

MKUKUTA CLUSTER III: GOVERNANCE AND ACCOUNTABILITY

Assessment of Broad Outcomes

MKUKUTA's third cluster has the following four broad outcomes:

- Good governance and the rule of law
- Accountability of leaders and public servants
- Democracy, and political and social tolerance
- Peace, political stability, national unity and social cohesion deepened

This is the first year that a set of governance and accountability indicators are being used in the national monitoring system, and it represents a significant step forward. Initial findings give a general impression of modest improvement, yet efforts need to be sustained, and in some instances, intensified. In many areas, data have been challenging to obtain, but both quantitative and qualitative information has been gathered and analysed as far as possible.

One notable challenge is the lack of data from local government. Although indicators have been agreed and information has been shared, this remains a stumbling block. Data are not yet flowing smoothly between the monitoring and evaluation systems of the Prime Minister's Office – Regional Administration and Local Government (PMO-RALG) and the MKUKUTA monitoring system. Further efforts to strengthen the linkages between these systems are required.

Assessment of Cluster Goals

MKUKUTA's third cluster has the following seven supporting goals:

- 1 Structures and systems of governance as well as the rule of law to be democratic, participatory, representative, accountable and inclusive
- 2 Equitable allocation of public resources with corruption effectively addressed
- 3 Effective public service framework in place to provide foundation for service delivery improvements and poverty reduction
- 4 Rights of the poor and vulnerable groups to be protected and promoted in the justice system
- 5 Reduction of political and social exclusion and intolerance
- 6 Improve personal and material security, reduce crime, and eliminate sexual abuse and domestic violence
- 7 National cultural identities to be enhanced and promoted

GOAL 1: Structures and systems of governance as well as the rule of law to be democratic, participatory, representative, accountable and inclusive

An overall assessment indicates that much remains to be done to achieve this goal.

The indicators for this goal are:

GOAL 1

- Percentage of population with birth certificates
- Proportion of women among senior civil servants
- Percentage of women representatives (elected) to district council
- Proportion of women among Members of Parliament
- Proportion of villages assemblies holding quarterly meeting with public minutes
- Proportion of LGAs posting public budgets, revenue and actual expenditures on easily accessible public notice boards
- Percentage of females from smallholder households with land ownership or customary land rights

A key indicator is birth registration. Birth registration is a basic right and has the potential to provide fundamental population data for effective government service planning. A birth certificate is an essential document of identification and citizenship, and registration is required for primary school admission. The TDHS 2004/05 indicates that registrations are very low, especially outside Dar es Salaam. Only 5.7 per cent of births are registered; 20 per cent in urban areas, and less than 3 per cent in rural areas. Although notification is free at the time of birth and up to 90 days after birth, few parents register their children early. The TDHS 2004/05 does show slight increases in registrations in both urban and rural areas. However, further awareness raising and improvements in registration services are necessary. It is especially important to ease the hardships of registration by lowering the cost of registration and by improving accessibility to registration offices for rural households. Linking birth registration with immunisation services is one possible strategy.

Cluster III indicators also measure gender equity in public service and political appointments, and in land ownership. **The number of women representatives in Parliament has risen steadily since independence**, reaching 30.4 per cent in 2005. This proportion is much higher than in other East African countries due to the Special Seat System. After the 2005 general election, more female ministers were appointed than at any other time in the country's history – six women among the total of 29 ministers. **In the civil service, gender balance has been improving**, but the distribution across grades/levels is uneven and women continue to be concentrated at the lower and middle hierarchical levels. Furthermore, the new rules stipulating that civil service appointments must be based on merit only may mean that special capacity building efforts are needed for female officials to enable them to compete for posts and promotions on an equal footing.

In Tanzania, 58 per cent of rural households retain their land under customary law; 16 per cent have bought their land; and the remainder rent, lease, or sharecrop (Agricultural Census Survey 2002/03). A very small proportion – five per cent - has official land owner certification. Assessing gender balance in land ownership poses a number of challenges, not least because the concept of 'ownership' is equated most often with user-rights, especially in rural areas. In addition, the Law of Marriage Act (Sec 56) and the Rules of Inheritance (GN.436) limit a female spouse's rights in the event of the death of her husband. These pieces of legislation were meant for review and revision during the period of the Poverty Reduction Strategy from 2000-2004, but there has been little progress.

Finally, countrywide data is not yet available to assess the proportion of local government authorities posting public budgets, revenue and actual expenditure on easily accessible noticeboards. Regulations are in place and LGAs are required to post financial information. However, selective research found little information displayed at village level and the quality and accessibility of information, as well as its timeliness, were problematic. Greater effort by LGAs, PMO-RALG and civil society are required to improve this area of public accountability.

GOAL 2: Equitable allocation of public resources with corruption effectively addressed

Progress is being made towards this goal, and efforts to make further progress are clearly on the right path.

Indicators are:

GOAL 2

- Total revenue collected as a percentage of revenue due at national level
- Percentage of procuring entities complying with the Public Procurement Act
- Percentage of government entities awarded clean audit certificates from the National Audit Office (NAO)
- Number of convictions in corruption cases as a percentage of number of investigated cases sanctioned for prosecution by the Director of Public Prosecutions (DPP)
- Percentage of LGAs that receive the full calculated amount of their annual formula based budget allocation
- Total value of revenue received from concessions and licences for mining, forestry, fishing and wildlife as a percentage of their estimated economic value

Domestic revenue collection shows an overall upward trend, although improvement is slow and levels are below those of comparable countries. The government recognises the need to widen the tax base while minimising leakages and distortions. Nonetheless, a significant challenge remains to implement a systematic approach for estimating revenue due. Current

moves to benchmark the Tanzania Revenue Authority (TRA) against internationally recognised tax administration principles represent positive steps towards achieving this objective.

Significant improvements have been made in recent years in public procurement. The new Procurement Act 2004 has decentralised procurement to MDAs and LGAs. Implementation has been positive overall, but improvements are needed in the performance of tender boards in particular. Moreover, there are significant sums of unaccounted stock in government stores resulting from a lack of proper records, gaps amounted to TSh 3.6 billion in 2004/05. There is also an urgent need to implement regulations for local government procurement that address issues of the functioning, autonomy, and appeals processes for tendering at the LGA level.

The trend overall in audit judgements of MDAs is positive. Clean audits have moved from 24 per cent in 1998/99 to 45 per cent in 2003/04. The trend for local government also shows improvement from 9 per cent with clean audits in 1998/99 to 43 per cent in 2003/04. More stringent efforts are needed at LGA level, especially in light of increased financing through transfers in the grant formula system and the large amounts of financing through donor initiatives. Capacity development grants are intended to facilitate this process.

Given the legal challenges to prove cases beyond a reasonable doubt, the current MKUKUTA indicator, convictions for corruption, may be of limited value. However, tolerance of corruption has been gauged through periodic Afrobarometer studies. The most recent study in 2006¹⁴ revealed that 66 per cent of Tanzanians considered it was wrong for a public official to locate a development project in an area where his/her friends and supporters reside. A marginally higher percentage (69 per cent) thought it was wrong for a government official to give jobs to family members or to those candidates with inadequate qualifications, and 72 per cent viewed it was wrong for a government official to demand a favour or an additional payment for a service that is part of his/her job. Respondents felt that action should be taken in such cases, including prosecution and/or punishment.

High levels of corruption in the public sector are still perceived. Eighty per cent of respondents in the latest Afrobarometer survey perceived corruption in the police force, while 71 per cent perceived corruption in the judiciary. Despite this, the number of corruption cases prosecuted at regional level in 2005 was extremely low. The results of this assessment, combined with the low level of human resources in the legal sector generally, add urgency to the need for speedy implementation of legal sector reform.

Two main weaknesses in combating corruption require mentioning. First, the absence of legal protection for whistle blowers in corruption cases is a major flaw in the legal system. However, the government is considering new legislation to address this problem in the near future. Secondly, limited institutional arrangements exist to facilitate the participation of civil society in the fight against corruption.

¹⁴ Afrobarometer (2006): Briefing Paper No. 33: "Combating Corruption in Tanzania: Perception and Experience".

GOAL 3: Effective public service framework in place to provide foundation for service delivery improvements and poverty reduction

GOAL 3

Indicators of progress towards this goal are:

- Percentage of population reporting satisfaction with government services
- Percentage of population who found key service providers absent when they needed a service

Since the mid-1990s, improving public sector performance in service delivery has been a primary focus of the Public Service Reform Programme. Although significant progress has been achieved, pay reform has not been sufficiently addressed, and the public service continues to suffer through the loss of trained professionals, who move to more lucrative opportunities in the private sector. Moreover, many of those who stay do not work to their full potential on account of low wages and poor working conditions. Slow movement on pay reform, continuing poor performance of civil servants, and the human resource challenges in key sectors, such as health, education and water, may make this goal elusive.

To explore strategies to enhance productivity and efficiency in public service and to retain professional staff, the government established a Presidential Commission in mid 2006. In addition, phase II of the public service reform process was launched in September 2006, which will include further restructuring of MDAs to reflect core functions.

Levels of user satisfaction with public services vary widely. In general, lower levels of satisfaction, as well as higher levels of corrupt behaviour, are reported where users come into direct contact with providers, for example, with police, immigration and health services. Between 50 and 75 per cent of respondents reported dissatisfaction with these services. Dissatisfaction with secondary school services was consistently higher than with primary education services, perhaps reflecting recent efforts of the PEDP. Dissatisfaction was lowest with regulatory services.

Users reported some improvements in immunisation, secondary and primary education, tax collection, road maintenance, and services from traditional birth attendants. **Nonetheless, the absence of service personnel is a large problem.** Complaints of absence by service providers ranged from a low of 32 per cent for the Ministry Science and Technology to a high of 72 per cent for the Ministry of Home Affairs.

It is recommended that regular assessments of service satisfaction be linked to planning processes and medium-term expenditure frameworks (MTEFs) for MDAs and LGAs. The role of the President's Office – Public Service Management (PO – PSM) in this process will be important.

GOAL 4: Rights of the poor and vulnerable groups to be protected and promoted in the justice system

Indicators identified so far for this goal are limited in scope, but provide a necessary starting point for assessing progress.

Indicators are:

GOAL 4

- Percentage of court cases outstanding for two or more years
- Percentage of prisoners in remand for two or more years compared to all prisoners in a given year
- Percentage of detained juveniles accommodated in juvenile remand homes
- Percentage of districts with a team of trained paralegals

Administration of justice should be expedited. There is a backlog of unresolved criminal and civil disputes, and the number of trained legal personnel is insufficient. **Data indicates that the percentage of people held in remand for more than two years is 15.7 per cent in 2005.** The target is 7.5%. Given the overcrowding in prisons, reducing this number could help to ease congestion.

Juvenile justice is also lagging due to the lack of appropriate facilities; the central, western and north-western zones do not have separate placements for juvenile offenders.

Possible options include expanding prison facilities, or considering alternative and/or preventive measures. Although recent government efforts are acknowledged, a more strategic approach is recommended which considers innovations for sentencing such as community service. Early implementation of the long awaited Legal Sector Reform Programme is needed to speed up the dispensation of justice.

GOAL 5: Reduction of political and social exclusion and intolerance

Indicator

GOAL 5

- The number of cases filed for infringement of human rights.

In 2005, the Commission for Human Rights and Good Governance received 12,434 complaints, of which, the Commission resolved 7,111. Generally, very few human rights cases reach the courts, yet statistics show that citizens are aware of their right to file complaints. Over time public education on the principles of human rights and good governance may work to reduce intolerance, political and social exclusion.

GOAL 6: Improve personal and material security, reduce crime, and eliminate sexual abuse and domestic violence

The following indicators have been identified:

GOAL 6

- Average number of inmates per facility as a percentage of authorised capacity
- Number of cases of crimes reported
- Percentage of cases of sexual abuse reported that resulted in a conviction
- Percentage of surveyed respondents who agree that a husband is justified in hitting or beating his wife for a specific reason

Prison facilities are in a state of poor repair and overcrowded. On average, they are accommodating 96 per cent more prisoners than the facilities were designed for.

Although national data are not available on sexual abuse and domestic violence, the TDHS 2004-05 reports on the attitudes of men and women toward wife beating for specific reasons. A high proportion of respondents (42% of men and 60% of women) agreed that wife beating is acceptable, which indicates that a high proportion of Tanzanians consider violence to be an acceptable aspect of domestic relationships. The high percentage of women who reported that they accept wife beating under certain circumstances is particularly concerning. A World Health Organization study in Dar es Salaam and Mbeya in 2006 further revealed that 41 per cent of "ever partnered" women had experienced physical or sexual violence at the hands of a partner, and this violence was severe in 17 per cent of cases reported in Dar and 25 per cent of those in Mbeya.

GOAL 7: National cultural identities enhanced and promoted

Indicators are yet to be developed for this goal. At present, process indicators will be used, and outcome indicators should evolve from periodic analysis.

MKUKUTA Cluster III: Indicators, available data and targets¹⁵

Note: Baselines and targets for most indicators in this cluster are still to be agreed

Indicator	Baseline		Trends						Targets
	Estimate	Year	2001	2002	2003	2004	2005	2006	MKUKUTA 2010
GOAL 1: Structure and Systems of governance as well as the rule of law are democratic, participatory, representative, accountable and inclusive									
% of population with birth certificates	6.4%	1999				5.7			
- Urban	(children					17.8			
- Rural	under					2.7			
- Dar es Salaam	5 yrs)					24.8			
Proportion of women among senior civil servants: %									
- Central Government							21.2		
- Local Government							35.0		
- Regional Secretariat							25.0		
- Judiciary							35.0		
% of women representatives elected to district council									
Proportion of women among Members of Parliament %	21%	2000					30.4		
Proportion of village assemblies holding quarterly meeting with public minutes									
Proportion of LGAs posting public budgets, revenue and actual expenditures on easily accessible public noticeboards									
Proportion of women with secure tenure over land or property									
GOAL 2: Equitable allocation of public resources with corruption effectively addressed									
Total revenue collected as % of revenue due at national level Proxy: total tax revenue collected by TRA, billion TSh			861	977	1,145	1,319	1,679	1,903	
% of procuring entities complying with the Public Procurement Act and procedures	10%	2005					10%	58.3%	80%
% of government entities awarded clean audit certificate from National Audit Office									
- MDAs:	24%	98/99	41	31	49	45			
- LGAs:	9%		10	17	34	43			

Indicator	Baseline		Trends						Targets
	Estimate	Year	2001	2002	2003	2004	2005	2006	MKUKUTA 2010
Number of corruption cases convicted as % of number of investigated cases sanctioned for prosecution by the Director of Public Prosecutions			38	32	35	57			
% of LGAs that receive the full calculated amount of their annual formula based budget allocation									
Total value of revenue received from concessions and licenses for mining, forestry, fishing and wildlife as % of their estimated economic value									
GOAL 3: Effective public service framework in place to provide foundation for service delivery improvements and poverty reduction									
% of population reporting satisfaction with Government Services									
% of population who found key service providers to be absent when they needed a service						53			
GOAL 4: Rights of the poor and vulnerable groups are protected and promoted in the justice system									
% of court cases outstanding for two or more years	70%	2000							40%
% of prisoners in remand for two or more years compared to all prisoners in a given year	15.7%	2005				6.8	15.7		7.5%
% of detained juveniles accommodated in juvenile remand homes									
% of districts with a team of trained paralegals									
Goal 5: Reduction of political and social exclusion and intolerance									
Number of cases filed on infringement of human rights									

CLUSTER III: DATA SUMMARY

Indicator	Baseline		Trends						Targets
	Estimate	Year	2001	2002	2003	2004	2005	2006	MKUKUTA 2010
GOAL 6: Improved personal and material security, reduced crime, eliminate sexual abuse and domestic violence									
Average number of inmates per facility as % of authorised capacity								96.3%	
Number of cases of crimes reported:									
- Court of Appeal			82	91	160	127	221	222	
- High Court			2,288	2,047	1,863	2,212	3,291	4,344	
- District Courts			39,010	39,167	39,800	8,494	1,998	22,099	
% of cases of sexual abuse reported that resulted in a conviction									
% who agree that a husband is justified in hitting or beating his wife for a specific reason:									
- women							60		
- men							42		
GOAL 7: National cultural identities enhanced and promoted									
Currently no outcome indicators									

15 Sources as noted in the Ministry of Planning, Economy and Empowerment, MKUKUTA Monitoring Secretariat, Indicators to Monitor National Strategy for Growth and Reduction of Poverty (MKUKUTA), draft 1 July 2006