum study of Transitions to Democracy in Africa. The Tanzanian study was directed by Professor Samuel Mushi of the Department of Political Science at University of Dar es Salaam and consists of a series of papers on various aspects of the transition by political scientists, and members of the faculty of law. See also the brilliant paper by Judge James L. Mwalusanya, "Checking the Abuse of Power in a Democracy," presented to the conference on Constitutionalism and the Legal System in a Democracy, Arusha March 28-29, 1995; and Max Mmuya and Amon Chalighia, Political Parties and Democracy in Tanzania, Dar Es Salaam, University of UDSM Press, 1994.

⁵Particularly, The Newspapers Act, The Sedition Law, the National Security Act of 1970. See Mwalusanya, 1995, p. 35.

- the strengthening of civil society's capacity not only as an instrument of a democratic civic values and information, but also as a demander of more public accountability and responsiveness;
- the strengthening of the capacity of the media to educate and inform the public and to serve as an important instrument of accountability and demander of transparency;

Finally, at the top of the agenda as well is the need to support the holding of free and fair elections, the selection of a National Parliament in which multiparty processes can begin to function, and in which more than one political party can begin to play a role in public governance. Until this occurs, all discussions of public apathy and of disillusionment with the results of multipartyism are and premature.⁶

The Opportunities of 1995

The past year has been marked by a number of developments in Tanzania which both confirm the need for progress on the above agenda, and which reinforce a sense that such progress is possible.

- the judiciary, particularly the High Court and Court of Appeals, but also certain Resident Magistrates courts, have issued a series of rulings asserting the independence of the judiciary and their commitment to a society based on the rule of law.
- Civic education has become a major theme in Tanzanian society, not only among non-governmental organizations where preparations for the October 1995 elections has been intense and where actions are progressively reaching deeper into rural and non-elite sectors of Tanzania, but also with the commitment on the part of the schools of create a new obligatory civic program to introduce notions of democratic civics.
- The capacity of civil society to play civil roles has been growing, even recently on Zanzibar, as new associations with civic aspirations emerge, and where a variety of apex or umbrella associations have organized to attempt to better link and coordinate NGO activity in the civic realm.
- New associations of journalists, and increasing numbers of private media sources have even made an impact on the public and "mass organization" media, which now does a better job of informing the public. Training opportunities for journalist, particularly in the capital, have increased as well.

Finally, with CCM leadership struggle leading to the predicted split,⁷ the possibilities of a viable

⁶See T.L. Maliyamkono, Who Votes in Tanzania and Why Dar es Salaam: Tema Publishers for ESAURP, 1995), 39; Mmuya, 1994, 189.

opposition emerging has accelerated the struggle for a free and fair election, and has raised the stakes in the October elections as well.

In this environment, AID can play a role in assisting Tanzanians to further progress toward democratic governance. AID is admittedly a relatively small overall donor in Tanzania, and can certainly hope to make only a modest contribution in the DG area compared to a number of other donors (notably the NORDICs and Dutch). However, by carefully examining where it can fill important gaps, and where it can usefully supplement existing activities, AID/Tanzania can make its own important contributions. Not only will these contributions be useful to the furtherance of democracy in Tanzania, but in the long-run they should contribute to an improved overall governance environment in which both the private sector and the state can more fully fulfill their roles in economic development.

Component I: Facilitating Access to Dispute Settlement-- Strengthening the Judiciary Through Alternative Dispute Resolution (ADR)

Tanzania has emerged from its period of single-party rule with a court system which was both problematic in terms of principles of Rule of Law, and widely perceived to be efficient and corrupt. Although there have always been capable and courageous judges in the highest courts, at the lower levels the CCM controlled quasi-judicial proceeding through the "ward tribunals" (on the mainland) and the People's Courts (in Zanzibar). Judges were named by the party-state and were expected to be more loyal to its directives than to the basic law of the land and even to statutes which were often in conflict with the Constitution. At the same time, Courts were terribly under-funded and ill equipped, judges and court workers were poorly paid, and "justice," such as it was, was slow and often political biased. These conditions, symptomatic of the poor governance principles which emerged particularly during the last decade of the single-party state, contributed significantly to the discrediting of the judiciary, and to the under-utilization of judicial processes by citizens in civil processes, including in commercial and contractual disputes.

By the time of the ARD team Democracy Assessment in early 1994, significant signs of improvement in the judicial system were already apparent, and the judiciary was emerging as a relatively independent actor and an important player in the re-establishment of constitutional principles and the objective application of law. As the introductory section of this Project Paper suggests, this trend has accelerated in the subsequent year, yielding a number of watershed cases not only at the Court of Appeals and High Court levels, but in Resident Magistrate Courts as well. Still, the judiciary, continue to confront very serious problems of lack of legal information, or inadequate training, of every sort of material constraint, and or problems persistent public dissatisfaction both with the expeditiously of judicial processes and with their probity.

This component of the TDGI aims at building support for a democratizing state and improving the governance capacity of that state by improving access to public processes for resolving societal

⁷See ARD, The Transition to Democratic Governance, op cit., pp. 101 and 104-105.

conflicts. There are many ways that this task might be undertaken, and a number of other donors are participating in a series of studies on the overall administration of justice in Tanzania with an eye to improving court functioning (see the reports of the Financial and Legal Sector Management Upgrading Project (FILMUP) studies. Its recommendations have not yet been made public).

AID's approach is much more limited and focused--it is designed to support the extension and deepening of alternative means through which people can get conflicts resolved using non-judicial and quasi-judicial techniques (Alternative Dispute Resolution, or ADR). In Tanzania, USAID proposes to support ADR through the judicial and formal legal system, rather than parallel to it, largely by training current judges and other judicial officials in the techniques and by supporting them in successfully administering this program.

There are three positive democratic governance payoffs from supporting ADR in the current Tanzanian context:

-- Overall, problems which citizens have and which might require judicial solutions should be resolved much more quickly. The widespread use of ADR should result in a significant proportion of civil cases being resolved without going to length trials. Cases which must go to adjudication should move much more quickly because the overall judicial workload will be reduced.

-- Significantly more support for the judicial system and respect for it as an effective instrument of rule of law should emerge. Because disputes will be able to be resolved much more quickly, and with less adversarial behavior, citizens, including commercial operators, should develop more respect and confidence in the judicial process. Since fewer cases will not go to court, and fewer will be the subject of numerous steps involving the discretions of judicial authorities, opportunities for and demands for illegal and corrupt side-payments should be reduced as well.

-- finally, the spread of ADR, with the training and resources it will bring to the professional judiciary and eventually to the broader legal community should reinforce and help strengthen the position of actors in a leading sector in the promotion of democracy and rule of law in Tanzania. The approach to supporting ADR in Tanzania through the TDGI will be a phased one, based largely on evaluating the current pilot efforts underway in the High Court Branches in Dar es Salaam, Mwanza and Arusha, on designing training materials accordingly and training practitioners, and on spreading the understanding of, appreciation for and eventual participation in ADR throughout the legal community.

AID's approach to promoting ADR in the current context should be guided by four principles:

-- introduce ADR in ways that strengthen the institutional capacity and governance performance of the Tanzanian judiciary;

- work as a priority in an institutional environment where the prospects of contributing to improved governance are currently favorable;
- target ADR to where the Tanzanian judiciary identifies the most critical bottlenecks to access and efficiency to be;
- extend ADR flexibly throughout the judicial system to cover more courts and reach more citizens, and over time to be capable of dealing with a broader range of disputes, as lessons are learned from the implementation of earlier phases.

The first principle is dictated by the highly favorable developments which have occurred in the upper levels of the judiciary over the past 18 months, strengthening its independence and effectively advocating a more law-based resolution of conflicts between the Tanzanian state and individual citizens and groups. In this context it is an appropriate part of USAID's DG strategy to provide support to the judiciary as a whole. Under this principle as well, it makes sense to strengthen the judiciary by devoting some resources from the outset of this project to helping to train Tanzania's future magistrates, judges and lawyers by assisting in introducing basic conceptions and methods of ADR in legal training programs.

The second principle focuses USAID support on the mainland judiciary rather than on the Zanzibari judiciary at this time, for reasons which are detailed in the section on institutional analysis. As that section documents, conditions, both at the High Court and lower court levels are simply not conducive to introducing new conflict resolution techniques or to building up the legitimacy and credibility of the courts as a pro-law and pro-democracy actor.

The third principle targets the intervention in this component at the high level courts initially, with extension, based on lessons learned to the level of the District Court. The section on institutional analysis also specifies why working Primary Court level should not be a priority. Chief Justice Francis Nyalali has identified the most serious immediate bottleneck to be at the High Court level on the mainland, although backlogs in RM and District level courts in many parts of the country concern him as well.

The fourth principle suggests a strategy for going beyond simply strengthening the judiciary to extending settlement of dispute training and involvement to other members of the legal profession. Extending ADR below the High Court, may require flexible training strategies which will necessarily involve including legal practitioners in ADR beyond those employed in the formal judiciary. This process of broadening the involvement of other legal practitioners will barely begin on the mainland during the life of this project. Nonetheless, TDGI can play a highly constructive role in preparing for this eventual extension by building in a few relatively simple and inexpensive activities in the first phase of its operations.

Component Activities

Phase I-- Adaptation and Extension of ADR Throughout High Court System

A. Preparation of training materials in Kiswahili (adaptation of an American Bar Association film)

B. Evaluation of the pilot phase of the ADR experience in three High Court locations, and recommendations for changes from lessons learned.

C. Extension of ADR to other High Court locations:

C1. Training High Court Judges and Registrars (two training sessions for 25 Judges and 12 Registrars.

C2. Basic equipment of High Courts for improved ADR case Management (Improved manual case filing equipment, and introduction of computer database case filing--involving a computer and basic database training of cleric personnel)

D. Preparation and Production of an ADR University Level Course

Module for the Law School of the University of Dar es Salaam and provision of basic ADR textbook.

Phase II-- Extension of ADR to Resident Magistrate and District Level Courts

A. Preparation of supplementary materials for Resident Magistrates and District Court Judges (more simplified).

B. Training of RMs, District Court Judges and Registrars (20 three day sessions at various locations on the mainland

C. Basic equipment and manual filing system for managing ADR case load, and basic training of court clerks.

Phase III- Extension of ADR to the Broader Legal Community and eventually to a broader set of disputes

A. Preparation and Production of Training Materials "ADR for Attorneys" adapted from US materials and produced in English and Swahili

B. Workshop for Attorneys and Legal Rights Service and Advocacy Groups in concepts and practice of ADR (series of 2 workshops of two days each to be held in four locations in the country (to include Zanzibar). One workshop each in year one and two of the project.

C. Lessons Learned Workshop for Jurists, Law School Faculty, and interested members of the Bar and of Legal Advocacy Organizations (including partners from women's legal advocacy component). To be scheduled for early year three of the project.

(Budget to be prepared separately by USIS/Tanzania)

The Project Component: Improving Media Reporting of Political News

There is no doubt that the Tanzanian media is de facto freer, more diverse and more interesting than it was only one year ago. But it is also true that old habits of governmental control die hard, and that some of the problems associated with journalistic behavior and accuracy stem from the general lack of transparency and from the implicit threats which government continues to exhibit via-a-vis the media.

This component of the TDGI therefore serves a series of DG objectives.

First, it seeks help the media to do a better job of educating the public, so that readers and listeners can make better, more informed choices in an emerging democratic system. Specifically, it seeks to assist journalists in being a link between political leaders and state power-holders on the one hand, and the informed public on the other. With the weakness of other linkage institutions (such as political parties, and policy fora) this role is vital.

Second, it seeks to support journalists in their own civic education, so that they can be more informed about and sensitive to the political events unfolding as Tanzania democratizes.

Third, it seeks to support journals in the development of their craft, so that they can become a better and more professional, and can protect themselves more fully against charges of bias, error, and unprofessional behavior.

Finally, it seeks to contribute to the improvement of public governance in Tanzania, by better equipping journalist to get important information about what government is doing, to oblige it to be more transparent, and to inform the public accurately about its performance.

The approach to supporting improved political reporting in Tanzania will be through the training of journalists to improve their knowledge of democratic governance principles and institutions, and their specific journalistic skills to report on an increasingly more competitive and democratic political system. The strategy for training to be employed contains three working principles:

- situating training in the coverage of issues of most immediate salience to reporters and editors, so that they can immediately make use of the knowledge and skills acquired;
- spreading the skills and knowledge to journalists in regions outside the capital, and to

lower-level journalists (middle-level reporters, not just editors and the most highly trained);

- deepening understanding of democratic politics and institutions so that reporting can be more informed and informative, thus assisting readers to make more informed choices.

In essence, the issue is not essentially about the quality of technical writing skills which is a reflection of the general level of education of middle-level journalists, but about improving their capacity to serve the public better in a freer society.

These three principles lead to the following programmatic choices:

First, training should begin with a focus on the coverage of elections and electoral issues, as this will be the primary thrust of journalists who will be covering politics in the next six months. The objective here will be to assist journalists to be more successful in covering these issues and in informing the public about them. Programmatically, this will mean that the first three workshops will focus on electoral issues and that they must be programmed to start as soon as possible, and by mid-June if at all possible;

Second, to the extent possible, training should involve journalists who regularly work outside of the capital, either on regional media, or as contributors to the national press. It should be geared to journalists who have much less access to workshops and seminars than do top journalists located in Dar es Salaam. It should also involve as wide a range of these second tier journalists as possible, including those from government media, media attached to mass organization and interest groups, private commercial press, the growing NGO media, and independent and part-time journalists. Programmatically, this means that most of the workshops should be held outside Dar es Salaam, and that a variety of means should be employed to cast the net broadly to associate a variety of kinds of journalists who can make use of the information;

Third, training should concentrate on communicating to journalists key information and concepts about democracy, and about Tanzania's evolving political system. Technical skills will also be upgraded, but in the context of clearer and more accurate presentation of issues in democratic governance.

It should be noted that this project activity, however, cannot take place in alone. It must be joined with the willingness of the U.S. Government and other donors to continue to exert pressure in a variety of ways to keep freedom of expression as open as possible, to limit governmental efforts to reimpose constraints, and to encourage legislative action which will eliminate or modify some of the most restrictive laws and regulations which can be invoked to curtail a free press and media.

Component Activities

1. Consultation and Building Support with Media Organizations

As part of the start-up phase of this project, AID (through USIS if possible) should employ a consultant to consult closely with Tanzanian journalists through their various associations to determine if AID's perception of need and of the proposed training corresponds with their vision of their needs. These consultations began with the work of the PAO and with meeting held by the consultant during this mission, but they need to be extended, and they need to deal more fully with journalists who only function in the Swahili media. To this end, the consultant should meet with representatives of MISA, TAJA, TAMWA, and AJM to conduct discussions about the proposed content of the workshops, and about the methodology to be employed (the case or story building approach to acquiring skills and civic information). At the same time, the consultant can be gathering the information for Task II, by soliciting it in part from people who have had exposure to it. This consultancy can be done in one week, but must involve a Swahili speaker either as the lead consultant, or as an assistant to the mission.

2. Identifying and Adapting Appropriate Material

USIS will bring in a consultant (preferably Swahili speaking and reading) to review material already produced by Tanzanians on basic democratic principles and issues, and on electoral issues, and determine its suitability for the journalists' workshops (specifically, review materials prepared for the ESAURP'S "Education for Democracy" training of trainers programs, and material prepared for the Research and Education for Democracy in Tanzania (REDET) Project⁸ This will probably be combined with the above task and should not take more than a total of 3 weeks for both.

3. Prepare workshops and workshop material on a "rolling basis" including the identification of kits for "model stories." (The USIS consultant, together with local Tanzanian personnel, will identify a series of on-going specific stories concerning the election and more broadly basic democratic processes, and assemble several sheets with basic facts, potential sources, potential reference works etc. and some examples of local press stories written on the issue as training materials for the journalist to produce in the workshop his/her own story.)

If at all possible, the first three workshops should be prepared and ready to go by mid to late June 1995, and should take place prior to the elections of late October 1995.

4. Hold the first of a series of two-day workshops in up to six sites (including one on Unguja Island- Zanzibar). The first workshop would focus on electoral topics, using the civic education material identified above to introduce basic information which the journalist needs to know about

⁸A book entitled Msingi ya Demokrasia has been written by two journalists and a political scientist and should be currently available. The material should also be reviewed for the "Civic Education Component of the project, to determine how much of it would be suitable for lower secondary school student use as an English language text or course guide.

electoral law, party law and party operation, the roles of election officials and procedures for electoral challenges, the nature and role of election observers and monitors, any pre-election polls or exit poll planned with brief orientation to understanding and interpreting polls).

This workshop should be very well publicized to reach working journalists in the press, electronic media, as well as newsletter writers for NGOs and NGO associations (TANGO, TNGP, Political Gender Cluster, Bawata, and religious press if any).

This workshop should be carefully evaluated for the comprehensibility and usefulness of its content, for patterns of interest and attendance, for participant reactions and suggestions, and for the assessments of trainers.

5. A second and third workshop should be planned based on the results of the first workshop, and should be conducted in an appropriate number of sites. If results from the first workshop demonstrated a lack of sufficient interest in one of more regional sites, adjustments should be made to reduce the number of sites and combine participants is so far as practical. The second and third workshops should focus on covering the registration process and the campaigns both for parliament and President (on Zanzibar five elections will be occurring simultaneously, and some choices will need to be made about which model stories to work with and which campaigns to follow in the workshop).

Potential topics for these workshops should be: covering a candidate (beyond life style, speaking style and personality to explore content and issues); understanding party positions, party organization, legal and illegal voter inducements and promises (threats), and the relationship between parties and journalists ("public information officers", "spin doctors," press releases etc.). Workshop three should prepare the journalist specifically to deal with issues on election day (how polling stations are named, counting, transport of ballots, certification of results, how observers and monitors will function, how election challenges are to be filed and dealt with.

6. Plan and conduct a series of five two-day post-election workshops to take place between March and March 1998 (about two a year), and conduct them in as many sites as feasible in Dar es Salaam and outside the capital.

The content of these workshops would complement journalists knowledge and understanding of democratic institutions and processes, but each would also stress a particular journalistic tool (substantiation, reporting "fact," dealing with statistics, interviewing techniques, seeking information from government sources).

The model story approach would still be employed, to focus journalists on a particular subject area, and to give them ideas about producing a specific story for their outlet.

Substantive Topics which might be covered in these workshops are:

- How a Citizen Can Exercising his/her legal rights in courts and mediation (ADR) processes. This might be a particularly good unit to tie in to women's legal issues and their particular problems in learning their rights and in exercising them. The workshop right also focus on issues of the legal rights of journalists. The subject matter would be used to acquaint journalists with court structures, the role of advocates and lawyers, legal aid, finding and publicizing a particular law.
- Taxes: What are a citizens obligations, how are taxes determined, how should taxes by collected in a fair an equitable manner, tax authority at different levels (do local governments have any separate tax authority and for what purposes?
- Public Sector Corruption: What constitutes corruption? What laws govern corrupt practice on the part of public officials, how does these laws relate to "custom?" What incentives and disincentives exist for corrupt practice? What can citizens do about public sector corruption, what special problems do businesses have?
- The Fruits of Democracy⁹: How should one determine and report on the "impact" of multipartyism and increasing democratic governance? What are reasonable expectations for the working of specific economic policies and when should results appear? What priorities does the government have, and what have they done about them since the election? What results are outside the control of the government, and which must they take responsibility for?
- Alternative Subject: Freedom of Association and Express: How are rights to associate and express oneself evolving and being applied in Tanzania. This would get journalists into case studies of groups or individuals, looking at laws and regulations covering association, incorporation, forming of "trusts," and dealing with appropriate government ministries, and well as laws covering media freedom and media coordination (control).

7. Evaluate the Success of these activities

Based on the initial consultations in Tasks 1 and 2 USIS should attempt to constitute a working group to develop an assessment methodology and to conduct a mid-term and final assessment. It should not rely solely on the end-of-workshop reports of participants. (See Measurable indicators for the kind of indicators and benchmarks which such a group might adopt).

(Budget to be prepared by PDO Office AID/Tanzania)

⁹See for example T.L. Maliyamkono, Who Votes in Tanzania and Why? Dar es Salaam, ESAURP, 1995, p. 39 and 60 reporting on the "effects of multipartyism," and specifically trying to determine the relationship between democracy and economic well-being.

Proposed Measurable Outcomes and Benchmarks

Measurable Indicators:

Overall: Attendance at workshops over time, and level of interest and satisfaction by participants expressed in end-of-workshop evaluations.

2. Relative to objective 1 of this component:

a. Increase in number of political stories covered in media which raise issues of democratic performance and principle (USIS will clip major newspapers and will solicit and clip newsletters etc from NGO participants. Participants will be asked to submit copies of their actual stories or radio scripts.

b. Discernable improvement in quality of election coverage and in subsequent coverage of governmental affairs, as judged by a panel of USIS personnel and the journalists consultative panel suggested above.

Relative to objective 2:

Self reporting by journalists of the most important points learned or clarifications made. Evidence in quality of stories published of few errors of fact on basic civics processes and institutional structures.

Relative to objective 3:

Fewer charges that journalists libelous, or inaccurate in their reporting. Perception by consultative panel that professional quality of political writing has improved.

Relative to objective 4:

Perception by journalists that government is more forthcoming with information. Can be obtained through a focus group discussion with journalists or from views of the consultation panel of journalists.

Project Component: Building a Rule of Law Society Through Civil Society: Support to Women's Legal Rights

In the 1994 ARD Democracy Assessment the team emphasized the slowness of the legal and constitutional law reform process in Tanzania, and the need to reinforce the this process through the growth in capacity of NGOs. There are a number of reasons why it makes sense to approach this task through supporting women's legal rights.

First, women are among the most disadvantaged group in the country in terms of the operation of law and their access to justice. For the most part women have been unable to learn of their existing legal rights, and have had little opportunity to exercise those rights. Women pay a very high price for this situation in terms of their condition upon divorce or the death of a spouse, and in terms of their ability to have adequate recourse in the event of rape, battery, and even murder in the case of witch hunts.

Second, women can be among the biggest beneficiaries of an increasingly democratic political environment in which the state at all levels is pressured to respect the law. For the most part, women have been disproportionately excluded from exercising their political rights. As women learn about their civic and well as their legal rights, they are likely to become an even more vocal pressure group for democratic reform and for a rule of law based on statutory law.

Third, thus far Tanzanian women have shown a remarkable talent for organizing and networking, and for creating inclusive and tolerant associations. The growth of women's NGOs and other forms of associations (such as trusts) in the past few years has been truly remarkable.

Fourth, assisting the forging of a demand for a rule of law will not only involve specifically women's associations, it can also help strengthen non-gender based human-rights and legal aid organizations which naturally find themselves deeply involved in work with women.

Approach to this Project Component

The approach to be employed here is to establish a grant fund which will work to strengthen NGOs and other potential non-governmental actors (not-for-profit companies, trusts etc.) who work in three areas of the law as it regards women:

- legal aid services and improving access to justice;
- legal literacy and improving knowledge of rights;
- and legal reform advocacy as NGOs begin to demand greater constraints of arbitrary action by governmental officials, greater respect for existing law, and fairer and more democratic law.

As the report on capabilities discusses, it is undesirable to determine at this time a list of the major recipients, or to delineate the exact types of projects which should be funded. This is because the associations working in this area are still emerging, and the scene is very dynamic both in terms of their capabilities and in terms of the legal enabling environment in which they work. The preferred approach will be to establish the fund, to specify the principles on which it should operate, and to provide adequate management to evaluation of results. Essentially, this fund will be very much like the "Women Trust Fund" of the Netherland's Embassy, except that it will not fund a wide variety of WID activities, and grants will not be restricted to "women's organizations" per se.

The principles on which this fund should be established are:

- Eighty percent of the grants should be programmed to go to organizations which have an on-going activity in this area, for projects which enable them to extend a given activity, or to add a new dimension to an existing activity (below are examples of the kinds of activities which should get priority consideration, but this list is not intended to be definitive.)
- Programmed grants should be for a period of up to two years, and for a maximum of \$30,000 per grant (this is also the maximum for grants through the Dutch Women Fund.)
- Twenty percent of the funding should be reserved for high profile, emergency (but strictly non-political legal aid) which can be used to publicize an important right and further a lobbying agenda. These grants should be pro-active, and should not exceed \$5000. Simplified procedures must be developed to grant and disperse these funds if they are to be useful to further the objectives of the grant.
- Grants applications for either type of activity should be entertained from any non-governmental organization which can convincingly demonstrate that its project fits one or more of the three areas involving women's legal issues. This could include Human Rights Groups, legal aid groups and legal aid committees of professional associations including Bar Associations.

Program Components

This component shall consist of a grant fund, and a management structure.

1. The grant fund shall be established by the project and fully funded for four years at \$400,000. The establishment of the grant and working out of legal issues on the U.S. and Tanzanian sides will probably require the services of a U.S. consultant with a Tanzania law counterpart.
2. It is recommended that the fund be managed in the following way:
 - a. The AID negotiate an oversight agreement with the Tanzania Gender Networking Program which would enable them to employ one full time local hire, as well as organize publicity for the grant fund and a system of evaluating its results.
 - b. AID would retain financial accountability for the fund, and would establish a procedure for closely supervising the TGNP person. AID controllers would approve all expenditures, and pay them from a Project Account.
 - c. TGNP, together with AID would establish an oversight committee to review and prioritize grant applications. This committee should be made up of a representative of

TGNP, a Project Officer from USAID, representatives of several interested NGOs (at least 50% should be women), and several non-voting advisory members from the donor community who are particularly active on WID and WID/Legal Aid issues (probably the Dutch and the Danes, possibly also the Canadians). Dossiers on each grant would be prepared by the TGNP staff person for the project with research on relevant grant history and current internal capability. AID's involvement would be restricted to overall financial accountability, and to oversight of grant awards.

Suggested Types of Activities Funded

Note: Programmed money from this fund (80%) should not be used for international travel, international workshops, or domestic Tanzanian workshops unless the purpose of the domestic workshop is specifically to produce one of the principal results (ie. a lobbying workshop in preparation for direct lobbying).

Programmed Aid

- Legal aid expenses for lawyers handling cases for women referred by a grantee association;
- expenses to a grantee of conducting regular legal aid clinics in a fixed location for a definite period of time.
- Development of policy materials, media or direct lobbying materials or direct expenses to participants in lobbying efforts
- Small research projects in preparation of policy and lobby efforts, if part of a direct action project by a grantee
- Legal literacy educational training programs for members of a grantee association, or as part of their outreach (preferably rural-based, paired with Community-based organizations).
- legal expenses for a CBO or NGO involved in women's rights cases directly.
- small grants to NGOs, CBO etc for communication and travel expenses to facilitate legal literacy, legal aid, or lobbying.

Emergency Grants:

- research and case preparation assistance for a woman victim of flagrant violence, rape etc, and unable to obtain action from authorities.

- emergency legal aid to women being dispossessed or threatened at time of divorce or death of spouse.
- legal aid for women threatened with illegal action against charges of "witchcraft."

Estimated Budget for this Component (these estimates need to be verified):

1. Consultancies to establish the Women's Law Fund

U.S. consultant	10 x \$650	\$6500	
Assuming buy-in to an IQC			
Travel and per diem			\$7275
Local Consultant	6 x \$92		
	(50,000 tsh)	\$ 552	
Other Local Costs for Consultant team			\$1000
2. Fund Allocation for four years (really only adequate for 2 years)			\$350,000
3. Full-time Administrator at TGNP 48 months x \$275 (150,000 tsh)			\$13,200
4. Support equipment at TGNP for Administrator (computer, printer, UPS) He/She can share their database etc.			\$12,000
5. Travel for administrator to investigate grantees, and monitor progress			\$5000
6. Other supplies etc.			\$10,000
7. Meeting costs for Advisory Group 8 x \$2000			\$16,000
8. Overhead Management Fee to TGNP (office space, telephone, utilities furnishing)			\$50,000

Total \$471,527

Proposed Measurable Outcomes and Benchmarks

1. At least 8 program grants awarded and fully disbursed. (No single association or organization may get more than two).

2. At least 5 emergency legal interventions, with at least one resulting policy change, 10 media stories, and 3 successful resolutions for the client.
3. Legal aid made available to at least 20 women a year.
4. At least one major legal lobbying effort on women's rights undertaken a year (with at least 2 success over four years)

Benchmarks: 6 months: Fund fully established; staff person hired and fully active. Advisory Committee established

- 1 year: At least 2 program grants awarded.
- 2 years: At least 5 total program grants awarded
At least 10 legal service cases resolved.

Project Component: Education for Democracy:

Civic education has been an important element in many AID's programs throughout the world, but until recently it been approached in Africa mainly through support of NGO civic education programs, often centered around electoral rights, or the rights of specific groups. The opportunity now exists in Tanzania help the next generation of Tanzania's opinion leaders (those who achieve at least a secondary school level). This opportunity exists because, even under present conditions, a new civic education curriculum has been mandated, and because it is highly likely that as the Tanzanian political process becomes more competitive there will be even more support for such education. In addition, civic education through formal schooling has been very much neglected by other donors up until now, and their is an opportunity for AID to make a unique contribution.

Civic education, stressing democratic values and processes can contribute to improved democratic governance in Tanzania in the following ways:

- it can promote broader and more informed political participation in the life of the nation on the part of learners;
- it can encourage the use of democratic values in the learner's life which can contribute to more democratic behavior in other associations, including in local-level associations and clubs;
- it can encourage the acceptance of such values as tolerance, opposition, and equality before the law, as principles important for maintaining a peaceful and orderly settlement of differences;
- it can contribute to better governance by equipping the learner with the information he/she needs to know how to demand more public accountability and transparency, and more lawful behavior on the part of public officials.

Principles of AID's Civic Education Program in Tanzania

First, to the degree possible, it should attempt to focus on future opinion leaders by supporting civic education in formal secondary education.

Second, it should concentrate its resources on the development of a specific unit of the secondary school civics curriculum which will deal explicitly with democratic values, institutions, ideals and practices. This curriculum should be problem based, so that it relates to the learner's real life issues, and to contemporary institutional issues in the Tanzanian political system. It should not attempt to deal with the broader issues of civic education, or with the broader issues of Tanzanian public education at this time.

Third, it should strive to produce a discrete product (a curriculum unit) which can be employed not only in the secondary schools, but by other groups doing adult civic education, particularly education aimed at teachers, regional and local politicians and other middle-level opinion leaders.

Project Activities:

Under this component of the project AID would undertake the following specific activities:

1. It would negotiate a contract with the Institute of Education and the Civic Education Project of UDSM to produce a curriculum unit on democratic civics. In the life of this project, this curriculum should cover democratic civics for "O" level standard form I and II.
2. It would arrangement for short-term technical assistance to support the parties to the contract in educational methodology, so that the curriculum can be designed as a series of lessons or sub-units with specific objectives. Technical assistance should involve as well assisting Tanzanian partners to incorporate active learning and a problem based approach to this curriculum.
3. It would support a series of four teachers' workshops, to be conducted by the contract recipients:
 - one two week long workshop associating teachers in the development of specific curricular units;
 - two workshops (one each year) to train about 50 teachers from public and private regional secondary schools, and from the Institute of Adult Education's Correspondence Division in the use of the materials;
 - one workshop with NGO civic education planners and curriculum developers on the potential adaptation of these materials for their needs.
4. The contract would provide funding for the development of an English-language curriculum guide and set of lesson plans for the units developed.
5. It would provide funding to assist with the modification (simplification) of lessons produced for these unit and for their translation into Swahili, if NGOs and groups like the Task Forces of the University's Civic Education Project deem that they would be interested in making use of the materials in their work.
6. The project may also want to work with teachers in the Normal Schools (Teachers Training Institutes, or CCMs). These teachers can help introduce this curriculum to future teachers. They are already a target of the REDET project. If they are convinced that the material is useful and appropriate, they will be much more willing to incorporate and transmit it to their students.

ISSUES:

A considerable amount of work remains to finalize this component. It needs to be determined whether the key players will have an interest in this, and whether they will do so given the relatively small amount of funding AID will be able to devote to this activity. Key players are:

The Ministry of Education: Will they have an interest in getting technical support to develop a part of their civics curriculum? Do they have a genuine interest in developing the democratic values and practices part of this curriculum in a preferential manner? Thus far many educators seem to feel that the messages coming out of the government about what should be in this course are far from clear, leaving curriculum writers and school directors who are charged with introducing a new civics curriculum in considerable uncertainty.

The Institute of Education- Curriculum development unit:

Will they have an interest in participating in the development of this portion of the curriculum together with the REDET project, or with a few of its participants?

The Political Science Department of DSM:

This group, including its Chair are already involved in a major research and civic education project (over \$2.5 million) and may be stretched to full capacity and beyond. There are some indications of this in the report of the Danish "pre-appraisal team." The Chairman of this Project has indicated his interest, but very detailed discussions need to occur to determine the modalities and costs. REDET has already developed a Democracy text for civic education (in Swahili) which we have not seen. It is also clear that the weakest part of the REDET project was the educational component. Questions have also been raised about whether the REDET project has a clear educational philosophy, and whether the philosophy which undergirds its conceptions of democratic education is compatible with an approach focused on making the material relevant to the learner.¹⁰ If the plan is to use the Department of Political Science to help develop the materials, and not to deliver them, there will probably still be a need for working out an approach to democratic education with educational specialists, so that the material will lend itself to this approach. There will also be a problem of determining exactly what content and methods the Ministry of Education will allow in its schools.

Component: Measurable Indicators and Benchmarks

(A Detailed Budget for this Activity will need to be developed following discussions with the potential contracting parties.)

¹⁰DanEduc a/s, "Final Report: Review-cum-preappraisal, The Research and Education of Democracy in Tanzania (REDET) Project," Volume I: Review of Phase I. January 1995 (limited official use only), vol I, op.cit. p. 22.

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