REPOA Brief
RESEARCH ON POVERTY ALLEVIATION
No.14, April 2009
www.repoa.or.tz

Influencing Policy for Children in Tanzania: Lessons from Education, Legislation and Social Protection

Recent work of REPOA[1] has highlighted children and aspects of policy important for children's well-being and national development[2].

Policies are important to promote child well-being, but the impact upon the actual well-being of children varies. Some draw widespread public and political attention, get translated into programmes, attract resources and are implemented. Others don't. Why is this?

Policies are often analyzed statically, on the basis of evidence and its internal technical logic and argument. But this may explain little about a policy's ability to bring change. To understand what engenders change, it may be more instructive to study policy in practice, and the contextual factors that make change most effective.

This brief summarises three case studies of recent policy/programme developments regarding child well-being in Tanzania and examines the political 'drivers of change' that influence policy and action on child well-being.

The first study explores the politics of policymaking, and the respective roles of citizens, government and donors in influencing recent reforms in primary education. In budgetary terms, universal primary education is perhaps the largest social transfer that assists all children in Tanzania, including the most vulnerable. Primary school enrolment almost doubled from five to eight million children between 2002 and 2006. In the same period, 41,000 new classrooms were built and the number of teachers increased by 50% from 100,000 to 150,000. This was made possible by more than doubling the budget for education, through improved domestic revenue collection and increased donor funding.

1 This brief is based on a paper which was prepared by Masuma Mamdani, Rakesh Rajani and Valerie Leach with Zubeida Tumbo-Masabo and Francis Omondi for the Joint Learning Initiative on Children and HIV and AIDS (JLICA). It was commissioned by Learning Group 4 which was co-chaired by Alex de Waal (SSRC) and Masuma Mamdani (REPOA, now at UNICEF). The Joint Learning Initiative on Children and HIV and AIDS is an independent, interdisciplinary network of policy-makers, practitioners, community leaders, activists, researchers, and people living with HIV, working to improve the well-being of HIV-affected children, their families and communities.

2 REPOA (2008); JLICA (2009); IDS (2008)

However, while primary education has been successful in including large numbers of children, significant inequities remain entrenched, and the potential of the reforms to improve longer-term quality of life and livelihood prospects appears to be limited. Large geographical disparities persist in teacher distribution and examinations performance, the flow of education funds to schools is still uneven and unpredictable, and provisions for special needs are virtually unheard of. In this context the well-to-do have often ended to opt out of public schooling by sending their children to relatively better functioning private schools, a choice with the potential to undermine social cohesion.

Why have some types of change been dramatically achieved in primary education in Tanzania while little progress has been made in others? Part of the explanation is that interventions such as enrolling children, building classrooms and raising funds are relatively easier than improving classroom teaching and development of skills at scale. In addition, this study speculates that both the quantitative successes and quality/equity limitations of recent education reforms may be explained by the type of public pressure exerted by citizen constituencies. It suggests that effective change is unlikely to be achieved by increased funding and technocratic solutions alone. Instead there is a need to better understand and engage with a citizen-centered political dynamic. Doing so will likely require a type of involvement more akin to political and social movements, that encourages broad-based community engagement, rather than the somewhat apolitical technical development approaches that dominate many programmes for children, especially interventions for the most vulnerable children and those affected by HIV and AIDS.

The second case study provides a historical analysis of key processes in the development of a children's statute in Tanzania and explores the underlying reasons behind the lack of change despite concerted efforts.

The review of existing legislation related to children began in 1986. Subsequently, Tanzania ratified the UN Convention on the Rights of the Child (CRC) in 1991. In the ensuing years, the Law Reform Commission of Tanzania has submitted papers to the Government, and several workshops have been held where varying commitments were expressed to enact new legislation. However, over twenty years since these efforts first began, legislation affecting children is still haphazard and fragmented, and not necessarily in children's best interests [3].

Why has there been little progress? What indeed was the significance of Tanzania's ratification of the CRC? Ratification of international instruments indicates a country's acceptance of internationally constructed principles and a desire to adopt international codes in its own laws. In practice, however, the translation of that desire into effective domestic legislation must compete with many other legislative changes. It may be that Tanzania agrees to international codes both because they express desirable policy change and because they are perceived as desirable in the eyes of an international community on whom the country is dependent for funding. It is possible that the Government has not understood the full implications for domestic law reform implied by such agreements. A lesson here is that the signing of international instruments in itself has little power to affect well-being in practice, which is a salutary reminder of the large gap that can exist between policy and practice.

Another possible explanation is that matters of children are seen as belonging to a domestic domain that is socially sensitive. But while cultural aspects regarding the socialisation and treatment of children are thorny issues, the broad education reforms discussed above and the successful and relatively fast enactment of a

3 Since this study was conducted, the Minister for Justice and Constitutional Affairs has promised to introduce legislation to the National Assembly. The Government told the Committee on the Rights of the Child on 30 September 2008 that various pieces of legislation will be revised taking into consideration the Convention and the Optional Protocols, and that consultations will continue about whether there is need for a single piece of children's legislation in a Children's Act.2

law on sexual offences, Sexual Offenses (Special Provisions) Act in 1998, suggest that there are more compelling reasons for the long delay. The study notes that the champions of new legislation on children have not been a consistently well-organised force and have been unable to convince broader constituencies to see the importance of these efforts and to support them. Even where there is public concern, this does not appear to translate into legislative pressure as few Tanzanians see the enactment of a new law as making a practical difference in meeting needs or realising rights. Here too the crux of the issue may be that the need for a children's statute has never enjoyed a groundswell of concern among parents, politicians and donors alike, such as that enjoyed by education. Nor has it engendered broad awareness or organised civil society and feminist activism, as seen in the enactment of the law on sexual offences. The cautionary note here is that even if new legislation was enacted, its implementation is likely to be haphazard and uncertain in the absence of consistent public expectation and pressure for change.

The third case study assesses the viability of the social protection model that is presently being promoted to protect the most vulnerable children (MVC) in Tanzania.

The overview of MVC programmes reveals a hodge-podge of initiatives, mechanisms, funds and bodies, which demonstrate that the core problem is not lack of efforts and funding, but the state's commitment to a systemic and coordinated response. The central question is not about the need to do something or to raise more funds, but how to do it effectively and in a manner that recognises rights and entitlements and is sustainable.

Clearly better coordination and harmonisation is needed, but this is easier said than done. One solution is to work to strengthen local government systems and budgets, rather than to create standalone silos and projects. However, the question remains: what is needed now? Short-term programmatic responses or long-term institutional investment in effective national systems? The desire to make a difference quickly so as to be able to report progress to donors creates incentives that favour international agencies' funding of projects and non-governmental organisations which are directly accountable to those agencies. But evidence of the long term effectiveness of taking this approach remains unclear, as does its impact on the integrity of local government and community service delivery systems. With the large amounts of resources made available, it is certain that these MVC programmes will have some positive effect. The real question, however, is whether there are alternative policies and modalities which could provide more effective and sustainable forms of support to most vulnerable children, and represent value for money.

Another key issue is the debate between targeting and universalism. The study discusses the conceptual and administrative difficulties of ensuring that the most vulnerable children are reached and supported. Community-based targeting is currently being widely used in programmes for most vulnerable children, but this approach can be inexact and socially divisive. Just above the most vulnerable in socio-economic terms, many more poor children are at risk and also deserving of some support. Expanding support to local governments to ensure delivery of core services - such as health, education and water - to all children may impact more children at risk in a manner that is cost-effective and simpler, engenders broader public support, and strengthens existing public capacities. Embedding specific criteria and mechanisms to safeguard the interests of vulnerable children within broad-based public services - such as inclusion in school, provision of safe water and access to free or affordable health services - may reach more children over a longer period at lower cost than targeting outside mainstream service delivery channels.

In turn, the "targeting vs. universalism" debate is closely related to perceptions of how different or exceptional are challenges related to HIV/AIDS compared with other serious national concerns and to what extent does HIV/AIDS demand an explicitly focused response? The evidence presented in the study shows clearly that HIV and AIDS have exceptionally high priority among donors and international bodies, reflected in the large amounts of global aid allocated to these problems. In Tanzania, donors have been heavily involved in driving HIV and AIDS programming, including pushing

for the establishment of the Tanzanian Commission for AIDS (TACAIDS), conducting research and lobbying strongly on the issue. Nationally, there are large numbers of plans and organisations focused on HIV and AIDS, many of which have responded to the incentives created by increased funding by external agencies. While it is difficult to separate out an 'organic national concern' from international influences, little evidence is available to indicate that Tanzanians would place as high a priority on HIV/AIDS as have donors.

If this finding is accurate, it would be fair to say that the concern about HIV and AIDS is overly donor driven in Tanzania. The point here is not to exclude donor involvement; indeed the successes of primary education would not have been possible without donor support. The primary education crisis was a broad and explicit national public concern, not a 'donor issue', and PEDP was structured to strengthen government systems and open them up to greater public engagement and scrutiny.

The central concern of this analysis is to identify sound systems and mechanisms to enable support for children, especially the most vulnerable children, given limited resources and capacity constraints. While the issues remain complex, an examination of the three different studies indicates a core common lesson: initiatives that resonate with and respond to broad public concern are more likely to gain traction, exercise accountability, and be sustainable. In contrast, efforts that are technically driven and over emphasise the provision of funds are unlikely to be effective because they may miss the political drivers of change in the country. The most vulnerable children may require targeted assistance through specific interventions, but this can only succeed within the context of universal provision of essential services. This lesson is particularly relevant for international actors, for it suggests the need for a nuanced engagement with political, cultural and social forces that shape priorities, implementation and accountability that lie at the heart of effective support for children.

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REPOA has a children's research programme on children's rights, with the aim to improve children's lives in Tanzania through the use of research to influence policy, and several publications have been produced. Please contact REPOA for details of the programme, including its research grants and publications.

REPOA's library has a comprehensive collection of material relating to children's issues. The library is open from Tuesday to Friday, 10.00 to 13.00 and 14.00 to 17.00.

Further information can be obtained from REPOA and from our website **www.repoa.or.tz**

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