



# **Functional Review of Ministries, Regional Administration and Local Government Authorities (LGAs) in the Context of Decentralisation by Devolution**

REPOA

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## LIST OF ACRONYMS

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BEST	Business Environment Strengthening Program
CBG	Capital Council Budget Grant (CBG)
CSRP	Civil Service Reform Programme
D-by-D	Decentralisation by Devolution
DC	District Commissioner
DCC	District Consultative Committee
DO	Division Officer
ERP	Economic Recovery Programme
ESDP	Education Sector Development Programme
HSRP	Health Sector Reform Programme
IMTT	Inter-Ministerial Technical Team
LGAs	Local Government Authorities
LGCDG	Local Government Capital Development Grant
LGR	Local Government Reform
LGRPs	Local Government Reform Programmes
LGSP	Local Government Support Project
LLGA	Lower Local Government Authority
LSRP	Legal Sector Reform Programme
M&E	Monitoring and Evaluation
MCST	Ministry of Communication, Science and Technology
MDA	Ministries, Departments and Agencies
MOFEA	Ministry of Finance and Economic Affairs
MTEF	Medium Term Expenditure Frameworks
MTP	Medium Term Plans and Budget
NACSAP	National Anti-Corruption Strategy and Action Plan
NESP	National Economic Survival Programme
NFGG	National Framework for Good Governance
NSGRP	National Strategy for Growth and Poverty Reduction
O & OD	Opportunities and Obstacles to Development
OPRAS	Open Performance Review and Appraisal Systems
ORS	Own Source Revenue (ORS)
PSRP	Parastatal Sector Reform Programme
PFMRP	Public Financial Management Reform Program
PICC	Programme Implementation Coordination Committee
PIM	Performance Improvement Model
PIU	Programme Implementation Unit
PO-PSM	President's Office - Public Service Management
PO-RALG	President's Office - Regional Administration and Local Government
PPP	Public Private Partnership
PS	Permanent Secretary
PSC	Public Service Commission
RA	Regional Administration
RCU	Reform Coordination Unit
RS	Regional Secretariat
SDP	Sector Development Programme

SDPs	Sectoral Development Programmes
SSA	Sub-Saharan Africa
ToRs	Terms of Reference
TPFRP	Tanzania Police Force Reform Programme
WDCs	Ward Development Committees



## EXECUTIVE SUMMARY

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The report presents findings and recommendations of functional review of Ministries, Departments and Agencies (MDAs), Regional Administration (RA) and Local Government Authorities (LGAs) in the context of National Decentralisation Policy (NDP). The review process was guided by a functional framework for each MDA, RA and LGA. It involved conducting a study on analysis of the Presidential Instrument of Ministries. In that case, interviews and consultations were conducted covering Ministries and a sample of Regions, Districts and LGAs. The sample was purposively designed to provide for reasonable categorical representation of LGAs considering rural and urban scenarios.

In general, decentralisation refers to the transfer of authority from a central government to a sub-national entity. Decentralisation is a complex process. It has different contexts based on desires and plans intended for its design and implementation. Accordingly, there are various ways in which a government can devolve central power to a sub-national level. Thus, the review Decentralisation encapsulates more broadly decentralisation aspects including the Policy Paper on Decentralisation of 1998.

The focus of the Policy Paper was on four areas of Decentralisation Political Decentralisation, financial and Decentralisation Administrative Decentralisation as well as central - local relations. Several evaluation and review studies have shown that despite significant achievements realized so far, not all policy objectives have been fully met. There are challenges of inadequate shared vision and commitment to Decentralisation; inconsistent policy and regulatory framework; disproportional distribution of financial resources between Central and Local and inadequate institutional capacity in MDAs, RA and LGAs to affect their functions. Despite various reforms in the institutional, legal and policy frameworks, there is still no common understanding and shared commitments across MDAs to promote Decentralisation, which is relegated to PO-RALG. MDAs operate under mandates, roles and functions which overlap and, in some instances contradict.

The report identifies gaps and ambiguities in allocation of roles, responsibilities and functions which have amounted to the limitation of institutional capacity of LGAs to deliver socio-economic services and promote local economic development. Such gaps and ambiguities exist at all levels, ranging from Central Government, Regional Secretariats (RSs), and LGAs essentially in the areas of institutional set-up and linkages, human and financial resources.

The report proposes a set of recommendations, some of which could be implemented in short-, medium- and long-term basing on the existing legal framework and policies. Other measures will significant investments in institutional capacity building at regional levels, LGAs, and lower levels of LGAs. Institutional capacity is broadly viewed to include organisational and legal mandates under subsidiarity principle especially skilled human resource to execute relevant functions and financial resource allocations in line with devolved functions. If these recommendations are implemented, significant gains on Decentralisation will result into higher efficiency and effectiveness in delivering services, promote local economic development upholding the democratic principles and ensure sustainable downward accountability.



## 1. INTRODUCTION

---

There is a great diversity in government architectures across the world. The functions and the number of sub-national levels of government vary considerably from one country to another. The number of functions and jurisdictions in each tier of government also vary. Functions assigned to different levels of government such as social protection, poverty reduction law and order, national defence and national infrastructures are typically provided by the central government. The sub-national governments are traditionally assigned responsibilities for delivering social services, such as education, health, water, environmental protection, housing, community amenities recreation and culture. **The question then becomes: what are the economic principles that ought to guide the structure of governments' architecture and the assignment of functions to different levels of governments?**

This report presents the findings and recommendations of the functional review of Ministries, Departments and Agencies (MDAs) and Local Government Authorities (LGAs) in the context of the National Decentralisation Policy. The review was conducted between June and November 2018. The review exercise was coordinated by the Government, with funding support from USAID through Diligent Consulting Group. REPOA lead this exercise, working closely with Government of Tanzania officials who served as the Inter-Ministerial Technical Team (IMTT) coordinated by the Reform Coordination Unit in the President's Office–State House and the President's Office Regional Administration and Local Government Authorities (PO-RALG).

The report is divided into Five Sections. Section One presents the background to the functional review, the methodology, and an overview of review process. Section Two gives the current operating environment and functions of MDAs, RA and LGAs. Section Three captures the findings on the existing functions, roles and mandates of MDAs, RA and LGAs. It also discusses challenges of assignment of functions. Section Four identifies the capacity gaps for implementing Decentralisation across the MDAs, RA and LGAs and proposes recommendations to address them. Section Five presents the key recommendations for the efficient assigning of functions across the MDAs, RA and LGAs in the spirit of Decentralisation. This is followed by annexes, references and a list of respondents consulted.

### 1.1. Background and Context

Many countries worldwide started considering alternative forms of Decentralisation after failures of Centralised Planning in 1970s. While there was no hard evidence that Decentralisation would succeed, many facts showed that Centralisation had failed in many countries, particularly in the developing world. Such failures were associated with weak linkages between what Waterman, Peters, and Phillips (1980) referred them as McKinsey 7s Framework. The 7s Framework refers to the *hard elements* that include strategy, structure and systems on one hand and *soft elements* that include shared values, skills and styles on the other hand. The argument therein is that *organisational change* often fails due to the system built on old assumptions, management styles and culture which conflict with the strategies, absence of a shared values that bind organisation together for common purpose and refusal to deal with problems of the people.

The pathway of Decentralisation in Tanzania started in 1998 in form of Reform Programmes. The rationale for undertaking such an approach was to transfer some of the central government authority, resources, responsibilities, roles, functions and accountability to the sub-national level of the government. That came in form of empowering local institutions and citizens in carrying out more effective self-governance based on local conditions. This is in line with the African Union Agenda 2063. Aspiration Number 3 (29) which states that, *Africa will be a Continent where the institutions are at the Service of its people. Citizens will actively participate in social, economic and political development and management. Competent, professional, rules and merit-based public institutions will serve the Continent and deliver effective and efficient services. Institutions at all levels of government will be developmental, democratic, and accountable.*

### **1.1.1. The Rationale for the Functional Review**

The Functional Review aims at providing clarity, coherence and alignment, improving the functional effectiveness and efficiency of MDAs, RA and LGAs. The emphasis is to achieve better assigning their functions to enable efficient delivery of services towards sustainable local economic development. For that reason, the Government of Tanzania decided to conduct a Functional Review of MDAs, RA and LGAs to identify overlaps, gaps and complementarity in their operations in executing government businesses. It was also intended to inform the ongoing Reforms to further restructure and conform with National Decentralisation Policy.

## **1.2. Methodology**

### **1.2.1. Introduction**

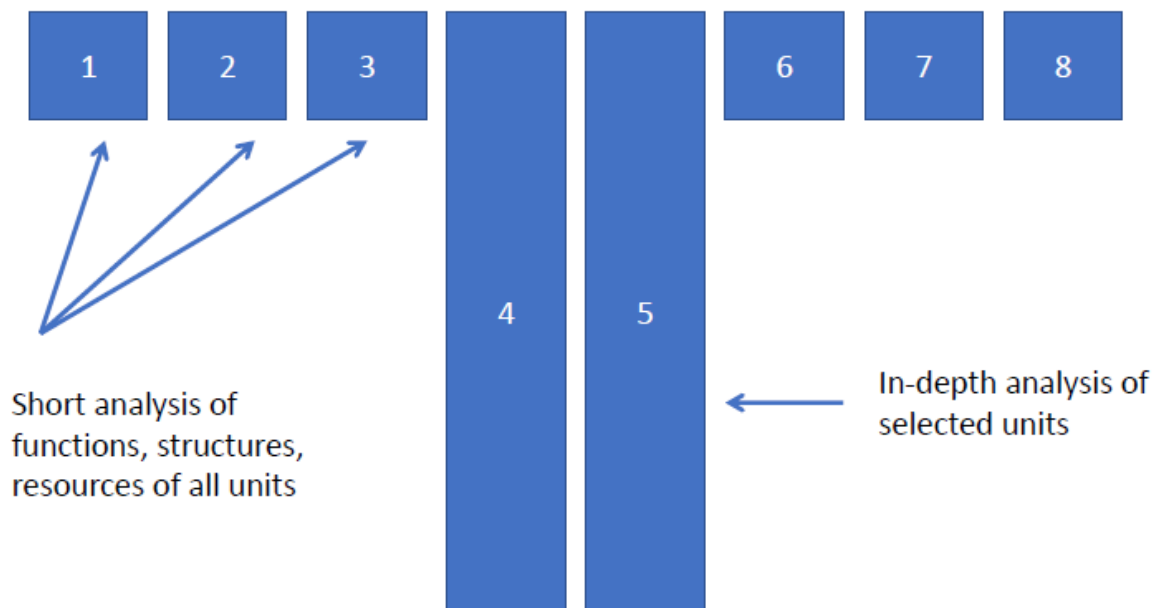
The functional review exercise was carried out mainly through a qualitative approach. By this approach, the researchers collected qualitative data on the existing functions of the institutions under review and their relationship and its implication on the D-by-D framework. The functional review methodology included:

- Document review and analysis of institutional framework
- Interviews with key personnel in PO-RALG and Sector Ministries
- Focus Group Discussions with officials of RAs and LGAs
- Interviews with other knowledgeable informants

### **1.2.2. Functional Allocation Framework**

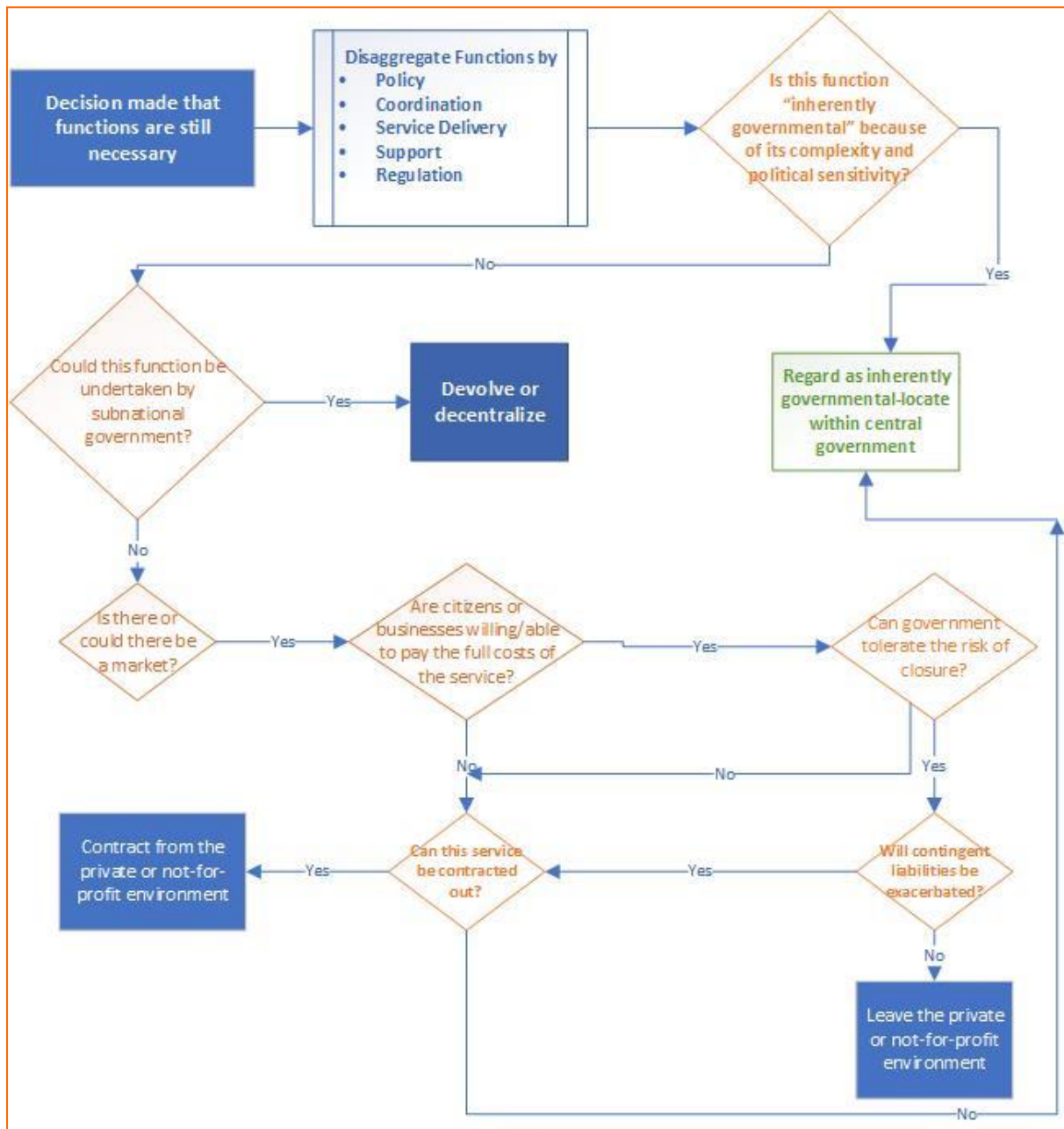
The review process was guided by the following Functional Framework in which each ministry, department, regional administration, district administration and LGA was assessed on how best its existing functions "should be organised", given its redefined roles and functions. At the Ministry level, the review process used a T-Approach summarized in figure 1 where horizontal analysis of functions, structures and available resources was used. The starting point was the analysis of the Presidential Instruments for each ministry. The vertical analysis of linkages of ministries with lower levels was also conducted.

Figure 1: *The "T" Approach for the Horizontal and Vertical Analysis of MDAs*



To have a clear understanding where the functions performed by the MDAs and other lower levels of government can be optimally located, a decision tree approach was also used to map out these functions (See Figure 2).

Figure 2: **Decision Tree for Mapping Major Categories of Functions of MDAs and LGAs**



Source: Adapted from Manning and Parison (2001)

The outcome of the decision tree approach was to answer the fundamental question about where these functions can be optimally located/structured along the administrative structure of the government machinery. It should be noted that there are functions which can be labelled 'inherently governmental' and others non-governmental.

The term "Inherently governmental" functions as mapped in figure 2 above, are usually justified by reference to the complexity of the tasks, with fast-changing policies requiring more interpretations than can be achieved through contracts. In such circumstances, it is advisable to locate the functions within the central ministries as there is no effective market to undertake

them and the fact that the services are not easily specified or priced. However, the next question in the functional analysis was about where should the functions be optimally allocated? Generally, the functions performed by MDAs can be categorized into five (5) major typologies:

- 1) Policy functions.
- 2) Co-ordination, supervision and performance monitoring functions.
- 3) Service delivery functions.
- 4) Support functions; and
- 5) Regulatory functions.

Accordingly, these functions can be optimally structured/allocated in FOUR major institutions, which are:

- a) A core ministry; or
- b) Statutory commission or independent regulator; or
- c) Supervised body or executing agency; or
- d) State-owned enterprise or trading body.

These four major institutions are briefly discussed below.

### **Core Ministries**

Core ministries are best at managing sensitive policy areas when there is no realistic market, and there is a need for a margin of safety against service failure or a requirement to "forgive" unpredictable funding. Generally, ministries provide policy advice, analysis and evaluation. There is an implicit assumption that ministries are best suited to:

- Manage sensitive and volatile policy areas prone to sudden political reversals.
- Deliver services in area that there is no realistic market (non-contestable) and which are hard to specify.
- Providing a margin of safety against service failure for very politically sensitive services – this includes the ability of core ministries to "forgive" unpredictable funding for operational activities, as secure civil service employment makes staff more prepared to judge government behaviour over the longer term.

Ministries may exhibit bureaucratic tendencies, including command and control, hierarchy, uniformity, and conformance to rules and process. However, the operational efficiency losses are considered a price worth paying for the margin of safety that they provide in delivering sensitive policy areas.

### **Statutory Commissions and Independent Regulators**

These are best suited for functions that fall within a stable policy environment and for regulatory services. Agencies are "statutory commissions" which have a well-defined separate legislative existence. Their objectives are often enshrined in a charter, and their functions are defined by legislation in addition to any powers of discretion held by the Minister. They may also be non-asset owning (legally distinct but unable to own assets) or asset owning. They can be budget dependent or collect significant revenue of their own. They can also have the legal competence to enter contractual relationships. Such bodies tend to be established for regulatory purposes, although in some presidential systems they can also be establishing for

providing certain services. Statutory commissions provide arm's length arrangements when checks and balances are required.

### **Supervised bodies or executing agencies**

These are suited for policy areas that are prone to rapid adjustments and where there is no realistic market. These bodies and agencies deliver services where the public sector has a comparative advantage but need to be placed in a clear accountability framework to a Ministry. They tend to be the vehicle of choice for:

- Policy areas prone to adjustment but not dramatic reversals – for example, social security.
- Delivering services in which there is no market (non-contestable) but where the output required is relatively specifiable.

### **State-owned enterprise or Trading bodies**

These can provide functions when the policy environment is stable, and there is scope for raising revenue from fees. Trading bodies also have a separate legislative existence. If established under commercial law, then articles of association define their charter and functions. They can be budget dependent, subsidized, or enjoy significant revenue earnings. Trading bodies generally have the full legal competence to enter contractual relationships – they can assume corporate liability and can be sued. Trading bodies provide services that can be operated following private sector models. Utilities companies for producing, transmitting, and delivering water, electricity, gas, or steam heat; Companies for conveying persons or goods; collecting and disposing of sewage, solid waste, and refuse are the most common examples.

### **Criteria for allocation of functions within and among public institutions**

In the final analysis of the functional review, it was agreed that the following criteria should inform the allocation of responsibilities and functions within and among MDAs and between MDAs and Local Authorities:

- i) Functions of the same type should be grouped together whenever possible to produce economies of scale and maximize synergies and common types of skills.
- ii) Support functions that enable the core functions of the organisation to be performed should be separated from all other functions.
- iii) There should be equal responsibility for senior staff, either in terms of volume of workload or national importance of the function.
- iv) There should be clear and short reporting lines.
- v) There should be viable sizes of divisions and departments (five or more experts to a division), three to five divisions in a department.
- vi) Different organisational units should perform different types of functions (e.g. policy, regulation, service delivery, etc).
- vii) Structures should consider local history, culture and circumstances.
- viii) There should be optimum spans of command for managers.
- ix) There should be equitable workloads.
- x) Structures should be compatible with international and local Law, and where there are conflicts, these should be highlighted, and options explored for amending legislation.



### 1.2.3. Review Phases

The framework above provided a realistic review process of the functions of MDAs and lower levels of the government, which were conducted in two phases:

#### **Phase 1 comprised:**

- a) A review of the current operations and functions of MDAs and LGAs with focus on the relevance, scope and level of service being provided
- b) An analysis of the main issues and their policy and strategic implications
- c) Identification of the role of government consistent with current policy on D-by-D
- d) An assessment of the opportunities and scope for cost-sharing and enhanced cost recovery for services that should continue to be provided by the government.

#### **The following key steps guided this phase:**

- a) Disaggregation of the functions that the institution undertakes in relation to D-by-D:**
  - Policy functions
  - Co-ordination, supervision and performance monitoring functions
  - Service delivery functions
  - Support functions
  - Regulatory functions
- b) Reviewing the functions with a view to shedding services that can be stopped, reducing the volume or quality of services that cannot be stopped, and determining the resultant basic list of necessary functions:**
  - Those required for protecting public safety
  - Where there is a strong demand for the function to continue
  - Where the function supports other governmental priorities
  - Where national or international law or the constitution require the function
  - Where the Government priorities cannot be achieved through regulation, taxation, transfers to subnational government, or subsidies
- c) Determining the operating environment that is most appropriate for those necessary functions:**
  - Inherently governmental
  - Devolved or decentralised
  - Contracted from the private or not-for-profit sectors
  - Left to the private or not-for-profit sectors
- d) Structuring the 'inherently governmental' environment in more detail by recommending that functions are allocated to:**
  - A core ministry
  - statutory commission or independent regulator
  - supervised body or executing agency
  - state-owned enterprise or trading body
- e) Providing guidance on the internal structure of public sector organisations – indicating:**
  - whether functions should be in a common department
  - whether departments or divisions need restructuring
  - whether managerial responsibilities are balanced and sustainable.

**Phase 2** was built on phase 1. It comprised of field visits and interviews, leading to an articulation of the various measures required to restructure the functions of MDAs and LGAs. At this stage, various overlaps and duplications were identified.

#### 1.2.4. Sampling

The selection of the sample institutions for field visit was primarily purposeful. This method allowed the researchers to select institutions that are likely to provide answers to the issues core to the functional analysis while capturing diversity in the socio-economic and operating context.

For MDAs, there was a consensus that the sampling should involve the total population of ministries since each ministry has a distinct role and responsibility to play. Moreover, since the government wished to use the findings for the future allocation of roles and responsibilities, involving all of them was deemed to be essential.

#### Regions, Districts and LGAs

Since the fundamental matter under review relates to the functions of the various levels of government, the starting point of our sampling for LGAs and Districts was on the distribution of regions. LGAs are categorized into cities, municipal councils, district councils and town councils. We purposively sampled from this population of 185 local authorities and 26 regional administrations, and stratified the sample based on the administrative status of the local authority, that is a city, municipal, town and district councils. The resultant sample was neither random nor a fixed percentage of any category or strata. It was purposively designed to ensure a reasonable representation of each category of LGAs, balanced rural and urban configuration, and regional coverage, while keeping logistic costs low, given the budgetary limitations.

#### Sampled LGAs

The sample included two cities, four municipal councils, four town councils and eight district councils. As seen, the relatively larger number of the rural councils reflects the larger proportion of district (primarily rural) councils than cities, towns and municipals. The respective local authorities dictated the selection of regional secretariats to be visited in the sample. In other words, the research team interviewed all the regions in which the selected LGAs were located. Table 1 presents the sampled LGAs and their respective regions:

*Table 1: Sampled LGAs and their respective regions*

S/N	LGA Category	Name of LGA	Region
1	City	1. Dar es Salaam	<i>Dar es Salaam</i>
		2. Mwanza	<i>Mwanza</i>
2	Municipal Council	3. Ilala	Dar es salaam
		4. Ilemela	Mwanza
		5. Iringa	<i>Iringa</i>
		6. Musoma	<i>Mara</i>
3	Town Council	7. Geita	<i>Geita</i>
		8. Bunda	Mara
		9. Bariadi	<i>Simiyu</i>
		10. Kibaha	<i>Pwani</i>

S/N	LGA Category	Name of LGA	Region
4	District Council	11. Chamwino	<i>Dodoma</i>
		12. Iringa	Iringa
		13. Bagamoyo	Pwani
		14. Sengerema	Mwanza
		15. Gairo	<i>Morogoro</i>
		16. Mvomero	Morogoro
		17. Busega	Simiyu
		18. Magu	Mwanza

As seen from the table, the research team carried interviews in 18 LGAs located in 9 regions.

We believe the selected sample provide diverse information on functional challenges and opportunities for improvement to achieve more efficiency and effectiveness in the delivery of services and promoting local economic development. Each category of these authorities interacts differently with different levels of government and responds to citizens' development needs under different circumstances.

#### **Sampled District Administration (DCs Office)**

The selection of District Administration was closely related to the chosen LGAs. That is, a District Commissioners' office for all selected LGAs were included in the sample.

#### **Sampled knowledgeable informants**

The knowledgeable informants' interviews were important for capturing knowledge of those who, in one way or another, have participated in making decisions at political or technical level concerning Decentralisation. These were selected to ensure coverage of key informants in the historical context.

#### **Summary of the sample**

- i) All ministries were sampled, and this includes a sample of major departments and agencies operating under them.
- ii) At the regional level, a sample of agencies and departments located in the sampled region were interviewed.
- iii) The LGAs, district administration and regions were selected to ensure reasonable balance in the categories of LGAs, urban-rural representation and diversity of economic activities.
- iv) Key informants included senior retired leaders
- v) Questionnaires sent to LGAs

Figure 3: *Functional Review-Sampling Procedures*

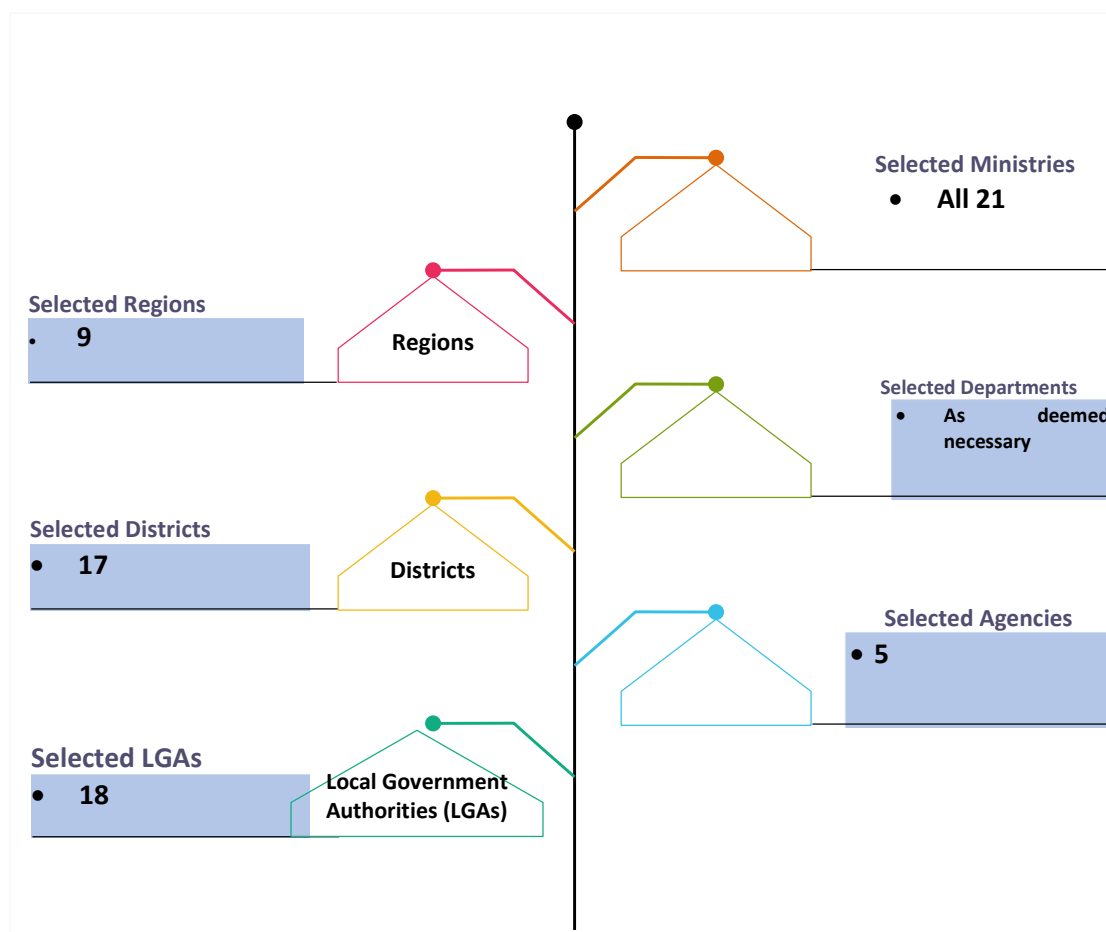


Table 2: *Summary of selected institutions*

SN	Type of institution	Total population	Sample size	Sample %
1.	Ministries	21	21	100%
2.	Departments			
3.	Regional Administration	26	9	34%
4.	District administration	138	17	13%
5.	LGAs	180	18	10%
6.	All LGAs - online questionnaire	180	90	50%

### 1.2.5. Data Collection Procedures

The following approaches principally used:

- 1) Documentary review:** This involved the review of MDAs current organisational structures; Operational Plans; Annual and other periodical reports; Financial Reports and other relevant documents which are essential in providing inputs to the functional review process.

We obtained much relevant information as possible about the functions of the MDAs, RSs, District Administration and LGAs, including:

- Circulars

- Strategic plans
- Assessment reports
- Laws and regulations
- Presidential Instruments
- Personnel establishment
- Statements of institutional functions
- Statements of institutional purpose (Vision, Mission Values and Objectives)
- Organisational Structures

**2) Key Informant and In-depth Interviews with MDAs, Regional Secretariats, District Officials, LGAs officials and other key informants**

The purpose of these interviews was twofold: *First* to determine the capacity of MDAs and other institutions to implement the envisaged D-by-D regarding staffing levels and skills, and facilities/working environment. In so doing, a *structured capacity assessment questionnaire* was administered to selected individual officials. The second questionnaire was for *In-depth Interview Discussions (IDIs)* administered to individuals at the institutional level.

**3) Focus Group Discussions (FGDs)** comprising between 8-12 people with Ministry Staff, RASs Staff and CMTs’ members.

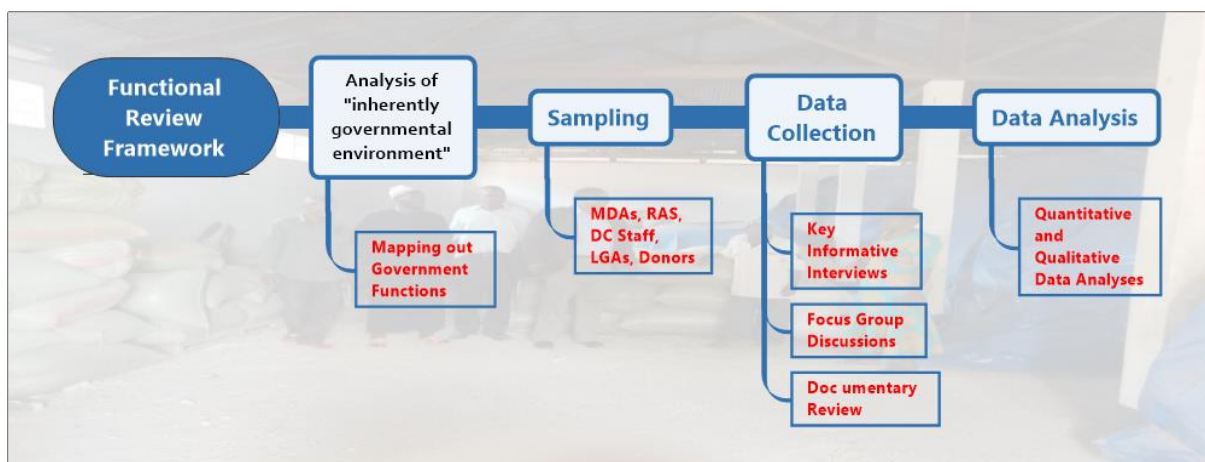
**1.2. 6.Data Analysis**

A lot of qualitative data was generated from interviews and documentary review. The qualitative analysis and synthesis of the information was guided by the three phases of **Content Analysis**. The information collected was summarized for each entity visited, then responses were compiled by sectors for both the local authorities and the ministries, and by the three pillars of Decentralisation, namely political, administrative and financial decentralisation.

**1.2.7. Summary of the Methodological Approach**

The approach to this assignment was highly participatory, involving the selected MDA officials, regional administration officials, district and LGAs officials at each stage for gaining hands-on experience. See Figure 4 that maps out the methodological steps in the functional review process.

Figure 4: **Functional Review Framework**



## 1.3. An Overview of Functional allocation in the context of D-by-D

### 1.3.1. General overview

This section describes some key concepts which formed part of the functional review. The section analyses the concept and theories of Decentralisation; different options and degrees of Decentralisation and Tanzania's experience with D-by-D.

#### 1.3.1.2. Some Theoretical Debates on Decentralisation

According to the World Bank (2003), the degree of Decentralisation can be measured by the degree of dividing the powers between central and lower levels following the principle to *allocate decision competencies to the layer of government that most closely represent the beneficiaries* of the function in question. The Bank argues that some key functions such as national defence, fiscal and monetary policy, taxation, higher education, social insurance, pension, interstate transport, telecommunication etc. should remain centralised. Secondary education, specialized hospitals, regional development etc. are typically provided by the intermediate layers of governments. Local utilities, basic health and primary education etc. are typically provided by municipal or village local governments often in cooperation with private service providers.

According to economic theory, centralised decision-making is likely to result in inefficient use of resources. This is also supported by Tiebout (1956)<sup>12</sup> who argues that if different regions follow different distributive policies among their citizens, then it is possible that those with similar incomes and preferences will tend to move into the same area, resulting in some communities becoming wealthier and others poorer. In the same vein, Musgrave (1983)<sup>3</sup> and Inman and Rubinfeld (1997)<sup>4</sup> maintain that redistribution by central government is necessary to overcome the influences of the local elites or to perform specific functions.

In contrast to centralists, within the same school of thought, orthodox economic analysts offer many arguments in favour of Decentralisation. For example, Pauly (1983)<sup>5</sup> upholds that, in many circumstances, local governments can achieve equity and distributional objectives more successfully than central governments. The argument goes as follows: core functions, which cannot be effectively carried out by local governments, should be performed by the central government. Again, since citizens' preferences vary across local communities, the central government is not able to adequately consider these preferences in its decision-making since it does not have adequate information about local conditions and preferences

#### 1.3.1.3. Conceptualisation of D-By-D

In its most general term, the term **Decentralisation** refers to the transfer of authority from a central government to a sub-national entity. However, apart from this general definition, the

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<sup>1</sup>Waterman, R., Peters, T., and Phillips, J (1980) , Structure is not Organisation, *Business Horizons*, pp 14-26

<sup>2</sup>Tiebout, C, (1956) A Pure Theory of Local Expenditures, *Journal of Political Economy*, 64 (5): 416-24.

<sup>3</sup>Musgrave, Richard, "Who Should Tax, Where and What?", in Charles McLure (ed), (1983) *Tax Assignment in Federal Countries*, Canberra: Centre for Research on Federal Financial Relations, Australian National University.

<sup>4</sup>Inman, R., and Rubinfeld, D. (1997) "Rethinking Federalism", *The Journal of Economic Perspective*, 11(4), 43-64.

<sup>5</sup>Pauly, M. V., (1973) Income Redistribution as a Local Public Good, *Journal of Public Economics*, 2: 35-58.

process of Decentralisation is a complex task, meaning that it has different meanings in different contexts and according to the desires and plans of those who are responsible for its design and implementation. Accordingly, there are various ways in which a government may devolve central power to the sub-national levels. Hence, Decentralisation can be political, administrative, fiscal, or economic. Generally, many of these different types of Decentralisations are carried out concurrently which again increases the complexity of the process.

Decentralisation is very much associated with central-local or intergovernmental relations. Intergovernmental relations or central-local relations can be conceptually analysed from two major perspectives: **three spheres and three degrees of Decentralisation are often distinguished**. The allocation of decision-making power and competencies can be made on the sphere of (a) *Public administration*, (b) *Fiscal-financial relations*, and (c) *Political relations*. The **degree of Decentralisation** could be: (i) **deconcentration** (*minimal*); (ii) **delegation** (*intermediate*), and (iii) **devolution** (*substantial*). The outcome of this analysis is the four major common types of Decentralisations which are: a) **Administrative Decentralisation** b) **Political Decentralisation**, c) **Fiscal Decentralisation** and d) **Economic or Market Decentralisation**.

### **Administrative Decentralisation**

It is the transfer of responsibility for the planning, financing, and management of *selected* public functions from the central government to lower tier units of the government. These might be field units of the government, semi-autonomous public authorities or corporations, or regional authorities. Administrative Decentralisation takes the form of **deconcentration**, **delegation** or **devolution**.

While **Deconcentration** consists of delegating certain decision-making powers to lower, provincial or local levels of the central government. It is the weakest form of Decentralisation, which is used mostly in unitary states. It does not involve any real transfer of authority; it does not involve independent local governments that are elected and/or accountable to the local populations.

**Delegation** is the transfer of responsibility for decision-making with respect to administration of public functions to semi-autonomous organisations or units that are not wholly under the control of the government such as housing or transportation authorities, public enterprises, regional development corporations, etc. These organisations may enjoy ample discretion in decision-making; and may not be subject to the same constraints as regular civil service personnel. However, delegation remains a limited form of Decentralisation.

**Devolution** is the third type of administrative Decentralisation where authority for decision-making with respect to finance and management is transferred to quasi-autonomous units of local government. Devolution forms the foundation for political Decentralisation in that it usually involves the transfer of responsibilities to cities, municipalities, district and town councils to elect their mayors, chairpersons, and councils' members; and to raise their own revenues. This type of Decentralisation allows the local governments to have legally recognized geographical boundaries within



which they exercise their authority and perform public functions and can make investment decisions independently of the central government.

### **Political Decentralisation**

Political Decentralisation involves the creation of sub-national levels of government that are endowed with autonomous decision-making power. Political Decentralisation is more likely to be successful when it is conducted within the framework of a **multipartite, participatory, grassroots-based system**. The sub-national entities/institutions to which power is devolved during political Decentralisation should have **legitimately elected local governments**, which have legal authority, conferred onto them by the people who elected them, and which also enjoy financial autonomy. Constitutional or statutory reforms are often accompanied by this process to strengthen and establish the credibility of the process.

### **Fiscal Decentralisation**

Fiscal decentralisation consists of four policies to increase the fiscal autonomy of LGAs:

- a) Expenditure assignment clearly delineating the Central Government's and LGAs' responsibilities for providing and paying for specific services to citizens
- b) Revenue assignment demarcating taxable revenue sources as well as tax-raising powers between the CG and LGAs and possibly creating new sub-national taxes to strengthen the fiscal base of LGAs and give them authority to decide how to spend their revenue
- c) Inter-governmental policy enabling a CG to transfer financial resources in the form of grants to LGAs
- d) Regulatory policy to monitor and set limits on LGAs finances

For Decentralisation to be successful, there must be a clear definition and alignment of the fiscal functions among different levels of government. The responsibilities of which each level of government sets and collects what taxes, or which tier undertakes what expenditures must be clearly spelt out. It is possible that a Decentralisation program might be derailed if it is not made clear how local governments are to raise the revenues that they need to meet their new responsibilities. In other words, **"finance should follow function"**<sup>6</sup> (Bahl, 1999:9).

### **Economic or market Decentralisation**

Economic Decentralisation consists of privatization and deregulation. This form of reform shifts the responsibility for provision of goods and delivery of services from the central government to the private sector. When a government takes on these types of reforms, it allows functions that had previously been the primary responsibility of the government or local government to be carried out by private corporations, community groups, cooperatives and non-governmental organisations. This normally happens when legal constraints on private sector participation in service provision and delivery are removed, thus allowing competition to take hold between the different private providers.

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<sup>6</sup>Bahl, R. (1999) Implementation Rules for Fiscal Decentralisation, A Paper presented at the International Seminar on Land Policy and Economic Development, Land Reform Training Institute, Taiwan, November 17, 1998.



In summary, table 3 below presents the general framework that outlines a range of different options and degrees of Decentralisation that are in practice in countries around the world. It can be noted that centralised countries are characterised by deconcentrated administration, and/or representatives of the central government with strong voting powers in locally elected councils. Others also show a wide scale of devolution of functions in all administrative, fiscal and political spheres (e.g. Switzerland, USA, Brazil etc.); hence a high degree of local government autonomy.

Table 3: *Different options and degrees of Decentralisation*

	<b>Administrative</b>	<b>Fiscal-financial</b>	<b>Political</b>
<b>Devolution</b>	<ul style="list-style-type: none"> <li>Local government has full discretion in local decisions, employs local staff, and primarily reports and is accountable to the local citizens (devolved functions: utilities, basic health, primary-secondary)</li> <li>Education, certain social benefits)</li> </ul>	<ul style="list-style-type: none"> <li>Local government sets spending priorities; determines how best to fulfil service tasks in view of national standards; regulates and monitors service providers</li> <li>Funding can come from local revenue sources</li> <li>Revenues, shared revenues, and transfers from the central</li> </ul>	<ul style="list-style-type: none"> <li>Local government is led by locally elected politicians expected to be accountable to the local electorate</li> <li>Citizens' participation can be strong, albeit may be subject to capture by elites, social polarization, and clientelism</li> </ul>
<b>Delegation</b>	<ul style="list-style-type: none"> <li>Local providers act as agents of the central; functions are assigned by and fulfilled on behalf of the central (even in decentralised systems birth, marriage, death registration, unemployment, housing, land records)</li> </ul>	<ul style="list-style-type: none"> <li>Central sets spending priorities, program norms and standards; Locals have some authority to use resources in view of local circumstances.</li> <li>No independent local revenue source</li> </ul>	<ul style="list-style-type: none"> <li>Local government may be led by locally elected officials, but still accountable fully/partly to the central</li> <li>Citizens' participation is more local and proximate, but decisions can be overruled by the central</li> </ul>
<b>Deconcentration</b>	<ul style="list-style-type: none"> <li>Units are regional/local representatives of the central</li> <li>Employees belong and accountable to the central (even in decentralised systems, treasury offices and monitoring and supervision of health, education, environment protection)</li> </ul>	<ul style="list-style-type: none"> <li>No local discretion on how the services is provided and how the budget allocation spent</li> <li>Funds come from the center through central or ministries' budget</li> <li>No independent local revenue</li> <li>Employees often paid by the central</li> </ul>	<ul style="list-style-type: none"> <li>Local leadership vested in local officials (governor, mayor) who are appointed by and accountable to the center</li> <li>Citizens' participation (voice) remote and weak</li> </ul>

Source: World Bank (2003)<sup>7</sup>

<sup>7</sup>World Bank. (2003). World Development Report 2004. Making Services Work for Poor People. World, Bank and Oxford University Press, Washington D.C.

It should be noted that the different concepts of Decentralisation as described in Table 2 above are widely used in the literature. Nonetheless, this conceptualisation poses some problems. For instance, the terms **Decentralisation, delegation and devolution** are used to describe administrative systems with the same features.

### 1.3.2. Tanzania experience

Tanzania has a chequered pathway of Decentralisation. Since independence, the Decentralisation path has been marked with pendulum swings from the establishment of a robust system of local governance soon after independence to its abolition after independence and then subsequently its revival in the 1980s.

The history of Decentralisation in Tanzania, therefore, dates to the pre-colonial times, often reflecting the prevailing national philosophy and aspirations. The pre-independence local government system was based on chiefdoms and sub-chiefdoms imposed by the British colonials in 1926 through the Native Authorities Ordinance. The native authorities operated under a system of indirect rule and, from the 1940s, representative local authorities containing an increasing number of elected members were established. In 1946, the Municipalities Ordinance was enacted followed by the Local Government Act in 1953 (Tordoff, 1994<sup>8</sup>; Shivji and Peter, 2003<sup>9</sup>).

The post-independence decentralisation measures can be grouped into three phases. The first phase was the decentralisation of government that came after the Arusha Declaration and the policy on socialism and rural development (1967-1972). However, during this phase, local governments failed to perform to the expected standards due to inadequate qualified workforce, limited funds, limited management skills, and the perception of local government as an implementing agency of the central government rather than a representative body of governance answering to local needs. Consequently, a vicious cycle emerged whereby local revenue fell, service delivery worsened, factors which undermined the role of local governments as service delivering bodies (Irish Aid, 2007). Local governments were abolished in 1972 and replaced by decentralisation policy known as 'Madaraka Mikoani' for a period of ten years between 1972- 1982 (Tordoff, 1994; Shivji and Peter, 2003).

The second wave of decentralisation started in 1982 when LGAs were re-established, ward development committees revived, and village governments incorporated into the district administration. Whereas the reintroduction of LGAs raised hopes for improved performance through greater involvement of citizens, these hopes were not realised. The expected improvement in performance in service delivery through broad-based public involvement was not achieved as anticipated. The local government system was characterised by a strong central administration which controlled finances making it hard for local authorities to manage their capital and human resources adequately. Delivery of services at the local level did not meet the needs of the local people.

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<sup>8</sup>Tordoff, W. (1994). 'Decentralisation: comparative experience in Commonwealth Africa', *Journal of Modern African Studies* 32(4), 555---580.

<sup>9</sup>Shivji, I. G. and Peter, C. M. (2003). *Village Democracy Initiative Report*, Regional Administration and Local Government.

Centralisation and concentration of power in the organs and officials of the central government continued to operate partly due to the fusion of party and government personnel which remained until the introduction of the multiparty political system in 1992. Overall, the trend between 1961 and 1998 was increasingly centralised government (Hirschmann, 2003<sup>10</sup>).

To address these challenges, and as part of economic and political reforms, the government decided to embark on a major decentralisation programme in 1998, following the publication of the Local Government Reform Agenda in 1996 and the Policy Paper on Local Government Reforms (1998). Thus, in the late 1990s, the third wave of Decentralisation pathway was implemented through Decentralisation policy paper of 1998 followed by two phases of Local Government Reform Programmes (LGRPs) (LGRP I -2000-2008; and LGRP II 2008-2014). Before the reform programmes, the Government passed the Regional Administration Act which abolished the implementing roles of the regional administrations. The Policy Paper (1998) was focused on four main areas: **political Decentralisation, financial Decentralisation, administrative Decentralisation and changed central-local relations**. However, several evaluation and review studies have shown that the achievements of the policy objectives have not been fully realised owing to some challenges outlined below.

- Weak shared vision and commitment to a model of decentralisation by devolution (D by D). Although the vision for Local Government Reform is clearly stated in the Local Government Reform Agenda 1996–2000, the Local Government Reform has been frustrated by weak common vision and commitment to a model and system of Local Government Reform. There remains some reluctance from some central government institutions to devolve powers, functions and resources to Local Government Authorities
- Inconsistent policy and legal framework that is D by D compliant. Although some progress has been achieved to harmonize policies and laws with D by D, there remains a need to ensure a consistent policy and legal framework to support the D-by-D reform process further
- Disproportional distribution of financial resources between Central and Local Government. Although 'resources should follow functions', the allocation of resources between Central and Local Government has not aligned with functions
- Inadequate institutional capacity of LGAs and LLGAs to effectively implement the Local Government Reforms. This relates to inadequate skilled human resources and financial resources at lower levels of government, and inadequate efforts of central agencies to lead, backstop and oversee the effective functioning of LGAs in the context of D by D.

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<sup>10</sup>Hirschmann, D. (2003). 'Aid Dependence, Sustainability and Technical Assistance. Designing a Monitoring and Evaluation System in Tanzania', *Public Management Review* 5(2), 225-244

## 2. CURRENT OPERATING ENVIRONMENT AND THE FUNCTIONS OF MDAS, RAS AND LGAS IN THE CONTEXT OF D-BY-D

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### 2.1. The socio-economic context

Tanzania began its macroeconomic reforms in the mid-1980s towards a free-market system. Over the past decade, Tanzania achieved good GDP growth rates, averaging nearly 7 percent annually, and attracted considerable foreign direct investment. The latest natural gas discoveries off the coast of Tanzania have the potential for a significant increase of growth rates if well exploited and integrated into other sectors of the economy.

However, pervasive and persistent poverty has remained the core concern for the government. Economic growth has mostly concentrated in urban areas and capital-intensive sectors. For example, while Tanzania enjoyed an average rate of growth of 6% to 7% per year over the last 15 years, the Household Budget Survey of 2012 shows that 28% of Tanzanians live below the poverty line, and most of the poor live in rural areas. It is generally acknowledged that despite tremendous macroeconomic performance in some Sub-Saharan Africa (SSA) countries, poverty reduction has remained the most significant challenge and Tanzania is no exception to this phenomenon. Major efforts are underway to transform the Tanzanian economy through industrialization, which is underpinned by significant investment in key economic infrastructure including standard gauge railway, roads, and power. Investments in rural roads and electrifications are part of the efforts to transform the rural economic base in support of agro-industries and value addition services.

### 2.2. Political Context

Tanzania has always seen Decentralisation as an ideal approach to rural and urban development (Ngwilizi, 2001)<sup>11</sup>. Several studies have highlighted the social, political and economic contexts as a critical factor that can affect the shape and form of decentralisation and its capability to improve development outcomes. The consideration of political Decentralisation is essential in explaining the design and implementation of Decentralisation policies for a country. For example, Lyon et. al (2018)<sup>12</sup> argues the influence of some factors such as aid dependence are relatively straightforward but other contextual factors are more difficult to establish. Other factors that affect the path of Decentralisation include size and nature of the economy, the degree of institutional and political development, demographic and social characteristics, the extent of social capital, the level of urbanization, political economy factors, and aid dependence (ibid).

For the case of Tanzania, the underlying principle for D-by-D policy is that increased citizen participation through effective D-by-D will prompt greater government responsiveness to socio-economic needs of the people. The National Framework for Good Governance (NFGG),

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<sup>11</sup>Ngwilizi, H. (2001) Local government reform programme in Tanzania, Country experience, Leadership and change in the public sector. New Zealand:Wellington

<sup>12</sup> Lyon A., Zilihona I. and Masanyiwa Z. (2018) *Report on Assessment of Implementation of Decentralisation by Devolution in Tanzania*, President's Office- Regional Administration and Local Government, and DFID Tanzania, April

for example, recognizes that civil society institutions inform the Tanzanian people and increase public demand for accountability of service providers. In the same vein, the implementation of the D-by-D process since the late 1990s and early 2000s moved many planning and budgetary decisions and responsibilities for service organisation and delivery from the central level to lower levels.

However, the lack of resources, flexibility and timeliness of central funding created inefficiencies in the delivery of services by LGAs. Currently, at the district and lower levels, some public services are not meeting the needs of people due to the following bottlenecks in the implementation of D-by-D:

- Inadequate financing for critical functions, including quality assurance of services.
- Incomplete Decentralisation of some core functions, meaning LGAs are not fully empowered.
- Poor coordination and involvement of many stakeholders (multiple line ministries involved in each sector, NGO, private) leading to fragmentation and duplication.
- Low clarity on roles, responsibilities, and communication channels between central and LGAs.
- The paucity of mechanisms to receive and respond to client concerns.
- Weak planning and management capacities at lower levels, and
- Inadequate internal controls and awareness of best practices for financial management<sup>13</sup>.

For D-by-D to be more effective in Tanzania, high political commitment is required from the central government to align the structure and systems with the values and staff commitments and skills towards common objectives. Greater government transparency and accountability are necessary to inspire greater citizen engagement in governance processes and hence encouraging citizens to become more involved in the local governance. Learning from the past institutional trajectory is informative, as historical legacies can impact on the politics and social dynamics in the present, and can either impede or facilitate Decentralisation (Manor, 1999)<sup>14</sup>.

### **2.3. Administrative allocation of functions**

The current administrative allocation of functions for the MDAs is guided by the *Ministers (Discharge of Ministerial Functions) Act, Government Notice No. 144*, commonly known as *Presidential Instrument* published on 22/04/2016. This instrument stipulates the functions of all the Ministers as assigned by the President. However, each Ministry had to interpret the instrument in terms of its organisational structure, policies and key functions which would then be approved by the President. In principle, the instrument and the organisational structures of the MDAs formed the first part of the functional review regarding how they reflect the spirit of D-by-D. The review of these instruments along with other existing policies and legislations suggested that some Ministries, Departments and Agencies operate under laws, mandates and roles which in some instances overlap and results into contradictions and duplications. As discussed in the subsequent sections, these inconsistencies have manifested in jurisdictional

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<sup>13</sup>USAID|Tanzania Empowering Women and Youth. Country Development Cooperation Strategy, October 3, 2014 – October 3, 2019. Tanzania's Socio-Economic Transformation toward Middle Income Status by 2025 Advanced

<sup>14</sup>Manor J. (1999) The Political Economy of Democratic Decentralisation. World Bank, 352.2/83  
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ambiguities, low efficiency and effectiveness, and obscuring accountability, unwarranted performance gaps and wastage of government resources.

It should also be noted at the outset that this is not the first time that the Government of Tanzania has launched functional reviews. The government launched "organisational and efficiency reviews" in 1996. These reviews were required to provide recommendations for:

- (i) Reorganising the structures of government ministries and departments "with a view to improving efficiency and effectiveness in the deployment of personnel, utilization of resources, internal decision-making processes and communication systems"
- (ii) Identifying "opportunities for efficiency gains in government through the application of norms in staffing and improved work methods"
- (iii) Identifying "feasible opportunities for cost recovery and improved budgetary allocations in the delivery of specific services by the government", and
- (iv) Improving "the government's management systems (i.e. planning, budgeting, public administration, project implementation, personnel management).

The reviews were conducted by a team of experts who evaluated how each ministry and department "should be organised", given its redefined roles and functions. The 1992 Study funded by UNDP informed **the subsequent Functional Reviews for Ministries, Regions and Districts**.

## **2.4. Sectoral laws and policies that enable the implementation of D-by-D**

### **2.4.1. Review of a legal and regulatory framework for D by D**

The principal pieces of legislation for local governments in Tanzania are the Local Government Acts (Nos. 7-12) of 1982 (as amended several times) and the Constitution of the United Republic of Tanzania. The following Acts of Parliament provide for the establishing LGAs in Tanzania Mainland:

- i) The Local Government (District Authorities) Act No 7 of 1982
- ii) The Local Government (Urban Authorities) Act No. 8 of 1982
- iii) The Local Government Finance Act No 9 of 1982
- iv) The Local Government Services Act No. 10 of 1982
- v) The Local Government Negotiating Machinery Act No. 11 of 1982
- vi) The Decentralisation of Government Administration (Interim Provisions) (Amendment) Act No. 12 of 1982.

The enactment of the above Acts went concurrently with the amendment of the constitution of the United Republic of Tanzania (URT) through Act No. 145 of 1984 providing for legal status of the existence of local government authorities in Tanzania Mainland. Three local government Acts are worth mentioning here. These are the Acts number 7, 8 and 9. They are important because they are the main pillars for the local autonomy, functions and status of the local government authorities in Tanzania. For example, section 7 of the Local Government (District Authorities) Act of 1982 gives the Minister responsible for local government powers to create a district council after publishing through the official gazette. The same Act provides for the creation of various institutions of local governance in rural areas like village governments and township authorities. For the case of urban authorities, the Local Government (Urban Authorities) Act No. 8 of 1982 provides for the creation of various

institutions of local governance in the urban areas such as town councils, municipal councils and city councils. Although the status of local governments in Tanzania is legalized by two articles from the United Republic of Tanzania's constitution (1977), the articles do not provide for mechanisms to protect them from arbitrary powers from central government which renders the LGAs to appear to be appendages of the central government. For example, Article 145 (1) states that:

There shall be established local government authorities in each region, district; urban area and village in the United Republic, which shall be of the type and designation prescribed by law to be enacted by Parliament or by the House of Representatives (URT, 1977: 130)

Article 146 (1) states that:

The purpose of having local government authorities is to transfer authority to the people. Local government authorities shall have the right and power to participate and to involve the people, in the planning and implementation of development programmes within their respective areas and generally throughout the country (URT, 1977:130)

As it appears from the two articles above, local governments in Tanzania have not been given eminence in the Union Constitution. The Constitution of Tanzania only mentions the general functions of local government but does not provide details of the functions of local government authorities. Consequently, the same Constitution gives the Parliament powers to enact laws which can detail the functions of local government. In other words, the functions of local authorities are provided for in the Acts that established local government, which have no authority to carry out any function not stipulated in any law in the country. The central government is left with all the authority to shape local authorities.

In some countries such as Uganda, LGAs are well defined in the national constitution which has more detailed articles providing for the establishment, purpose, composition, source of revenue and functions of local governments (see for example, Steffensen et al., 2004)<sup>15</sup>. Moreover, the Ugandan Constitution has one chapter with 31 articles referring to local governments (articles 176-207)<sup>16</sup>. Some of these articles include 176 (local government system), 180 (local government councils), 181 (elections of local government councils), 185 (removal of a district chairperson and speaker), 189 (functions of the government and district councils), and 196 (accountability). These detailed articles in the constitution coupled with the Local Government Act of 1997 in Uganda has been described as one of the most comprehensive Decentralisation programs in Africa (Cheema, 2007)<sup>17</sup>.

It should be emphasised that the Constitution is the mother of all laws in a country, and it sets out how the structure of central authority and local institutions should be established and

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<sup>15</sup>Steffensen J., Tidemand P. And Mwaipopo E. (2004) 'A Comparative Analysis of Decentralisation in Kenya, Tanzania and Uganda', Final Report – Volume I: Country Study – Tanzania, August

<sup>16</sup> See Ugandan Constitution (1995)

<sup>17</sup>Cheema G.S. (2007) 'Devolution with Accountability: Learning from Good Practices' in Cheema G.S. and Rondinelli D. A. (2007) *Decentralising Governance: Emerging Concepts and Practices*, Washington: Brookings Institution Press



governed. The current constitution of Tanzania does not spell out specific powers of local authorities or how they should be protected from interference by central government's agencies. In this case, local governments in Tanzania can be simply created or abolished and re-established by the Minister responsible for local government through Local Government Acts No.7 and 8 of 1982. These Acts grant the Minister enormous powers to take full responsibility of the local governments without even consultations with the local people in the spirit of Decentralisation. There are also other Acts that guide the functions and operations of LGAs in Tanzania. These Acts have been amended several times to accommodate some policies on Decentralisation, but these changes have not adequately addressed the tendency towards central control and upward accountability.

The documentary review shows that up to the end of the first phase of the Local Government Reform Programme in 2008, some amendments were made to the following local government Laws:

- The Local Government (District Authorities) Act, 1982 [CAP 287 R.E. 2002].
- the Local Government (Urban Authorities) Act, 1982 [CAP 288 R.E. 2002].
- The Local Government Finance Act, 1982 [CAP 290 R.E. 2002] and the
- Regional Administration Act, 1997 [CAP 97 R.E. 2002].

All these Acts were previously amended by Act No.6 of 1999 and further amended in 2006 by the Local Government Laws (Miscellaneous Amendment) Act, 2006, Act No.13 of 2006. The amendment to the local government laws Act No.6 of 1999 and Act No.13 of 2006 only introduced general provisions regarding Central-Local government relationship.

One can argue that despite the amendments to the Acts since 1984, there are still many contradictory central and sector laws. For example, the Public Service Act, 2002 (and its Regulations, 2003) as well as the Local Government Service Scheme, 2009 have recentralised the recruitment function of local government employees. LGA Directors and Heads of Departments (HoDs) are also centrally appointed, disciplined and transferred.

In summary, the administrative and legal framework of Central-Local Government relationship in Tanzania is still found in scattered pieces of legislation and fuzzy. This fuzziness of legal framework is augmented by a myriad of regulations, guidelines, codes of conduct, memoranda, schemes and circulars and frequent directives from the various parts of the Central Government. Moreover, the amendment to the local government laws by Act No.6 of 1999 and Act No.13 of 2006 barely introduced general provisions about central-local government relationship in Tanzania. This implies that despite the amendments to the local government laws which have so far been made, the legislative framework for Central-Local government relationship is yet to be sufficiently tailored to D-by-D as envisaged in the Policy Paper (1998).

#### **2.4.2. Review of Sectoral Policies and Guidelines for D by D**

There have been two major phases of the Public Service Reform Program in Tanzania: Phase One (2000 to 2008) and Phase Two (2008–2014) which have informed the LGR. On its part, PSRP I focused on improving the quality and effectiveness of service delivery through improved management systems and processes. PSRP II was designed to assist MDAs in delivering improved services (in terms of quality, timeliness, and efficiency), implementing

relevant, priority policies, and establishing a predictable and well-regulated environment for private sector growth and social development, with an overriding theme of “Enhancing Performance Results and Accountability” (Issa, 2010)<sup>18</sup>.

Accordingly, PSRP I achieved a numbers of objectives including introduction of Performance Management Systems to all MDAs; some tools introduced which included strategic and operational planning, client service charters, self-assessments, service, delivery surveys, Monitoring and Evaluation (M&E), and Open Performance, Review and Appraisal Systems (OPRAS); Strategic Planning and M&E, which were integrated into the Medium Term Expenditure Frameworks (MTEF) and harmonized with the National Strategy for Growth and Poverty Reduction (NSGRP [MKUKUTA in Swahili]).

Phase II of the PSRP was officially launched in January 2008. It was designed with a focus on ensuring operationalisation of the systems and structures; some of which were designed and installed in MDAs during Phase I (2000-2007). The design of this Phase had considered some of the lessons learnt during previous Phases. However, while some progress on Phase II was made, one of the major challenges included the inability of both Presidents’ Office - Public Service Management (PO-PSM) and development partners to quickly adjust to the new modus operandi of the sharing of resources and responsibilities between PO-PSM and its clients.

Generally, the motto of D-by-D has been running concurrently with some other major sectoral reforms and development strategies as summarized in the PSRP II Implementation Framework: These sectoral reforms and strategies include:

- 1) National Strategy for Growth and Reduction of Poverty (NSGRP).
- 2) Legal Sector Reform Program (LSRP).
- 3) Public Financial Management Reform Program (PFMRP).
- 4) National Anti-Corruption Strategy and Action Plan (NACSAP); and
- 5) Business Environment Strengthening Program (BEST).

The implementation of these reforms and strategies was regarded as the government’s main instruments for improving the governance environment aimed to support economic and social development targets. Notwithstanding, there are some critical challenges in the coordination and integration of cross-sectoral reforms at MDAs, RAs and LGAs’ levels. These include the following:

- Low commitment for D by D from top leadership, both political and technocratic in the MDAs
- Empire building and protection of central resources and decision powers by some senior officials in MDAs
- Reluctance to loss identity/autonomy on the part of some senior officials in MDAs, as well as Development Partners (DPs) and managers of some Sector Development Programmes (SDPs)
- Capacity constraints (inadequate skilled staff, weak systems and tools) needed for coordinated and integrated implementation
- Different time frames for formulation and implementation of the programmes, giving rise to difficulties and resistance in coordinated implementation

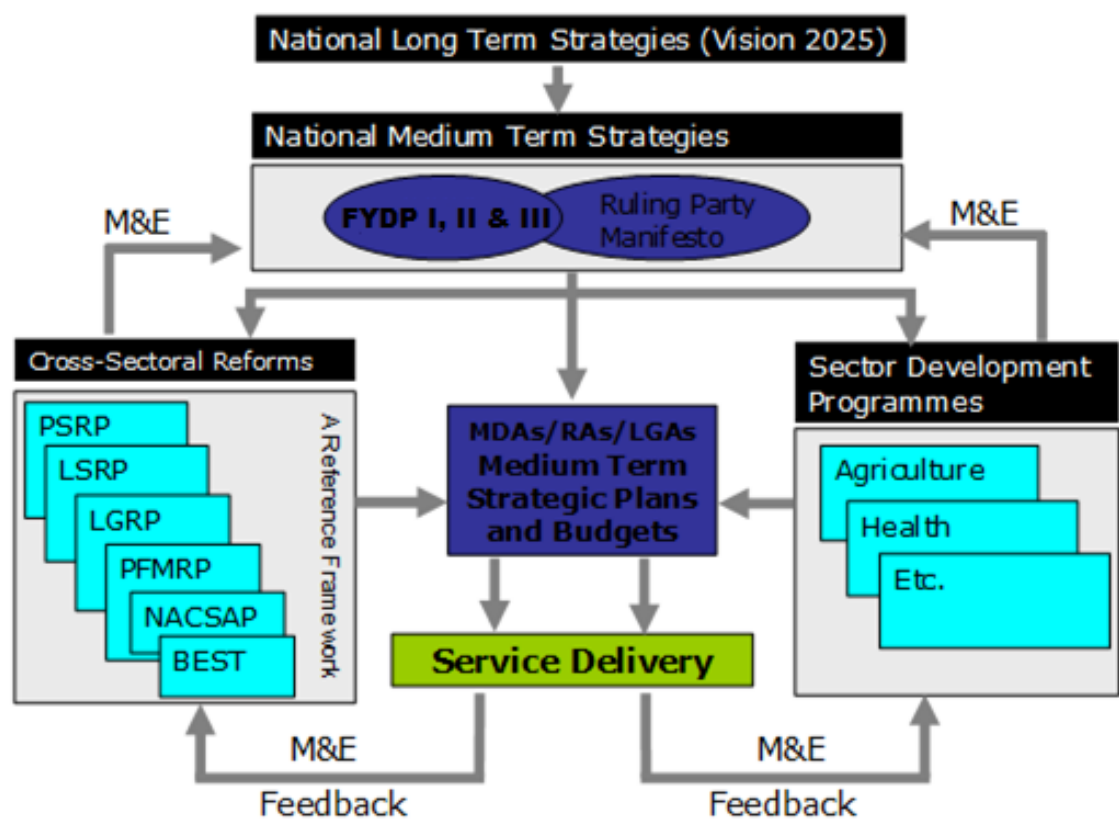
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<sup>18</sup>Issa F.H.H, (2010) Implementing Change by Continuous Learning: The Public Service Reform Programs in Tanzania. *International Journal of Public Administration*, 33: 474–486, 2010

- Implementation fatigue and work overload among the coordinators of some programmes
- Opportunities to fudge and misuse of funds when there is overlapping of activities and low integrity among managers of some programmes
- Different accountability mechanisms/reporting formats for different development partners, and different disbursement mechanisms of development partners<sup>19</sup>.

These challenges necessitate the need for more coherent and effective coordination and integration of the cross-sectoral reforms at MDA, RA and LGA levels for improving public service delivery and poverty reduction. Figure 5 below presents a framework for coordination and integration at the MDA, RA and LGA.

**Figure 5: The Framework for Integrating Reforms for Improved Service Delivery and Poverty Reduction**



**Source:** URT (2009)

The overall purpose of these five core programmes was to improve public sector performance for public service delivery. This went in tandem with the improvement of efficiency, effectiveness and accountability for the use of public resources. The outcome of all these comprehensive public-sector reforms was the rise of risks related to overlaps and contradictory interventions, although there were some good opportunities for synergies.

<sup>19</sup>URT (2009) Local Government Reform Programme II (Decentralisation by Devolution) Vision, Goals and Strategy July 2009 – June 2014 14 December

Table 4 presents a snapshot for rationale for explicit coordination of all these reforms and programme at the central and local levels.

**Table 1: Overlaps in cross-sectoral reforms interventions targeting public service delivery improvements**

<b>Level of Intervention for Service Delivery Improvements</b>	<b>Nature of interventions</b>	<b>Intervening Cross-sectoral reforms</b>
<b>1.</b> Policies, strategies and institutions	New policies, strategies and institutional arrangements for public service delivery	PSRP, PFMRP, LGRP, LSRP, NACSAP, BEST, SDPs[ <a href="#">CSR</a> , <a href="#">ERP</a> , <a href="#">NESP</a> , <a href="#">NFGG</a> , <a href="#">PaSRP</a> ,
<b>2.</b> Systems and organisations	New organisational structures and mechanisms New management systems	PSRP, PFMRP, LGRP, SDPs <a href="#">ESDP</a> , <a href="#">HSRP</a> , <a href="#">LMRP</a> ,
<b>3.</b> Processes	Physical infrastructure Inputs (including personnel, finances, etc.) Use of the inputs	SDPs, PSRP, PFMRP, LGRP, BEST
<b>4.</b> Accountability, and M&E	Accounting for use of resources and results Monitoring and evaluation of results	PSRP, PFMRP, LGRP, SDPs

**Source:** URT (2009) + [URT \(2013- Reforming Tanzania’s Public Sector: Assessment and Future Direction\)](#)

### 2.4.3. Analysis of Contradictions between Policies, Laws and Practice

It is worth bearing in mind that D by D is an overarching government reform that has implications for other central and sector laws. Although awareness has increased at sector and central ministries, the process of reviewing of sectoral laws and policies that contradict the D-by-D spirit has not been completed. Similarly, the legal improvement and harmonisation of laws are yet to be accomplished. Given the fact that many central and sector laws and regulations are not D by D compliant, there are still contradictory sector and central policies.

It is also recognized that the Local Government Acts (1982) have been under review since 2004. but since D by D is not yet adequately enshrined and detailed in the constitution, it is likely that there will still be some problems in implementing them. An example of this limitation is the reluctance of some sector ministries to actively support LGAs in developing human resources in their respective sectors, and to focus on quality assurance and performance monitoring as required by section 10 (c) of the Local Government Laws (Miscellaneous Amendment) Act no. 13 of 2006. Practically, a constitutional amendment should have been made since the commencement of the implementation of D-by-D to put in place a stronger local government autonomy and accountability framework. A comprehensive review of local government laws, therefore, would have also gone hand in hand with the constitutional amendment.

As it stands now, there are several legal issues at LGA levels and sub-council levels that requires attention from the central government. For example, the status of the Street or "Mtaa" level in urban LGAs, decentralisation of police and courts, and legal instruments to empower LGAs and LLGAs are still unclear. What is needed is for the central government to establish a good framework of collaboration with the Legal Sector Reform Programme (LSRP) to identify some laws and regulations that do not reinforce the D-by-D framework and propose amendments as deemed appropriate.

## 3. ANALYSIS OF MANDATES, FUNCTIONS AND ROLES, OF MDAS, RAS AND LGAS UNDER D-BY-D FRAMEWORK

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### 3.1. Existing Mandates, Roles and Functions

The *Ministers (Discharge of Ministerial Functions) Act of 2016* provides for mandates, roles and functions of Ministries. The Instruments guides the Ministries to review some of their functions and organisation structures as discussed in section 2.4.

#### 3.1.1. The Legal Mandates of MDAs

##### 3.1.1.1. *The Functions of MDAs*

The recent changes in the legal and policy framework plus restructuring of some Ministries have resulted into Ministries, Departments and Agencies (MDAs) operating under mandates, roles and functions, which are overlapping and, in some instances, creating contradictions and inadequate execution of functions. The pace of restructuring the MDAs has not gone hand in hand with updating and revising the basic policies and laws. For example, while some ministries were merged, for example, Ministry of Works, Transport and Communication, the combined ministry still operates under the old policies and laws. These changes would have demanded changes in some policies, laws, and regulations to align the scope and functions of Ministries with the supporting administrative and legal instruments. In other words, the MDAs may not effectively operate under outdated or duplicated or non-harmonized legal frameworks.

##### 3.1.1.2. *The relationship between Central/ Sectoral Ministries and the PORALG, RAS and LGAs*

The government has been making efforts to improve the central-local government relations through various pieces of legislation. This has been part of the reform initiatives, particularly at the HLG and LLG levels. The purpose of the Acts and regulations or guidance is, first to streamline communication between central government institutions with Sub-National and LGAs. Second, to create awareness through information sharing among local institutions especially between the LGAs (HLG and LLG) and the District Administration (including divisional offices).

#### **(i) The Local Government Laws (miscellaneous amendments) Act 2006**

A major law that aimed to improve the relations between central and local governments is the Local Government laws (miscellaneous amendments) Act 2006. This Act came into being at the end of the Local Government Reform Programme I (LGRP I). The functions of the sector ministries vis-à-vis the LGAs included (See Act 2006, Section 10 (c) paragraph 2):

Section (2) states that sector Ministries shall, in relation to local authorities, perform the following functions:

- a) To supervise professionalism of personnel relating to the particular sector in the local government authorities.
- b) To ensure quality assurance in the performance of the functions of technical personnel relating to the sector in the local government authorities.
- c) To undertake monitoring and evaluation of the technical personnel's performance of their functions.
- d) To ensure all posts as required by establishment of a particular profession are filled.
- e) To ensure human resources development.
- f) To ensure availability of equipment, human resources and funds for implementation of

sectoral programmes in the local government.

**(ii) The Standing Orders of 2009**

After the enactment of the 2006 Act, there have been further developments especially those governing the modalities for communication between central ministries and PORALG, RS and LGAs. The Standing Orders of 2009 Paragraph B (7), provides for the communication modalities: They include the following:

1. The normal channel of communication with the local authorities on policy and administrative issues shall be through the Ministry responsible for Local Government and on personnel matters shall be directly to the Director of a Local Government Authority concerned, provided that in all cases a copy of such communication shall be served to the Regional Administrative Secretary.
2. On professional and technical matters, Ministries may communicate directly with the Local Government Authorities and such communication shall be copied to the Regional Administrative Secretary.
3. Communication from a Local Government Authority shall be addressed directly to the organisation concerned, provided that a copy of such communication is served to the Regional Administrative Secretary and the Permanent Secretary of the Ministry responsible for Regional Administration and Local Government.

**(iii) PORALG's Circular no. 9 of 2012**

After the release of the standing orders, PORALG has released further guidance on communication issues (see circular no. 9 of 1<sup>st</sup> July 2012). The procedure to be followed is narrated in section 4.1, starting with subsection 4.1.1 up to 4.1.8. This circular was released close to the end of LGRP II. It came about because of the uncontrolled communication within the local government systems and between the central government and the LGAs. There was plenty of inefficiency in addressing issues within the system. For the District Administration, including divisions, to be informed about what was happening in the LGAs, such authorities were included in the loop of communications. More precisely, the following were the gist of the circular.

- The circular emphasizes the procedure of having LGA communicate to higher levels through the RS. In turn the RS can communicate to sector ministries on matters pertaining to policy via the PO-RALG, while other issues relating to administration, technical and professionalism can be communicated directly to sector ministries and copied to PORALG.
- On the other hand, communication between the RS and the LGAs will be direct and copied to DAS.
- Regarding LGA communication with sector ministries, PO-RALG and other national institutions, this will be done through the RS.
- At PORALG level, Directorate of Regional Administration (DRA) will coordinate communication between RS and sector ministries, PO-RALG, other governmental institutions and non-governmental organisations.
- Within the LGA system, the Council Director will communicate to Ward Executive Officer (WEO) through the Division Secretary, while WEO will communicate with Council Director through Divisional Secretary.

While this circular has put in place the formal communication between PORALG and other sublevels, the findings indicate that some sectoral ministries still violate this guideline by communicating directly with the RSs and LGAs. The example of this relates to multiple and uncoordinated inspection visits from sectoral ministries to RSs and LGAs which sometimes distract the operations of these lower-level institutions.

**(iv) PORALG's Circular No. 8 of 2012**

The purpose of the circular was to outline the need for LGAs to produce credible reports and the responsibility of RS to review the reports for comprehensiveness and making appropriate comments before forwarding to higher levels. The guiding clauses on the circular include the following:

- The LGAs will forward their monthly, quarterly and annual progress/performance reports to RS on time where they will be reviewed, summarized and commented upon, and therefore PO-RALG and all sector ministries will receive such reports from RS.
- All reports from LGAs intended for PO-RALG, sector ministries and other institutions must be forwarded through RS where they will be reviewed and commented upon.
- All reports intended for PORALG will be coordinated by the DRA

In principle, what the Circulars no. 8 and 9 have done is to:

- Formalize the modalities of communication between the local government system and the central system.
- Improve the quality of reports coming from the LGAs. There have been many complaints concerning the unreliability of reports coming from LGAs. Hence putting the RS as an intermediary between the central system and the LGAs helps to countercheck on reports before being forwarded.
- Put into use the expertise within RS to work closely with the LGAs. Closeness of RS to LGAs makes it possible for direct intervention where RS feels the reports prepared are incomplete or lacks credibility. This helps to reduce complains from the sector ministries, as RS experts will filter out doubtful reports.
- Help to reduce interferences at LGA level if every sector ministry or other central institutions were to be allowed to approach the LGAs for reports or other requirements. If the system was not in place, it would mean that sector ministries could make regular visits to the LGAs at their discretion without regard to the time and resource constraints on the part of the LGAs before attending multiple missions.

The views collected from the field indicate that:

- PO-RALG roles seem to have expanded from facilitation and supervision of RS and LGAs to control and ownership, such that sector ministries find it difficult and bureaucratic to supervise their sector activities directly. This problem is, however, perceived differently by some sector ministries, showing that it is relations between ministries and discretion of the Ministers rather than the laws, regulation and formal guidelines. Sector ministries are responsible for quality assurance, monitoring, and capacity building of human resources for their respective sectors



as outlined in the Act no. 13 of 2006. The important missing element that is at the centre of this perception is effective communication and coordination between sector ministries and PO-RALG

- Yet, some of the contradictions in policy practice are fuelled by ambiguities in the Presidential Instruments for some of the ministerial functions. Key among these include the exclusion of administrative responsibilities for primary health facilities, weak clarity in the education sector over who should be responsible for policy matters related to basic (primary and secondary) education as well as in-service training of teachers. There is also a problem of government officials misinterpreting the Instrument and ignoring the practice on the ground. For example, while the administration of primary public health is not indicated for PORALG in the Presidential instrument, the President appointed a Deputy Minister and a Deputy Permanent Secretary for Health under PO-RALG, which implies that the President recognize the significant role of PORALG in the administration of primary health services.
- In addition, the 2008 reforms that led to the creation of specialized education and health service divisions have led to further overlaps of functions between these divisions and respective sector ministries on the one hand, and PO-RALG's own sector coordination divisions on the other. As creative interpretation of the Presidential Instrument has continued apace, reforms have been accused by some of creating parallel ministries within PO-RALG, further adding to confusion over mandates, responsibilities, accountability and ownership.
- The Ministries are not involved in the operational aspects of services at the LGAs. For example, MoEST, which is the custodian of education matters in Tanzania, has been deprived of its powers over many areas of education sector. The Ministries have no mandate over LGAs budget, monitoring and supervision. This view is another manifestation of the weak link between the structure of government under the D-by-D policy framework and the system under which all government officials would have a shared vision of Decentralisation, and capacities created across all levels of government.
- Reports from LGAs to parent ministries have been problematic since LGAs are more accountable to PO-RALG than their parent ministries. Various circulars and standing orders as outlined earlier in the report provides guidelines on reporting and gives RSs some roles on quality assurance and linkages, but poor communication between some sector ministries and PO-RALG appears to be the cause of these views.
- A number of agencies/institutions established at the regional or district levels have no direct linkages with the regional administration or LGAs implying that there is unclear power and functional relations, in addition to the possibility of conflicting priority setting. This view emanates from the tendency of agencies to respond and report directly to their respective sector ministries and with little engagement with LGAs on matters of planning and priority setting in line with local needs.

#### *3.1.1.3. MDAs plans not informed by LGAs plans or priorities from grassroots*

The findings further indicate that the inadequate coordination by MDAs has resulted in the duplication of activities/plans or MDAs implementing activities that do not directly impact the people in the respective communities as intended. Exceptions exist for the health sector and

to a lesser extent the education sector. In the health sector, the ministry in a joint effort with PO-RALG promote participatory Decentralisation through Comprehensive Council Health Planning (CCHP) based on individual LGA's Council Health Strategic Plans (CHSP). In some cases-RALG and Sector ministries plans to implement projects at the local levels whose sustainability would depend on the supervision of LGAs. Accordingly, if supervision of these projects is not reflected in the LGAs budgets, the projects collapse immediately the sector ministries leave (e.g. installation of IT systems in few schools in each council was planned and implemented by the Ministry responsible for communication without adequate preparation and plan for supervision by LGAs.

Also, inadequate coordination among sector ministries and the LGAs has resulted into wastage of resources. For example, the plan for road construction by Ministry of works has sometimes been interrupted by water pipes crossing the roads. Similarly, construction of fibre link also has resulted into the destruction of newly constructed roads. If this had been well coordinated, one ministry would have provided for the planned infrastructure project by another ministry.

The role of sector ministries on policy and quality assurance versus the roles of PO-RALG as coordinator of service delivery sometimes contradicts the LGAs functions. PORALG may direct the LGAs to ensure that everyone have access to the service facility, but the sector ministry being responsible for quality assurance may direct the council to limit the number of beneficiaries as per the approved standards. This kind of conflict confuses LGA officials on which directive to follow and sometimes expose them to risks of being punished by political leaders for failure to deliver.

### **3.1.2. Functions of Regional Secretariats (RS)**

The roles, mandates and functions of the Regional Administration, including the District Administration, are set out in the Regional Administration Act of 1997, and subsequent amendments, guidelines, and circulars issued by the Government. Also, the roles are further amplified in the approved functions and organisation structure of the Regional Secretariats. The Regional Secretariats (RS) are an extension of the PO-RALG. For that reason, the roles and functions that the RS perform, are on behalf of the PO-RALG, such as facilitating, backstopping and coordinating the D-by-D implementation by the LGAs. The RSs also play an important role in coordinating the link between MDAs and LGAs.

The functions, roles and mandates of RA are reviewed in the context of laws and guidelines passed by the government, hereunder:

#### ***The Regional Administration Act 1997***

The Regional Administration Act of 1997 provides the functions of the RC in relation to D-by-D. For example, Section 5(1) states that:

*"The regional commissioner shall be the principal representative of the government within the area of the region for which he is appointed and for that purpose all the executive functions of the Government in relation to that region shall be exercised by or through the regional Commissioner".*

This section gives the Regional Commissioner wide-ranging powers to intervene whenever he/she deems fit in the interest of the government. The field findings have shown that some Regional Commissioners have been giving orders to LGAs in relation to matters that are of technical and professional nature. Such orders have led to changes in the direction of activities being implemented especially development projects, and the LGAs have had to comply with RC's directives. Similarly, the sections 5 (3) provide more specific functions of the RC in assisting the LGAs.

For purpose of this section, it shall be the duty of the RC to facilitate and assist local government authorities in the region to undertake and discharge their responsibilities by providing and securing the enabling environment for successful performance by them on their duties and functions.

Section 8 (1) of the same Act provides for the establishment of the Regional Consultative Committee (RCC). This is another body formed for the regional authorities to exercise their mandates in lieu of LGAs. The RCC is constituted by top government leadership in the regions, political representatives in the region, and other co-opted members residing in the region. The major functions of RCC in relation to LGAs among others include: to consider and provide advice to LGAs regarding their development plans; to provide advice to any interested party on economic and development affairs in the region; to monitor and ensure the coordination of the overall economic development in the region etc. Section 11 also stipulates the functions of the Regional Secretariat.

These sections in the Regional Act empower the regional administration to intervene on issues of development in the LGAs. The intervention is important to ensure LGAs plans are in line with national policies, and there is a rationalization of what is planned among the LGAs in the region. In the same vein, the Regional Secretariat is established to assist the regional commissioners in the exercise of their functions and for that purpose, and subject to their general or specific directions, may perform such functions in the region as are conferred on the government by or underwritten law which may be specified by the minister by note published in the Gazette.

However, the functions specified in the Act do not spell out precisely what the RS will do about LGAs. For example, section 10 of the Act states that the employees to be deployed in the RS will be facilitating the promotion, development, fostering and upholding of LGAs and the realization of the goals and targets of LGAs in relation to national development. As seen in the following sections, the RSs roles are wide, ranging from facilitating and providing technical and advisory support yet they face several challenges inclusive of limited financial and human resources compounded by inadequate and timely reports from the LGAs.

### **The Local Government Laws (amendments and miscellaneous) Act 2006**

This law under s.26 elaborates further the role of the Regional Administration. The context is again the reforms which were taking place, especially the LGRP I. The Act outlines the RA's roles to include:

- a) Providing and securing the enabling environment for successful performance by them of their duties and functions

- b) Ensuring compliance by all persons and authorities with appropriate government decisions, guidelines and regulations in relation to the promotion of the local government system
- c) Doing all such acts and things as shall facilitate or secure the effective, efficient and lawful execution by the local authorities of their statutory or incidental functions.

The intended functions of the RS have been elaborated and spelt out in the local Government laws (miscellaneous amendments) Act 2006, section 29; as follows:

- a) Monitor sectoral trends
- b) Provide technical and administrative assistance to offer policy interpretation
- c) Recommend new strategies and techniques for overcoming bottlenecks for productivity
- d) Identify development opportunities
- e) Monitor quality and standards of service delivery including training,
- f) Enhance institutional capacity, and
- g) Carry out delegated development of Ministries

### ***The Standing orders of 2009***

The Standing Orders are intended to provide equitable and impartial solutions, which are read in conjunction with the Public Service Regulations made under the Public Service Act, to solve all ordinary problems of administration. The standing Orders is, therefore, an important tool for the well-functioning of RSs. For example, Section B.15 of the Standing orders spells out the roles and functions of the RC and the RA in general. Such roles include:

- a) The Regional Commissioner or District Commissioner is the principal representative of Government. He/she is responsible for the planned development of his/her Region or District and for the efficient conduct of Government business, and for the maintenance of law and order.
- b) The Regional Administrative Secretary is the Chief Executive Officer and the Principal Advisor to the Regional Commissioner. He/she is assisted by public servants who form the Regional Secretariat. In the case of a District, District Administrative Secretary is the Principal Executive and Principal Adviser to the District Commissioner.
- c) While Regional and District Commissioners exercise general supervision of public business in Regions and Districts, responsibility for professional and technical matters is vested in the appropriate Regional Secretariats.
- d) All matters, which can be settled by direct communication between Regional Administrative Secretary and Regional Heads of non-decentralised Ministries, shall be so settled. The Regional Commissioner is entitled to receive from the respective Assistant Administrative Secretaries all the information and assistance he/she may need for the conduct of public business in his own office. The Regional Commissioner shall not intervene in internal cluster matters, but in matters of detail and routine any reasonable request addressed by him/her to the Assistant Administrative Secretary shall as a matter of course, be met. Moreover, in cases of emergency, of which he/she must be the sole judge, he/she is empowered to issue such orders as he/she may find necessary, and these orders shall be carried out by the public servants who receive them. Such action shall be reported to the Ministries concerned.
- e) The formal channel of communication between Regional Commissioner and all staff in

his Region, decentralised or non- decentralised, shall be through the Regional Administrative Secretary. Where informal communications are made, particularly verbal communications, between Regional Commissioners and an administrative or divisional officer directly, the officer shall communicate the substance in writing to the Regional Administrative Secretary.

- f) It is considered impracticable to issue any more precise instructions as to formal relationship between Regional, District and Divisional Officers, centralised or decentralised or between Regional Commissioner and Ministries. The good sense of all concerned and their common devotion to the interest of the country may be trusted to evolve from these directions a satisfactory and efficient relationship. The Regional Commissioners and all Government Officers shall regard the business of their Region or District as their joint concern, and in their dealings with the public they shall be collectively answerable.

There is an important emphasis put in the role of RS in advising both the LGAs and the RC and DC on technical and professional issues. This is in realization of the fact that the RC and DC are political leaders who might not have the technical and professional knowledge and skills to make appropriate decisions for all sectors. But what is reported in the field is quite the contrary. Both the RCs and DCs have been making decisions on professional and technical matters without being guided sufficiently by advice of the RS experts or LGAs.

It should be noted that the Regional Secretariats are expected to link central ministries and LGA, but the findings show that they are not as effective as they should be due to a number of policy and administrative constraints. While LGAs consider supporting, supervising and backstopping roles of RSs to be important, LGAs finds that they fall short of meeting their expectations due to inadequate capacity (financial and human resources). In terms of the financial resources, often time RS official does not physically visit the LGAs even when necessary due to inadequate funding. And in terms of human resources, not all RSs have all the requisite sector experts. It was also pointed by some RSs that some of the newly appointed officials possess inadequate expertise required to provide technical support to LGAs due, in part, to lack of induction courses or orientation on the D by D framework, and in part due to the fact that some are recent graduates or recruited directly from the private sector with no exposure to procedures of civil service and public sector.

### **The role and functions of the various divisions of the RS**

Regarding what each department or division under the RS is expected to do, it is elaborated in the PO-RALG document (The Functions and Organisation Structure of the Prime Minister's Office -Regional Administration and Local Government 2015). In this document, the sections comprising the RS have been defined and roles and functions spelt out. The sections that support the LGAs are presented in the table 5 below:

Table 5: Regional Secretariat sections & units supporting LGAs

SN	SECTIONS	ROLES	REMARKS
1	Planning and coordination	To provide expertise and services in planning, budgeting and coordinate RS in providing backstopping expertise to LGAs	
2	Health and social welfare section (also comprise the Regional hospital)	To facilitate the provision of preventive and curative health development and social welfare in the region	
3	Economic and productive sectors	To provide expert facilitation on economic and productive sectors to LGA	
4	Education sector	To facilitate the provision of educational development services including administering of pre-primary, primary, adult and non-formal education and secondary schools' examinations.	
5	Infrastructure	To provide backstopping expert services to LGAs in the Development of infrastructure	
6	Water services	To provide backstopping expert services to LGAs in the development of water sector	
7	Local government services	To provide expertise and services in developing good governance in LGAs	
8	Administration and Human resources management	To provide support, expertise on human resources management and administrative matters to the RS	Not for LGAs
<b>UNITS (staff function in RS but roles extend to LGAs)</b>			
9	Finance and accounts unit	To provide quality financial management and accounting services to RS	
	Internal audit	To provide advisory services to the Accounting Officer in the proper and sound application of financial management of funds	
	Procurement management	To provide expertise and services in procurement storage and supply of goods and services to RS	
	Information and communication technology	To provide expertise and services on application of ICT to RS	
	Legal Services	To provide legal expertise and services to the RS	

### 3.1.3. Roles, functions and mandate of the District Commissioner

The roles, functions and mandate of the District Commissioner are also spelled out in the Regional Administration Act 1997, Section 13 which states that:

Subject to this Act, and to any other written law, the DC shall, in the exercise of his functions under the Act be subject to the directions, guidance or instructions of the RC of the region in which the district for which he is appointed is located.

In relation to functions, Section 14 points out that:

The DC shall, subject to subsection (3) be the principal representative of the government within the area of the district for which he is appointed, and for that purpose all the executive functions for government in relation to the district shall be exercised by or through the DC.

With respect to the functions of DC in relations with LGAs, Subsection (3) points out that it will be the duty of the DC to facilitate and assist the local government authorities in the district to undertake and discharge the responsibilities by:

- (a) Providing and securing the enabling environment for successful performance of LGAs in the district to undertake and discharge their responsibilities
- (b) Ensuring compliance by all persons and authorities with appropriate government decisions, guidelines, and regulations in relation to the promotion of local government system
- (c) Doing such acts and things as shall facilitate or secure the effective, efficient and lawful execution by the authorities of their statutory or incidental functions

While the Act provides a wide range of functions to DC, it might appear that the capacity of the DCs' office is quite limited in terms of human and financial resources to carry out effectively the mandated functions by the law as shown in Table 6.

*Table 6: Staffing Level at DC's Office*

SN	Post	No. of Staff in the Post
1	Administrative Secretary (DAS) -	1
2	Administrative Officer	1
3	Assistant Accountant	1
4	Account Assistant	1
5	Other supporting staff	13 [(secretaries, office attendant, drivers etc.)

The level of staffing shown on table 6 suggests that DCs' Offices have very little pool of technical experts to handle various complaints from citizens ranging from education, health, water, social conflicts, land conflicts etc, or to supervise the activities of the council. This structure is, however, by design. The office of the DC is expected to draw from a pool of expertise at RSs, but also at the LGAs to inform their decisions and interventions where necessary. However, the findings indicate that not all DCs make use of these resources, while some make extensive use of them. Some DCs even request some professional advises from



the LGA officials during the days they set to listen to the people's concerns, but the decisions they make are not necessarily implemented, as one District Administrative Secretary (DAS) confided to the research team:

[In absence of own resources] the office can bark but not bite. The council [local government authority] knows that we can promise, shout and scowl all we want but, in the end, we will go begging [CMT] for money, people or both (District Administrative Secretary 1)

While this practice may seem to be practical and reasonable, it depends on the existing relationship between the DCs and the Council Directors. Some of the directors feel they are not accountable to DCs. If there is a poor relationship, the DC may not get access to these experts from the Directors, as there is no law or regulation that mandates this access.

Whereas the RA Act mentions the functions for the DC office as pointed above, however, the DC's office is also responsible for implementing other Acts as well. For example, the DC's office has been responsible for implementing the Birth and Deaths Act, cap 108 where DCs are designated as assistant registrars. Likewise, they also implement the Law of Marriage Act cap 29, and others depending on the demand for birth certificates in the current context of demand for national identity cards and other statutory requirements, the DC offices might require additional resources and support.

### **The Division Office**

The Division Office is the last unit of central government administration for the Mainland Tanzania.

The functions of the Division Officers who carried the title of Divisional Secretary are spelt out under S. 17 (2) of the RA act 1997, and they include:

- To assist the District Commissioner to ensure the maintenance of law and order, in the division and may, for that purpose, order the arrest of any person committing an offence against the laws of the district authority.

In addition to what is spelt out in the RA Act, the LGA laws (miscellaneous amendments) Act 2006, added some extra functions to the Divisional Secretary as listed under s. 31 (4).

They include:

- (a) To represent and assist the District Commissioner in the implementation of Central Government activities in the Divisions.
- (b) To prepare and coordinate information or reports relating to defence and security in wards within the Division and submit them to the District Commissioner and the Director.
- (c) Overseeing implementation of the decisions and policies of the Central Government within the Division.
- (d) Sensitizing and mobilising the residents within the Division to participate in development activities.
- (e) To be a liaison between the Central Government and the residents within the Division.
- (f) To coordinate all activities connected with disaster and emergency management within the Division.



- (g) To deal with complaints from residents within the Division.
- (h) To prepare implementation report in the Division and submit to the District Commissioner; and,
- (i) To do any other function or duty as may be assigned to him/her by the District Commissioner."

Other functions for the Divisions according to the Act 2006 include receiving plans from Wards. In S.4 it is pointed out that the Ward Executive officers WEOs to coordinate action plans and implementation reports for Village Executive Officers within the Ward and submit such plan to the Divisional Secretary and LGA Director.

As was the case of the discussion of the DCs' Offices, the role of the Divisional Officer dual in nature, reporting to both the DCs and LGA directors. They coordinate three or four wards through reports from the wards and participating in the Ward Development Committees (WDCs). The fundamental problem is the institutional capacity of this office in terms of facilities, support staff, and financial resources. Table 7 shows the staffing of the divisions which is very thin.

*Table 7: Staffing level at Division Office*

SN	Post	No. of Staff in the Post
1	Division Officer	1
2	Personal secretary	1
3	Records Management Assistant	1
4	Security Guard	2

**Source:** Extract from the PORALG roles and functions of organisation structure

As was the case with DC offices, the DOs were, by design, expected to draw technical support from sector officers at ward levels and technical advisory support due to his dual role of mobilising citizens and supervising development activities in the ward and ensuring peace and security. Thus, their thin structure is by design. The main challenge, however, is that some DOs do not have offices, or the staff outlined in table 7, do not have transport facility and have inadequate financial resources to enable them to discharge their functions.

This challenge may have contributed to the views from the field that the role of the DO could be removed as they duplicate the functions of the WEOs and that they do not have proper jurisdictional areas.

Some officials were concerned of the financial implications of maintaining this leadership cadre,

They are only seen where there is an allowance to be collected, be it in council meetings or standing committee seating (Council Management Team 1)

Other local government officials were appreciative of the arbitrator's role of DOs:

They [DOs] are a voice of reason and a calming influence whenever Ward Executive Officers or even Village Executive Officers clash over money or land disputes. The entire system of conflict resolution at the local level relies on them (DAS 2)

It was found out that the effectiveness of DOs depends on how DAS use them, and the discretion of council authorities in engaging with them. They may go unnoticed for many weeks or months without being engaged in key activities.

DOs are given duo roles as per 2007 circular, in which 90% of their functions are defacto representing LGAs activities, and 10% in the DCs and DAS portfolio, but there is a problem of supervising these officers as they do not have formal jurisdictional areas like WEOs and have limited resources budgeted in the DCs office, and none in the LGAs framework.

### 3.1.3. Functions of LGAs

The functions of LGAs are clearly stipulated in the Local Government Laws, particularly the Local Government Acts No. 7 (District Authorities) and No.8 (Urban Authorities) of 1982, the Policy Paper on Local Government Reforms and subsequent amendments. According to Tidemand et al. (2010)<sup>20</sup>, these two Acts have assigned LGAs with “wide-ranging, broad and occasionally vaguely formulated functions”, which include:

- Maintain and facilitate the maintenance of peace, order and good government.
- Promote social welfare and economic well-being.
- Further rural and urban social economic development.
- Control and improve agriculture, trade, commerce and industry.
- Enhance health, education and the social, cultural and recreational life of their inhabitants.
- Develop, mobilise and apply productive forces in the war on poverty, disease and ignorance.

The laws further stipulate that, in addition to the specified functions, the LGAs shall perform the following functions:

- Give effect to the meaningful Decentralisation in political, financial and administrative matters relating to the functions, powers, responsibilities and services at all levels of LGAs.
- Promote and ensure democratic participation in, and control of, decision making by the people concerned.
- Establish and maintain reliable sources of revenue and other resources to enable them to perform their functions effectively and to enhance financial accountability.

The powers given to the LGAs are broad, covering political, finance and administration, and the full Councils being mandated to make bylaws provided they do not contradict the wide national policies. However, the findings indicate that there have been significant failures by the LGAs to execute some of their functions, related mainly to low institutional capacity (human resources, financial resources, and systems), especially at lower levels (wards and

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<sup>20</sup>Per Tidemand, Nazar Sola, Peter Bofin, and Amon Chaligha, (2010) Comparative Assessment of Decentralisation in Africa: Tanzania In-Country Assessment Report, United States Agency for International Development (USAID)

villages/streets). The limited scope of implementation of some of these functions is attributed to inadequate funding and/or delayed funds disbursement from central government.

Moreover, the government priorities have recently re-assigned some functions from the LGAs to central government including collection of revenue from various sources, water management, rural roads (the formation of TARURA), etc. Some respondents from RSs and LGAs perceive the situation of recentralising the functions from the LGAs as being inconsistent with the D-by-D spirit and may undermine LGAs mandate, statutory functions or financial resources needed to execute projects or services that reflect local needs and priorities.

#### *3.1.3.1. Functional relationships between DC's office and LGAs*

Smooth execution of supervision functions by DC's office over activities of LGAs depends on personality and relationships, and not necessarily out of the legal instrument, resulting into conflicts between the two offices, lack of trust, poor flow of information from LGA to DC's office. One council director lamented of the excesses of DCs:

The DCs are trampling over things, threatening my team, interfering with management decisions and playing politics with local administrations. They have instilled fear in my team and emboldened the resistance to tax collection efforts. Some of my team can no longer even face the public because of the humiliation suffered at their [DCs] hands (DED 3)

In some cases, it was reported that the relationship between RCs, DCs and Council Directors has not been smooth because of personality clashes, in part fuelled by discretionary translation of existing laws, regulations, and circulars. As discussed in the previous sections, this is also attributed to limited experience among some appointed officials on public service regulations, and on the framework of D by D.

In some districts, access to information from LGAs is said to be difficult, making it difficult for DCs to hold them accountable. The claim is that LGAs are legally answerable to RAS and not to DCs. On the other hand, the LGAs are not legally required to allocate resources for the DC's office for supervision of LGA activities. The problems between DC's and DED's office are also reflected at lower levels between DOs and Wards and Village Executives. The problem of institutional capacity at ward and village levels leads to failures to resolve citizens' problems, hence increasing the burden of complaints in the DC's office and even to national level leaders

While the DC's offices are tasked to 'supervise' all activities of the council, it does not have technical people to support that purpose directly within their offices, but they ought to access technical advice from RS and from their respective LGAs. The problem in this case is either poor access of DCs to technical advice from these offices or deliberate decision by some who consider themselves as having sufficient knowledge and skills to supervise LGAs. An equally important limitation is inadequate financial resources allocated for DC offices. This makes the DCs to depend heavily on the financial support from the LGA Directors to perform their activities. This dilutes the supervisory role of the DCs and making some of the DC offices to subordinate their oversight and monitoring activities to the discretion of LGA directors. A major concern, therefore, is on the systemic weakness that makes the outcome of D-by-D

practice in LGAs to be determined by the personality traits and relationships among the DCs and LGA directors and their respective capacity to interpret the laws governing LGA functions.

#### *3.1.3.2. Human resource capacity development*

There is a disproportional investment in human resource development between central government on the one hand, and the RS and LGAs on the other. Despite having the bulk of responsibilities, RS and LGAs often experience some shortage of staff. The recruitment is done centrally, and there are limited resources for capacity development at LGA level. Likewise, there has not been platform for the RS and the Councils to put in place a system of succession plan. This limits the capacity of RS and the LGAs to develop suitable staff to replace those that are transferred, or leave for a variety of reasons, including retirement.

### **3.2. Functions of Wards/Villages and Mtaa**

The Wards and Villages/Mtaa have functions which are specified in the LGA Laws of 1982 (with amendments) and the Local Government Laws (amendments and miscellaneous) Act 2006. The Wards help the Councils to implement plans and projects approved by the Full council. This level has specialised sector staff, especially coordinators who oversee different sector activities in the ward such as education, health, agriculture, community development, etc. The Wards also have an institutional set up in the name of Ward Development Committee (WDC) whose membership include all chairpersons of village governments, the Divisional Officers, and the chairman being the Councillor of the Ward. The Ward Executive Officer (WEO) are the secretaries of WDCs.

The roles and function of the Ward Executive Officer includes the following (See LGA Law 2006 section 4):

- a. To represent and assist the Director in overseeing the implementation of development activities in the Ward.
- b. To prepare action plans in respect of all duties and functions conferred upon him and submit them to the Director.
- c. To supervise the Village Executive Officers in the implementation of their functions.
- d. To participate and advise in the preparation of development plans in the ward.
- e. To coordinate action plans and implementation reports for Village Executive officers within the Ward and submit such plan to the Divisional Secretary and Director.
- f. To attend, advise and provide reports in respect of implementation of activities within the Ward, in the Ward Development Committee.
- g. To be a Secretary to the Ward Development Committee.
- h. To enforce all by-laws in the Ward.
- i. To promote the establishment and development of cooperative enterprises and activities within the Ward.
- j. To supervise and coordinate the implementation of projects and programmes of the Ward.
- k. To plan and coordinate the activities of and rendering assistance and advice to the residents of the Ward.
- l. To formulate and submit to the village councils or the District Council of proposals for the making of by-laws in relation to the affairs of the Ward.

- m. To monitor revenue collection.
- n. To initiate and promote participatory development in the Ward.
- o. To manage disaster in the Ward.
- p. To promote gender issues in the Ward.
- q. To supervise the *Mtaa* Executive Officers in the performance of their functions.
- r. To perform such other functions as may be directed by the Director.

Functions of the Village government are as set out in section 142 of the LGA Act 1982. Briefly, the following are the roles assigned to the Village council or Mtaa.

- a. Do all such acts and things as are necessary or expedient for the economic and social development of the village.
- b. Initiate and undertake any task, venture or enterprise designed to ensure the welfare and well-being of the residents of the village.
- c. Plan and co-ordinate the activities of and render assistance and advice to the residents of the village engaged in agricultural, horticultural, forestry or other activity or industry of any kind.
- d. Encourage the residents of the village in undertaking and participating in communal enterprises.
- e. To participate, by way of partnership or any other way, in economic enterprises with other village councils.

While these sub-district levels of local government are closest to the citizens and hence expected to be most effective and expedient in responding to the people's needs, they face significant institutional capacity challenges. These challenges include:

- At ward level, some WEOs do not have the necessary skills and experience to undertake the specified functions.
- The amount of resources (financial, working tools and infrastructure, including office buildings etc. is a big challenge for many LLGs.
- At village/Mtaa level, the capacities of the VEOs and lower-level elected leaders such chairpersons are not often enough to comprehend with the requirements of their functions. While the government is currently recruiting reasonably educated VEOs, the situation is not the same for elected leaders as the Constitution gives equal opportunity for citizens to be elected provided, they can read and write. Attracting experienced personnel to work at this level, particularly in the rural areas is challenging.
- Most LLGs are financially dependent on the Council for their functional operations. Collecting own revenues is also challenging because most of the various taxes and levies that could be collected at the village or mtaa level were previously abolished as being nuisance taxes.

### **3.3 Sectoral functional challenges**

Given the institutional weaknesses of some LGAs in Tanzania, the central government must continue to play a key role in ensuring that resources are properly used and corruption and misuse at the local level is eliminated to ensure that services are provided at acceptable qualities and value for money. Without proper coordination between sectoral ministries, PO-RALG and RSs in supporting and supervising their key mandates at the LGAs, some critical challenges are prone to continue. During the fieldwork, LGAs identified some challenges related to different sectors in their respective areas. Table 8 below presents a summary of the

key sectoral issues and their challenges as perceived by the LGAs that may warrant policy attention.

Table 8: Summary of Identified Functional Allocation Challenges for LGAs on Sectoral basis.

SECTOR	ISSUE	CONTEXT AND CHALLENGES	RECOMMENDED ACTION (ACTIVITIES TO BE DEVOLVED TO LGAS)	JUSTIFICATION / RATIONALE
Tourism and Natural Resources	<ul style="list-style-type: none"> <li>▪ There are two actors on the forestry sub-sector namely TFS and the LGAs. However, TFS seems to undertake the duo role while LGAs roles continues to diminish</li> </ul>	<ul style="list-style-type: none"> <li>▪ TFS as an agency is directly responsible for forests conservation and harvesting management, including licensing and collection of fees. Yet, the forests managed by the Ministry are those for conservation and not for commercial purpose. In addition, the forests being harvested are managed by the LGAs, albeit by delegated powers</li> <li>▪ It is also acknowledged that this function was recentralised due to overharvesting of forests by the Forest Officers in LGAs.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The capacity of LGA department for natural resources should be strengthened and be given the responsibility as an agent of TFS in councils</li> <li>▪ TFS to retain control of plantations, which are managed by expert managers</li> <li>▪ Some categories of forests that fall under the mandates of LGAs should be managed by LGAs</li> </ul>	<ul style="list-style-type: none"> <li>▪ A sustainable forest sector must engage the communities to be protectors and developers of forest resources</li> <li>▪ Properly managed forest resources can be source of revenues for the LGA through sale and levies of forest products (timber, bees' products, wood fuel, etc), provided that TFS retains supervisory, regulatory, and quality assurance role</li> </ul>
	<ul style="list-style-type: none"> <li>▪ There is no function within LGAs of promoting tourism</li> </ul>	<ul style="list-style-type: none"> <li>▪ The absence of direct link with the tourism sub-sector limits the direct involvement of LGAs in promoting tourism. As result, the Ministry is directly collecting tourism levy,</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry responsible for tourism to find a way to engage LGAs to promote local tourism i.e. special site seeing, domestic tourism etc.</li> </ul>	<ul style="list-style-type: none"> <li>▪ LGAs, through PPP can develop tourist activities especially in remote areas but also and peri-urban areas</li> </ul>

SECTOR	ISSUE	CONTEXT AND CHALLENGES	RECOMMENDED ACTION (ACTIVITIES TO BE DEVOLVED TO LGAS)	JUSTIFICATION / RATIONALE
		<p>which is inadvertently crowding out service development levy by LGAs, especially those in urban and pre-urban areas</p>	<ul style="list-style-type: none"> <li>▪ Redefine the criteria for grading of hotels for tourism levy and those for service levy to avoid crowding out effect and enhance LGA's role in promoting tourism</li> </ul>	<ul style="list-style-type: none"> <li>▪ Empowered Communities can promote tourism especially cultural tourism</li> </ul>
Minerals	<ul style="list-style-type: none"> <li>▪ Construction minerals (sand, gravel, etc)</li> </ul>	<ul style="list-style-type: none"> <li>▪ The law gives mandate to the Ministry of Minerals and NEMC to provide EIA, but does not give LGAs legal mandates to approve mining activities as although they have the mandates for land use planning</li> <li>▪ It is worth noting that LGAs in some mineral-rich regions like Mwanza and Geita do not have technical experts on minerals even at the Regional Secretariat level who will ensure the LGAs receive their share of the minerals revenues</li> </ul>	<ul style="list-style-type: none"> <li>▪ LGA should be empowered to issue permits and licenses for mineral extraction for small-scale mining and construction minerals</li> <li>▪ LGAs should recruit mineral experts where relevant</li> <li>▪ Strengthen capacity of LGAs with mineral activities</li> <li>▪ Zonal offices should have direct link with RSs</li> <li>▪ Ministry to issue permits and licenses for large scale mining with determined threshold values</li> </ul>	<ul style="list-style-type: none"> <li>▪ This is a good source of revenue to LGA and community</li> <li>▪ Repercussions of mining activities are absorbed by LGAs (land degradation, mining accidents etc)</li> <li>▪ Reduction of conflicts between communities (small scale miners) and large-scale investors</li> <li>▪ Preference for mining will go to small scale miners compared to large scale mining.</li> </ul>



SECTOR	ISSUE	CONTEXT AND CHALLENGES	RECOMMENDED ACTION (ACTIVITIES TO BE DEVOLVED TO LGAS)	JUSTIFICATION / RATIONALE
Health	<ul style="list-style-type: none"> <li>▪ Generally, the functions in the health sector are well devolved with monitoring and supervision from the sector ministry, but there are remaining challenges. For example, the decision by the Ministry of Health to retake the responsibilities of regional hospitals has rendered the RSs powerless, although this may promote standardization of services and capacity reinforcements</li> </ul>	<ul style="list-style-type: none"> <li>▪ While the sector ministry links well with health care providers and LGA coordinators of health services, there are challenges of institutional capacity at some service delivery units</li> <li>▪ The role of RSs to have an oversight on service delivery facilities at regional level is very important</li> <li>▪ It should be noted that majority of the problems reported to DCs, and RCs are from the health sector which means these officers will have little say over these regional hospitals when the people complain about poor services</li> </ul>	<ul style="list-style-type: none"> <li>▪ RS to retain function of oversight of all health functions in the region in line with RA Act 1997.</li> </ul>	<ul style="list-style-type: none"> <li>▪ RA Act 1997 (Cap 97) empowers the RC to oversee the implementation of government policies in the region, and handle complaints from service users</li> </ul>

SECTOR	ISSUE	CONTEXT AND CHALLENGES	RECOMMENDED ACTION (ACTIVITIES TO BE DEVOLVED TO LGAS)	JUSTIFICATION / RATIONALE
	<ul style="list-style-type: none"> <li>▪ Procurement of drugs and medical supplies</li> <li>▪ The good relationship between Ministry of Health and PO-RALG sometimes bypass the regions when it comes to some issues related to LGAs and Villages/Mitaa.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The practice of health delivery units procuring directly using funds from cost sharing reduces delays and bureaucracy, but not all LGAs have the same levels of cost sharing capacity as their population varies</li> <li>▪ The introduction of Prime Vendor to compliment the weakness of MSD for supply of Drugs - immediately after MSD -Zonal wise of regional.</li> <li>▪ Some issues have not been devolved. For example, some officers from the Ministry follow on matters at village levels which could have been done by these Sub-units. However, the move by Ministry to go down to the village/Mtaa level is not bad but capacity of these subunits at regional and LGAs levels will need to be strengthened.</li> </ul>	<ul style="list-style-type: none"> <li>▪ LGAs to continue procuring drugs, but LGAs with low revenue (cost sharing fee base) should be covered by funds from central government</li> <li>▪ The supportive supervision of Ministry should end at the Regional Level and capacity building strengthened for level supervision to promote sustainability</li> </ul>	<ul style="list-style-type: none"> <li>▪ LGAs are best placed to determine the type of medicines they need in their delivery units. Nonetheless, the cost sharing is expected increase the capacity of the subunits, but this is not uniform across all LGAs</li> <li>▪ LGAs are best suited for the supervision of lower-level service delivery units in the context of subsidiarity principle</li> </ul>

SECTOR	ISSUE	CONTEXT AND CHALLENGES	RECOMMENDED ACTION (ACTIVITIES TO BE DEVOLVED TO LGAS)	JUSTIFICATION / RATIONALE
Legal and administrative relations	<ul style="list-style-type: none"> <li>Before the new initiatives by the Ministry to harmonize the lawyers across all the levels, the lawyers at LGAs were regarded as inferior to those in MDAs and AG's office and thus unable to provide good legal advice. There is a move now to make them state attorneys at the LGAs and hence Ministry of Legal and Constitutional Affairs have links with these officers.</li> </ul>	<ul style="list-style-type: none"> <li>Accordingly, the AG and the Ministry of Justice did not recognize lawyers practising in LGAs and hence not part of capacity development and harmonization of legal practice in the government</li> </ul>	<ul style="list-style-type: none"> <li>The new initiative by the Ministry should support LGAs on technical and professional issues related to law</li> </ul>	<ul style="list-style-type: none"> <li>The LGA miscellaneous amendment Act of 2006, article 10 made the support of sector ministries to LGA personnel mandatory, but more efforts must be made to harmonize the functions and status of lawyers at the LGAs level</li> </ul>
	<ul style="list-style-type: none"> <li>The administrative bureaucracy relating to RS and DEDs</li> </ul>	<ul style="list-style-type: none"> <li>The RSs cannot in the present legal framework hold the DEDs accountable without permission of PO-RALG Minister</li> </ul>	<ul style="list-style-type: none"> <li>More awareness and understanding of the roles of RS and DEDs should be provided to avoid unnecessary confrontations</li> </ul>	<ul style="list-style-type: none"> <li>The mechanisms for RS intervention through the RC are well articulated in the standing orders</li> </ul>

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	<ul style="list-style-type: none"> <li>Preparation and approval of by laws</li> </ul>	<ul style="list-style-type: none"> <li>The process of preparation of by-laws through involving villages, WDC, Councils and RC is okay, but the requirement for approval by PO-RALG and AG takes very long</li> <li>It should be noted that PORALG checks compliance with the Constitution and the primary legislations and if there is something wrong, the drafts are sent back to regions.</li> </ul>	<ul style="list-style-type: none"> <li>PORALG to address the complaint and follow up with AG but encouraging the LGAs to complete the by-law making process within the given limit of 90 days of showing intent to make new by-laws. The practice has shown that LGAs do this at rush hours especially during local budgeting</li> <li>LGAs must abide by the legal requirement to submit their draft by-laws in time.</li> </ul>	<ul style="list-style-type: none"> <li>The PO-RALG is directly under Minister responsible for local authorities so it should be easy to address the complaint</li> <li>The Government should reconsider introducing online portal to manage submission of draft by-laws</li> </ul>
	<ul style="list-style-type: none"> <li>Legal services issues at LGAs have not been well addressed.</li> </ul>	<ul style="list-style-type: none"> <li>Several LGAs have no lawyers and sometimes the HR officers serve as Lawyers</li> </ul>	<ul style="list-style-type: none"> <li>The government should encourage and support all the LGAs to have their own lawyers</li> </ul>	
	<ul style="list-style-type: none"> <li>Adequacy of lawyers at regions</li> </ul>	<ul style="list-style-type: none"> <li>Few lawyers are available at the regions to address the needs of the government.</li> </ul>	<ul style="list-style-type: none"> <li>To strengthen the capacities of RAs and LGAs to have adequate lawyers in line with D-by-D</li> </ul>	
<b>Educational</b>	<ul style="list-style-type: none"> <li>Appointment and supervision of education officers</li> </ul>	<ul style="list-style-type: none"> <li>The current practice is for the RSs (REOs) to appoint Ward Education Officers who have at least first</li> </ul>	<ul style="list-style-type: none"> <li>LGAs (through DEOs) should be given room to make suggestions on suitable</li> </ul>	<ul style="list-style-type: none"> <li>The heads of education in the LGAs know better the</li> </ul>

SECTOR	ISSUE	CONTEXT AND CHALLENGES	RECOMMENDED ACTION (ACTIVITIES TO BE DEVOLVED TO LGAS)	JUSTIFICATION / RATIONALE
		degree given their new mandates of supervising also Secondary schools within their respective wards	persons for the position of Education Officers	teachers who are suitable for appointment as officers
	<ul style="list-style-type: none"> <li>▪ First appointment of teachers and allocation of centres</li> </ul>	<ul style="list-style-type: none"> <li>▪ First appointment of teachers and allocation to centres is done by the Ministry without adequate consultations with the concerned LGAs. As a result, there have been cases where diploma teachers are posted to A-level schools, or agriculture teacher is posted in a school that does not teach agriculture</li> </ul>	<ul style="list-style-type: none"> <li>▪ LGAs to prepare a list of staff needs that can be used by PO-RALG to allocate new teachers, subject to verification by PO-RALG based on approved standards</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff gaps are well known to the heads of department of education in the LGAs</li> </ul>
	<ul style="list-style-type: none"> <li>▪ The use of force accounts</li> </ul>	<ul style="list-style-type: none"> <li>▪ The use of force accounts in implementation of education projects have reduced bureaucracy and cut costs, but requires close supervision and involvement of committee of citizens with relevant knowledge</li> </ul>	<ul style="list-style-type: none"> <li>▪ LGAs must be empowered with resources (i.e. engineers) to undertake supervision of projects under this framework</li> </ul>	<ul style="list-style-type: none"> <li>▪ LGAs shoulder all blames in the event of poor output, and thus their oversight is necessary</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Allocation of teachers directly to schools by PO-RALG</li> </ul>	<ul style="list-style-type: none"> <li>▪ While the allocation of teachers by PO-RALG directly to schools may reduce political pressure, and secure the balance between urban and rural schools, misallocation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Need for PORALG to work closely with LGAs to develop robust systems for assigning staff to LGA service outlets without unreasonable</li> </ul>	<ul style="list-style-type: none"> <li>▪ Accountability through the Full Councils supported by the sector's</li> </ul>

SECTOR	ISSUE	CONTEXT AND CHALLENGES	RECOMMENDED ACTION (ACTIVITIES TO BE DEVOLVED TO LGAS)	JUSTIFICATION / RATIONALE
	<ul style="list-style-type: none"> <li>▪ Appointment and disciplinary entity for DEOs and REOs</li> <li>▪ The concept of free education and what it covers</li> </ul>	<p>could occur if consultation with LGAs is inadequate</p> <ul style="list-style-type: none"> <li>▪ The law (1978) provides for DEOs and REOs to be appointed by the Ministry of Education, but the circular from the Ministry of Education delegates this to Permanent Secretary of PO-RALG to appoint them</li> <li>▪ The resource available through capitation are not enough to cover everything including security, so for schools with fewer pupils, capitation-based disbursements are not enough</li> <li>▪ Also, the allocation based on number of pupils does not take into consideration gender specific needs. A school with large number of girls may need to be resourced differently with the one with large number of boys even when the number of pupils in both schools is the same</li> </ul>	<p>political pressures by Councillors</p> <ul style="list-style-type: none"> <li>▪ The law should be more specific on the appointment and disciplinary powers of DEOs and REOs</li> <li>▪ LGAs should be allowed to uphold the principle of subsidiarity in mobilisation additional resources for schools</li> </ul>	<p>technical advice should be promoted</p> <ul style="list-style-type: none"> <li>▪ The quality of education will be sustained if key officials are appointed and disciplined by the same authority</li> <li>▪ Community participation in developing and delivering of services is key to growth and downward accountability</li> <li>▪ Contributions from Communities are key to improved services provided there is no cohesion.</li> </ul>

SECTOR	ISSUE	CONTEXT AND CHALLENGES	RECOMMENDED ACTION (ACTIVITIES TO BE DEVOLVED TO LGAS)	JUSTIFICATION / RATIONALE
	<ul style="list-style-type: none"> <li>▪ Transfer of teachers and payment of leave for teachers</li> </ul>	<ul style="list-style-type: none"> <li>▪ Currently done by PO-RALG, sometimes without consultation from LGAs. Allocation and disbursement of leave payments very limited, resulting into burden to the LGAs</li> </ul>	<ul style="list-style-type: none"> <li>▪ PO-RALG should reconsider the need to consult the LGAs on matters related to allocation and disbursement of leave payment</li> </ul>	<ul style="list-style-type: none"> <li>▪ This is to enhance the spirit of D-by-D and for optimal allocation and compensation</li> </ul>
Livestock and Fisheries	<ul style="list-style-type: none"> <li>▪ Separation between regulatory and economic development functions</li> </ul>	<ul style="list-style-type: none"> <li>▪ There is overlap of responsibilities and functions between sector ministry and LGAs.</li> </ul>	<ul style="list-style-type: none"> <li>▪ LGA to retain service delivery in line with schedule 2 and 3 of LGA Acts</li> </ul>	<ul style="list-style-type: none"> <li>▪ Community participation is critical to success of service delivery. This is important tenet of the subsidiarity principle</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Abolition of slaughter fee and secondary auction cess</li> </ul>	<ul style="list-style-type: none"> <li>▪ LGAs are required to provide services to ensure slaughterhouses are in good order and other services, but most cess have been abolished or collected by central government, undermining the capacity of LGAs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Decision for centralising control of markets plus fees should be reversed</li> </ul>	<ul style="list-style-type: none"> <li>▪ Centralisation without good justification is contrary to the principle of subsidiarity.</li> <li>▪ Community participation and empowerment is key to sustainability.</li> </ul>

SECTOR	ISSUE	CONTEXT AND CHALLENGES	RECOMMENDED ACTION (ACTIVITIES TO BE DEVOLVED TO LGAS)	JUSTIFICATION / RATIONALE
<b>Water</b>	<ul style="list-style-type: none"> <li>▪ Ministry's recentralisation of water engineers and services. There is also a plan to create an Agency identical to TARURA which is a further step for recentralising functions from the LGAs</li> <li>▪ Permission for irrigation is issued by water basins/valley authorities (i.e. Ruaha River Basin etc.)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Sustainability of water projects if LGAs are not involved could be at risk.</li> <li>▪ The proposed establishment of an independent Agency should consider participation of the local communities</li> <li>▪ This function is centrally controlled. It is also unclear who is in charge in terms of irrigation management</li> </ul>	<ul style="list-style-type: none"> <li>▪ LGAs be empowered to render water services in their authority areas. Technical support and supervision for standards and quality be provided by the Agency</li> <li>▪ It is difficult to devolve irrigation function to the LGAs because of its nature i.e. valley catchments cut across large areas and beyond one LGA. However, there is a need to harmonize how these functions can be shared by central and local government with a clear demarcation of responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>▪ Community participation is key to projects sustainability. Water projects have high stake of local people, and their voices should be heard</li> <li>▪ LGAs will bear the brunt of service failure</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Irrigation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Act No. 5 of 2013 on irrigation delegates the mandates to the sector ministry, and there are no experts in this area allocated to LGAs</li> </ul>	<ul style="list-style-type: none"> <li>▪ LGAs should be empowered to manage irrigation function but capacity must be enhanced.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Community empowerment on the issue is critical for sustainable irrigation systems.</li> </ul>



SECTOR	ISSUE	CONTEXT AND CHALLENGES	RECOMMENDED ACTION (ACTIVITIES TO BE DEVOLVED TO LGAS)	JUSTIFICATION / RATIONALE
Roads	<ul style="list-style-type: none"> <li>▪ The creation of TARURA</li> </ul>	<ul style="list-style-type: none"> <li>▪ This move entails that LGAs have no more mandate in the planning and management of rural roads i.e. no clear linkage with LGAs</li> <li>▪ This can be beneficial because the planning and priorities of TARURA will not necessarily be influenced by politics of the councillors. However, there is a risk of mismatch between LGA plans and Agency plans. There is also risk if LGAs will not allocate funds for maintenance of roads</li> </ul>	<ul style="list-style-type: none"> <li>▪ TARURA Manager in the district work closely with LGA department of engineering</li> <li>▪ To establish a forum at district level (i.e. Road Board) for roads and feeder roads issues to be discussed in the context of LGA plans and priorities</li> </ul>	<ul style="list-style-type: none"> <li>▪ Community participation is key to sustainability of projects undertaken in the LGAs</li> <li>▪ TARURA could promote local economic development by using and developing capacity of local contractors a good framework is put in place to ensure local content in the award of contracts for rural roads</li> </ul>

SECTOR	ISSUE	CONTEXT AND CHALLENGES	RECOMMENDED ACTION (ACTIVITIES TO BE DEVOLVED TO LGAS)	JUSTIFICATION / RATIONALE
Land and housing	<ul style="list-style-type: none"> <li>▪ Land rents and property taxes were permanent sources of income to LGAs, but these have been recentralised</li> </ul>	<ul style="list-style-type: none"> <li>▪ This move has significantly reduced the financial power of LGAs as well as reducing the already thin tax bases of LGAs.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Consider LGA's role in property tax collection and retention of a portion, after establishing a strong database of taxpayers at different segments and supporting the central government to enhance compliance</li> </ul>	<ul style="list-style-type: none"> <li>▪ Some LGAs have high capacity to collect these taxes, requiring only a strong database and monitoring system</li> <li>▪ Retention of a portion of property taxes by LGAs can create incentives for LGAs to collect and reduce administration and compliance costs from the central level</li> </ul>
Agriculture	<ul style="list-style-type: none"> <li>▪ Abolition and significant reduction of crop cess have crippled the incomes of rural LGAs</li> </ul>	<ul style="list-style-type: none"> <li>▪ This is especially the case for those dependent on low volume but high value crops like coffee, since the threshold for cess considered only weight but not value.</li> </ul>	<ul style="list-style-type: none"> <li>▪ LGAs to be compensated for lost income from the central government to minimize effects on their budgets (holding harmless)</li> </ul>	<ul style="list-style-type: none"> <li>▪ General purpose fund has not been available for many years, which cripples the ability of LGAs to undertake responsibilities, especially when own sources shrink</li> </ul>

<b>SECTOR</b>	<b>ISSUE</b>	<b>CONTEXT AND CHALLENGES</b>	<b>RECOMMENDED ACTION (ACTIVITIES TO BE DEVOLVED TO LGAS)</b>	<b>JUSTIFICATION / RATIONALE</b>
<b>Finance and procurement</b>	<ul style="list-style-type: none"> <li>Declining own sources as major sources of revenue are recentralised</li> </ul>	<ul style="list-style-type: none"> <li>This further reduces the institutional capacity of LGAs at all levels (council, wards, and villages/streets) to deliver services</li> </ul>	<ul style="list-style-type: none"> <li>LGAs should be compensated for lost income (holding harmless)</li> </ul>	<ul style="list-style-type: none"> <li>LGAs must be protected if they are to render the expected services</li> </ul>
	<ul style="list-style-type: none"> <li>LGAs have different capacity depending on the type of own sources</li> </ul>	<ul style="list-style-type: none"> <li>Different levels of economic activities, urban/rural and other factors make LGAs very different in the levels of own sources, thus ability to implement their own plans and providing capacity support for their staff differs</li> </ul>	<ul style="list-style-type: none"> <li>Grade the LGAs and establish equalisation fund that will favour the weak LGAs</li> </ul>	<ul style="list-style-type: none"> <li>LGAs are formed to bring services closer to the citizens. Hence, they need to be empowered to execute their functions</li> </ul>

**Source:** Compiled from the Field

### **3.4 Functional Review of Government System (MDAs, RAs, DAs, and LGAs)**

Annex 1 presents a matrix that attempts to map the functions of Ministries as per the Presidential Instrument (2016), drawing from the experience on the ground against the allocated functions per ministry; identified gaps between allocated functions and experience on the ground; identified gaps between the central ministries and sector ministries; and identified gaps between the ministries and RS/LGAs. It also proposes some key recommendations on functions in the context of Decentralisation policy. The matrix focuses on those ministries that have more direct roles and linkages with the core functions and responsibilities of LGAs in the context of D by D.

## 4. CAPACITY GAPS FOR DECENTRALISATION BY DEVOLUTION IN TANZANIA

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### 4.1 Introduction

Capacity issues were reviewed under the three pillars of decentralisation, namely political empowerment, administrative empowerment and fiscal empowerment. The analysis further disaggregates the issues along the known grouping of capacity namely institutional capacity, organisational capacity and staffing level capacity. At institutional level, capacity issues are considered from the point of view of availability of the necessary resources and instruments that enable the institution to function well. It includes adequacy of legal framework and its understanding by the users, the policy framework in place and its understanding by users, the adequacy of regulatory framework (guidelines and circulars) and its understanding and users, and how conducive is the external environment for the institution to implement its mandates and functions.

On organisational capacity issues, the focus is on clear strategic plan (derived from its vision and mission) to achieve its plans (approval authority-participatory, relevancy to current needs, well-articulated plans and budgets, good monitoring and reporting framework, appropriateness of the current structure to implement mandates and whether it is well understood, appropriateness and relevance of systems in place to implement functions e.g. Information, Education and Communication management (IDEC) system; M&E management systems etc. also under organisational capacity issues are working tools (equipped according to responsibilities to implement plans (infrastructure, vehicles, software, systems and consumables).

It also includes capacity from the point of view of staffing levels (sufficiency, deployment at correct level, capacity to implement mandate and strategy), adequacy of knowledge held and experience, and regularity of training programmes.

### 4.2 Gaps at MDAs Level

#### 4.2.1 The Political decentralisation

This relates to powers that MDAs must devolve to enable LGAs function efficiently and effectively.

#### **Institutional capacity gaps**

Several positive Political changes have occurred overtime from the first to the fifth phase government coping with changes and demands for rapid outcomes will take some time and may affect the orientation of ministry officials towards meeting those demands and slow their dedication to decentralisation by devolution.

#### 4.2.2 Administrative decentralisation

Administrative empowerment in terms of clarity in roles and responsibilities, functions, activities and facilitation and support in place for the MDAs to undertake their function efficiently and effectively makes a difference. The ability of MDAs to recognise their role of decentralisation in supporting LGAs to enhance service delivery and create a good environment for community self-development is critical.

## **Organisational capacity gaps**

The same problem of combination of ministries to form one sector ministry can also apply at the organisational level. For a sector ministry to function well, it must be guided by a comprehensive strategic plan. The process of developing a comprehensive and holistic plan requires time and resources. For the time being, a single ministry could be implementing different plans pertaining to the constituent ministries. This multiplicity can hinder good understanding as well as good application. The inappropriate plans could also affect the understanding of what functions have been decentralised and even determination of functions that could be decentralised.

On structures, what was approved and provided in the ministerial instrument also creates some understanding gaps; a good example is between Ministry of Health and PO-RALG. It is not clear where primary health functions belong, although from the past experiences, it is known that PO-RALG is responsible for primary health care provision, while the Ministry of Health is responsible for standard setting, policies, quality assurance and monitoring. For ministry officials who are unfamiliar with practice, the understanding would be that Ministry of Health is still responsible for primary health care provision at the grassroots level.

Availability of resources is another bottleneck on the MDAs. Implementation of plans is affected by inadequate budgetary resources. There is general complaint that financial resources are not received on time, especially those allocated for recurrent operations.

It was also noted that in many of the ministries, systems for mobilising information and preparing reports were inadequate. Existing systems do not link well with LGA systems and therefore MDA officials are unable to prepare comprehensive sector level reports. Sector Ministries information management systems need to link well with PO-RALG so that the information can be available on real time basis on matters pertaining to LGAs. The Ministry responsible for Health have managed this process.

The other major gap noted is that of equipment and working tools. Ministries lack adequate necessary infrastructure to undertake their functions. – (Physical infrastructure, vehicles, software, systems and consumables). If these shortages are not addressed soon, its effect on the interpretation of success or failure of D by D could be enormous.

## **Human resource gaps**

Staffing is another area of capacity shortage. Measures taken to curtail employment, cutting down of staff with fake certificates and reduction from natural attrition – deaths, retirements, etc have led to staff shortages, such that inadequate staff for the various sections in terms of numbers, knowledge and experience is reported to undermine delivery of services and supervision functions of MDAs. This effect could be temporary, but it requires attention to minimize disruptions in the progress already made in Decentralisation process. While no exact figures of human resource gaps are available for all MDAs, fieldwork responses indicated this shortage to be the case.

### **4.2.3 Fiscal decentralisation**

Some MDAs use the current sector related laws to collect various fees for activities which are supposed to be undertaken by the LGAs. Some ministries with deep linkages with the LGAs on their functioning, including some executive agencies and independent departments are

allowed by some laws to collect fees and other charges for activities taking place in the LGAs. There seems to be no consideration of functions performed by the LGAs with respect to those sectors in terms of revenue collection and allocation.

## **4.3 Gaps at Regional Administration Level**

### **4.3.1 Political decentralisation**

This relates to powers that Regional Administrations must enable them oversee government functions at regional level, to ensure compliance with policies and laws, and to enhance decentralisation by facilitating and supporting LGAs to deliver services and creating a conducive environment for community participation and local economic development.

#### **Institutional capacity gaps**

The regional level comprises of the regional commissioner's office and the district commissioner's office. Both offices are covered by the Regional Administration Act 1997. There is a good understanding of the law by actors at the Regional Secretariat, who are empowered to support the local authorities in the areas of advisory, coordination and capacity building. The application of the law sometimes is flawed by the users especially at the political level, whereby some the regional leadership may not listen to the advice of the technocrats when it comes to making certain decisions. `Higher authority directives` are often used to justify decisions made, contrary to the law and standing orders. The modalities for the RCs to intervene in LGAs are spelt out in the Standing Orders of 2009 section B.15. There have been fears that personality differences lead to erratic decisions that are contrary to good governance/administrative principles.

The only complaint registered at this level is the inadequacy seen in the Regional Administration Act as the RS do not have the authority to compel the LGAs to comply with advises given. The LGAs are seen to be at liberty to comply with whatever advice given. This view, however, could be the right of LGAs to exercise their autonomy to interpret advice in line with their priorities and local conditions.

At District Commissioner level, the law is also generally clear, and further clarity is made in the standing orders. The DC is empowered to oversee issues of policy, law and guidelines. According to the standing orders, the DC does not have the mandate to interfere with technical or professional matters. The reasons for the latter are clear. The DC office does not have technical personnel, although their oversight function can be enhanced by the access they have for experts at RSs and even those at LGAs. But experience on the ground tells a different story. Some DCs have been interfering in the administration of LGAs, including on technical matters, without even seeking for advice from the RSs. Evaluation findings attribute such behaviours, personality issues and lack of administrative experience.

The structure for the RA is also seen to be well placed, although there are complaints about too many activities being lumped together. For example, some of the RA pointed out the case of agriculture functions been placed under the division of economic advisory. The feeling expressed is that agriculture is the backbone of the economy and involves most Tanzanians, thus should have warranted a separate division.

### **4.3.2 Administrative decentralisation**

This area relates to administrative empowerment in terms of clarity in roles and responsibilities, functions, activities and facilitation and support that are in place for the Regional Administration to undertake their functions efficiently and effectively and enhancing decentralisation by creating a good environment for the LGAs to perform better.

#### **Organisational capacity gap**

The RA are there to support, advise and coordinate LGAs. The latter entails visiting the LGAs regularly. The major complaint was inadequate resources. The budget and resources released are not adequate for the offices to undertake their functions. Also working tools are not enough. In some of the offices visited, three or four senior officers occupied one small office. They also have inadequate vehicles for use in monitoring visits to LGAs.

The issue of adequacy of resources is equally serious at the DCs offices. The low budget allocated, and limited releases made have meant that the DCs relies on the LGAs for operational support. Moreover, the relationship with LGAs is likely to turn difficult because some DCs demand the LGAs to meet the costs of hosting activities that are not in the approved LGA budgets.

#### **Human resource gaps**

The RA face shortage of human resources, especially some senior and experienced ones who can attend to technical issues at LGAs. As of 2017/18 at least 1 in 4 of all required staff were missing at the RA (PO RALG, 2018). Current central government efforts to weed out the unqualified, and the suspending recruitment of new staff temporarily contributed to staff shortages. Besides, there are those who are moving out of employment on natural attrition basis (promotions, retirements, deaths, compassion leave, schooling, and greener pastures) increasing the vacancy gaps. The staffing gap is also lamented upon by the LGAs who are unable to get the kind of advice they would like to receive, especially where some officials available at RA are junior (experience-wise) to the LGA officials. Because of that gap, LGAs have implied that the RA officials try to avoid rather than engage proactively with the LGA officials. Another complain levelled on RA capacity gap is the inability to carry out their advisory work in a professional way especially when it comes to either receiving directives from the parent ministry (PORALG) or from Sector Ministries. Some LGAs consider the RA to be a forwarding or conduit office. A guideline issued by PORALG in 2012 clearly set out the role of RA in communicating information, to constitute analysed reports and a summary with comments (*mukhtasari wenyemaoni*) (Circular No. 8 of 2012 by Permanent Secretary for PMO-RALG, section 3.1.1 & 3.1.2), Likewise, reports coming from PORALG or Sector Ministries intended for the LGAs are expected to be commented upon to ease implementation. But this is not always done and thus pointing to human resource capacity gaps at RA.

## **4.4 Gaps at LGAs Level**

### **4.4.1 Political decentralisation**

The issue of political empowerment is critical to the success of local government in executing their mandates and to be more responsive to the needs of the communities. The basic issue is whether political authority by elected leaders to represent communities and institutions are formed to ensure rightful decisions are made to address community demands. The gaps noted



through the review are discussed below:

### **Institutional capacity gap**

Although the institutional frameworks guiding the operations of LGAs sets the mandates of the various actors in the central and local government arena or platform, there are still some rooms for different translations and applications. Absence of clarity on some policy framework is seen to be giving leeway for frequent changes without due consultations. This has given way to re-centralisation of many functions including various operations e.g. roads and water projects, revenue collections (property tax, billboard, packing fees, etc.) with minimal consideration of the impacts these changes might have on the LGAs and thus compromising the principles of D-by-D.

The legal framework is seen to be in order and well understood at the LGAs level. Various amendments have been made to accommodate changes deemed necessary e.g., the 2006 changes which created the District Consultative Committee (DCC) and empowered the District Commissioner to chair the DCC. The DCC was created for purposes of making the DC and other stakeholders to know the development plans of the LGAs and ensure they comply also with existing policies. The amendment also empowered another office of the DC – the divisional office to participate in Ward activities by having a seat in the WDC. Again, the intention was to improve the local – central relations at the grassroots level.

Despite efforts made to improve the legal framework and create conducive working environment, there is a feeling that the compliance by the central government, especially the DCs level is minimal. In some districts, the DCs operates if they are the chief executive officers of the LGAs, ignoring totally the local government governance structures, including exercising command on LGA revenues and personnel matters without consultations with the LGA Chief Executive Officer and the Council Chairpersons or Mayors. The communication is often full of intimidation, often in public. The abuse, intimidation and commandeering attitude is a major concern for the LGAs and could undermine LGAs institutional capacity and incentives to be innovative and to promote downward accountability.

#### **4.4.2 Administrative decentralisation**

Administrative empowerment relates to the clarity in roles and responsibilities, functions, activities and facilitation and support in place to enable the LGAs to undertake their functions of service delivery and community empowerment efficiently and effectively. Local administrative autonomy is critical to ensuring that LGAs can respond to local needs effectively. The empowerment should enable LGAs to plan, implement and report without much hindrance.

### **Organisational capacity gap**

Most LGAs have had a long history of good governance given the various initiatives undertaken by the government in the form of reforms (LGRP I & II), the Local Government Capital Development Grant (LGCDG)/Capital Council Budget Grant (CBG) systems, the O&OD interventions, PlanRep, MTEF and Epicor (integrated financial system) interventions, the JICA's local governance interventions, and PORALG-led interventions (World Bank and other DPs). These efforts have led to continuous assessment of the performance of LGAs and capacity building and infrastructure development funding needs, and in the process these interventions

have led to improving plans (yearly and medium term) at the LGAs. The systems have been developed in most of the LGAs, but the major problem lies with financing of the plans.

The capacity to monitor and report is also relatively good. The PO-RALG intervention has improved as most of the reporting is now digitized. All spending is followed up by PO-RALG and financial reports can easily be produced. The only major problem existing at the LGAs is the production of data to support the planning. For a long time, there has been a discussion to build up a Local Government management database, which has been elusive. The absence of a good system for generating data for decision-making will impact on the quality of plans prepared.

The structures are also in place, thanks to PO-RALGs' efforts to support the LGAs to review their structures. But the changing economic and political environment that demands for attention to local economic empowerment in terms of industrialization and improved business environment implies that the structures of LGAs may have to change. Hitherto, the department of planning has been dealing mainly with strategic planning, annual planning and budget preparations. Issues of economic and industrial development have been on the back burner. Likewise, the department of finance and trade has been dealing mostly with licensing and revenue collection plus accounting matters, with little emphasis on the promotion of investment and commercial activities. The same can be said of the department of natural resources which has been dealing minimally with mining activities. In this regard, the structures may have to change to accommodate the current government emphasis on economic and industrial development. Alternatively, job descriptions could be changed to reflect the changing development agenda and the need for LGAs to promote local economic development.

### **Human resource gaps**

This is a widespread concern across LGAs. This is attributed to a variety of factors, including curtailed employment, recent crackdown in poor qualifications and fake certificates, natural attrition, etc. but the LGAs are also lamenting about the transfer of engineering department staff to TARURA, which has ignored completely the needs of other sectors of engineering e.g. buildings etc. Moreover, the improvement of services particular in water, agriculture, education and health has also implied increase in the number of staff required relative to those recruited. This imposes great pressure on the LGAs as complaints keep increasing for failing quality of service delivery.

#### **4.4.3 Fiscal decentralisation**

Fiscal empowerment or Decentralisation is the set of rules that defines roles and responsibilities among different levels of governments for fiscal functions including planning and budget preparation, budget execution, revenue generation, the intergovernmental allocation of budgetary resources and public sector borrowing. Fiscal Decentralisation lies at the heart of any decentralised local government system as its rules define the generation and distribution of financial resources (both between and within different government levels) that are utilized to respond to citizens' demands. The ability of local governments to make fiscal decisions in the provision of local government services is a precondition for the voters to assess the performance of their locally elected representatives with respect to the amounts and qualities of services they are getting for the taxes that they are paying. Therefore, if local governments are denied the fiscal instruments and funding to make real use of their political and administrative authority and autonomy, Decentralisation is likely to be ineffective.

The Local Government Finance Act (1982) with amendments and other protocols e.g. the Guidelines on Planning and Budgeting, necessary to support LGAs on Fiscal management, are all comprehensive enough. But other laws such as the Public Finance Act and its regulations that empower the Minister of Finance to oversee public finances override these institutional frameworks. These powers allow the Minister to change matters related to revenue mobilisation in the LGAs. Continuously there have been changes in the laws regarding what sources of revenue are available to the LGAs such as the removal of nuisance taxes and levies, the transfer of property tax to TRA, the change on the administration of produce cess (rule of exemption of one ton on the farmer side) etc. Also, other ministries are empowered to collect some fees for services taking place in the LGAs e.g. the recent case for livestock secondary market fees which have been transferred to the Ministry of livestock and Fisheries, also car parking fees being shifted to TARURA etc. Though there is always a promise to compensate the LGAs for the lost revenues, either through refunds e.g. in the case of property tax, and through intergovernmental transfers, however, the implementation has not been consistent.

As result, the flow of resources has been erratic, and sometimes when funds are released, the bulk of it flows at the end of the year when it is difficult to spend given the regulatory framework in place especially that for procurement. Nonetheless, significant improvements have transpired in the disbursement of LGA development budget from 53 percent in 2014/15 to 82 percent in 2017/18 (PO RALG, 2018). However, performance gains have not been replicated for own source revenue (ORS) declining from 100 percent in 2014/15 to 83 percent in 2017/18 (PO RALG, 2018). Though little in percentage relative to total LGA budget, ORS, have been critical in running operations and meeting urgent requirements in the LGAs. Intergovernmental transfers are always ring fenced and therefore cannot be diverted to support operations. Thus, some LGAs have little or no operational funds to undertake good supervision of services being provided in the Councils.

## **4.5 Gaps at Lower Level LGAs**

### **4.5.1 Political decentralisation**

Laws and policies needed to empower the lower-level governments and those for enforcing community participation and downward accountability are not fully implemented. The government has already accepted O&OD as the approach to use to empower communities. This, however, is not enshrined in the law and thus not systematically applied across the country.

### **4.5.2 Administrative decentralisation**

The villages, Streets (Mtaa) and wards are poorly equipped. They need to be provided with necessary infrastructure (offices, working tools, and financial resources) to undertake their functions of serving the people. Human resource capacity is also a critical issue. While some villages and Mtaa have some sector support staff, others are understaffed and have remained a one-man office in many areas. The government should provide more staff to these grassroots institutions after carrying out a needs Assessment and functional review to identify critical areas for devolving to the grassroots.

### **4.5.3 Fiscal decentralisation**

The financial resource base of lower level LGAs is generally limited, uncertain and varies across geographical locations, depending on the availability of activities that the law allows them to

collect fees and levies. Enhancing the roles of these grassroots institutions to deliver services and to support local development is still a daunting task.

## 4.6 Recommendations for addressing the gaps identified

The following recommendations are maiden view of the gaps identified at the various levels of government to enhance D by D.

### 4.6.1 MDA level

#### (a). Political decentralisation

##### Institutional gaps

- Revisit the existing **policies** for all sectors during their review cycle to ensure the Decentralisation – concept is well articulated or enshrined in activities identified for each level of government. In the new policy on Decentralisation, there should be a policy statement emphasizing decentralisation issues for which the sectors will have to cooperate and support the LGAs **(Coordinated by PORALG/RCU)**.
- Revisit sectoral **laws, regulations and orders** when necessary to ensure that there is a good linkage with the laws covering LGAs activities. **(Coordinated by PORALG/Law reform Commission)**.
- Design a **system for developing incentives for compliance to decentralisation policy**. The government can initiate a system for assessing the extent to which MDAs comply with D-by-D policy, and good performers to be rewarded while the underperformers are sanctioned **(Coordinated by PORALG/RCU)**.
- Awareness rising for all ministry employees is critical to the appreciation of the role of decentralisation in the country, clearly outlining what role each sector must play **(Coordinated by PORALG/RCU/POPSM\GG)**.

#### (b). Administrative decentralisation

##### Organisational gaps

- Sector strategic plans need to be realigned to reflect their mandates and their linkages with LGAs, including quality assurance, monitoring, capacity building, and policy alignment **(Coordinated by PORALG/RCU)**.
- Strengthen the management information system and routine data system from LGAs to inform sector planning and monitoring **(Coordinated by PORALG)**.
- Enhance resource availability for the sector ministries to monitor and support LGAs to improve quality of service delivery and promoting local economic development **(Coordinated by MoFP/RCU)**.

##### Human resource gaps

- Staff with experience in LGA functions should be brought to the ministry to deal with subsector issues which have been devolved. This should include staff in central ministries like Finance and Planning, The President's Office- Public Service Management, etc. **(Coordinated by PORALG/POPSM\GG)**.

#### (c). Fiscal decentralisation

- Facilitate MDAs to comply with the principle of subsidiarity implying that fees and charges relating to activities taking place at LGA level should be left to lower level for collection and use. The compliance will have to be affected after the laws are harmonised with those of the local government **(Coordinated by PORALG/RCU/MoFP)**.

#### 4.6.2 RS Level

##### (a). Political decentralisation

###### Institutional gaps

- The law governing regional administration need further strengthening to include a clause that will empower RA to push for changes at LGAs when considered necessary. The PORALG to be informed of actions proposed and reasons thereof **(Coordinated by PORALG)**.
- Awareness raising on the part of DCs is critical. DCs must be imparted with knowledge on key laws and regulations which impact on their responsibilities. This will include knowledge on the concepts of decentralisation and its operational framework **(Coordinated by PORALG)**.

##### (b). Administrative decentralisation

###### Organisational gaps

- Review RAs functions to reflect regional social-economic demands. Key sectors such as agriculture, livestock and fisheries; and mining to be elevated to full divisions in the secretariats to recognize their importance in the regional economy **(Coordinated by PORALG)**.
- The government should provide essential resources to empower the RAs to undertake their functions effectively. Need to provide adequate budget allocations, office space, and logistics facilities etc **(Coordinated by PORALG/MOFP)**.

###### Human resource gaps

- Staff with good experience in LGAs and holding senior positions should be placed at RA level to advise, coordinate and build capacity of LGAs **(Coordinated by PORALG/POPSM\GG)**.

#### 4.6.3 LGA level

##### (a). Political decentralisation

###### Institutional gaps

- Need for continuous awareness raising for newly elected leaders and newly employed staff so that they understand their roles and functions adequately, but also understand the laid down procedures for dealing with other authorities within the LGAs and with other levels of government **(Coordinated by PORALG)**.
- Ensure that the policy framework provides clarity on the division of responsibilities and mandates to avoid frequent, circular-based changes that introduce distortions and uncertainty in long-term development planning potential of LGAs **(Coordinated by PORALG)**.

##### (b). Administrative decentralisation

### **Organisational gaps**

- The structures within the LGAs may have to be reviewed to reflect current demands especially those based on industrialization. In each LGA there could be added a section that deals with economic and industrial planning and enabled in the context of both policy and resources **(Coordinated by PORALG)**.
- The flow of resource for capital development is also a major concern. Many projects remain uncompleted due to erratic flow of resources from central units to LGAs **(Coordinated by PORALG/MoFP)**.
- Strengthen organisational capacity at lower levels of LGAs (wards and villages/streets), along with a reliable mechanism for monitoring by Councils **(Coordinated by PORALG)**.

### **Human resource gaps**

The provision of basic services in the LGAs requires adequate manpower. The LGAs, like other government units or institutions, have seen a decline in the number of staffs. Also, the increase in number of service outlet units have entailed increase in the number of staff required. Most effected are education and health. Engineering services have also suffered from the transfer of staff to TARURA **(Coordinated by PORALG/POPSM\GG)**.

### **(c). Fiscal decentralisation**

- Need for improved flow of resources. The central government should put in place mechanisms for re-financing the LGAs' general operating costs given that other resources transferred from the central government are earmarked or ring-fenced **(Coordinated by PORALG/MOFP)**.
- Harmonisation of laws aimed at empowering LGAs to have more reliable sources of financing should also address issues at the Villages and Street levels. These are levels of government empowered to make own by-laws which can empower them to collect revenues and provider basic services. The amended laws should also be clear on what the lower levels can collect to enable them to execute their mandatory functions **(Coordinated by PORALG/MOFP)**.

## 5. RECOMMENDATIONS ON ASSIGNING OF FUNCTIONS AND ON OTHER CHALLENGES

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In so far as the Functional Review has deeply dwelt on institutional, legal and policy Frameworks, it is imperative to come up with workable recommendations which will well feature in the National Decentralisation Policy. The recommendations are divided into short, medium and long terms as given here below:

### 5.1. Short term

#### **Political Decentralisation**

- Strengthen and harmonize awareness on Decentralisation to politicians and executives to be more fruitful in the use of resources.
- Decentralisation must be well enshrined in in the Constitution, and relevant legislations should be reviewed accordingly.

#### **Administrative empowerment**

- Policy issues are better anchored at the Ministerial level to cover supervision, coordination, quality assurance and oversight of compliance. Operational issues must be performed by Independent Departments and Agencies, RA and LGAs.
- Comply with planning and budget process in LGAs and fairly reflect priorities of communities Violation of approved budget should be encountered by stricter punitive measures.
- Internal auditing should be properly strengthened to enable it provide compliance support to LGAs.
- Revisit indicators for classification of councils to capture effective areas or themes for grading LGAs alongside exploitation of available potential resources. Further strengthen improved O & OD application in line with subsidiarity implementation of community - centred projects. Establish a formal Sector - wide mechanism of planning and M & E in implementation of common projects in RA and LGAs for quality assurance and PORALG should take lead in coordination.
- Consider review of the PORALG structure to carter for a new Decentralisation Policy. Revisit financial resource demand and allocation criteria in RCs and DCs offices.
- Strengthen capacity at lower levels of LGAs in terms of financial and human resource for effective discharge of functions.

#### **Fiscal decentralisation**

- Clearly re-define revenue sources between LGAs and central government in the legislation. Principles of budgetary control must be respected by all government organs, including the regional and district administration, without diluting their oversight role (**Coordinated by PORALG/MOFFP**).
- Ensure timely disbursement of funds to RA and LGAs to allow for their smooth operation and efficiency

## 5.2. Long-term

### Political decentralisation

- Review Local Government and other sectoral legislations which are not Decentralisation compliant to also capture Political aspects.
- Review the role of PORALG and other MDAs to avoid duplication and overlap.
- MDAs have fairly devolved national project and programme activities to RA and LGAs and avoid unnecessary overlaps in the implementation.
- Review the roles and mandates of Councillors on technical decisions and disciplinary proceedings. Put a mechanism to provide Council Directors with disciplinary authority of council staff rather than the councillors. **(Coordinated by PORALG/POPSM\GG).**

### Administrative decentralisation

- Refocused the role of each MDA to effectively deliver on its mandate regarding Decentralisation Increase allocation of financial and competent, skilled and experienced human resource to RA to efficiently undertake their supervisory role.,.
- Guide MDAs to disburse programme and project funds directly to LGAs and service delivery facilities.

### Fiscal decentralisation

- Improve tax assignment between central and local Government authorities. on



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## ANNEXES

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## Annex 1: Functional Review of Government System (MDAs, RAs, DAs, and LGAs) in the context of D by D

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
1.	President's Office—Public Service Management and Good Governance	Policy responsibilities on administrative, e-Government, public service housing, archives and records management, and human resource management	Collaborates with PO RALG to prepare and coordinate operational functions of sector ministries	There is a lack of a common understanding of the disciplinary mechanism for Political and Public servants.	None, existing institutional framework is clear	PO PSM GG expected to provide more than strategic inputs to LGAs (including disciplinary mechanisms) in HR Management particularly with respect to Political commissars (Leaders).	<ul style="list-style-type: none"> <li>- Need to enable PO PSM GG to support D by D framework by raising awareness on limits of various authorities. Political Leaders are accountable to a separate disciplinary authority and as such there is little that PO PSM GG can do to such effect.</li> <li>- Disciplinary authorities at LGAs should be oriented to adhere to principles of public service management.</li> </ul>
		Administration of Public Services	Works through Public Service Recruitment Secretariat (PSRS) to oversee recruitment process, including interviews. LGAs wields a veto at the employment approval organ, the District Employment Board	Poor translation and deliberate ignorance of operating guidelines is commonplace among both political and admin officials at regional and council levels	None, existing institutional framework is clear	Inter-ministerial coordination of public service administration imposes administrative burden on RS and LGAs in needing to account to multiple actors (i.e. PO RALG and sector ministries)	<ul style="list-style-type: none"> <li>- Public servants need to enhance their understanding of their required mandate and exercise both firmness and professional independence in the execution of their functions.</li> <li>- Safeguard oversight functions of public servants to protect them from political interference. Public service management should be confined to PO PSM GG and freed from oversight by political actors.</li> <li>- Strengthen M&amp;E and ICE to improve the collation and communication of timely data</li> </ul>

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	<b>Recommendations</b>  <b>Key: = Centralise</b> <b>= Deconcentrate</b> <b>= Delegate</b> <b>= Devolve</b> <b>= Internal strengthening</b>
		Performance Contracts	Weak M&E function at PO PSM GG	Insufficient financial and human resources and capacities to perform timely M&E of public servants' performance	Weaknesses of M&E function spilled over to corresponding units at sector ministries	M&E functions at local level tied to audit and largely non-existent with exception of external audits	<p>to lessen administrative burden on LGAs</p> <ul style="list-style-type: none"> <li>- Institute a culture of performance management through promotion of pre and in-service training for sector and local prospective and staff.</li> <li>- Expedite implementation of Open Performance Review and Appraisal System (OPRAS) in MDAs, RSs and LGAs.</li> <li>- Strengthen M&amp;E systems including systems of data collection, collating and reporting.</li> <li>- Improve coordination of implementation of OPRAS in MDAs, RSs and LGAs.</li> <li>- Strengthen availability of resources (financial, human and other enabling) to institutionalize M&amp;E as well as Performance based contracting.</li> </ul>

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	<b>Recommendations</b>  <b>Key: = Centralise</b> <b>= Deconcentrate</b> <b>= Delegate</b> <b>= Devolve</b> <b>= Internal strengthening</b>
		Human Resources Development and Planning	Uneven in-service capacity development for LGA staff relative to Central government	No significant departures on this matter	Insufficient linkages between PO PSM and sector ministries in coordinating in-service capacity development for RS and LGA Staff	Weak resource availability and coordination of in-service Human Resources Development and Planning for RS and LGA staff	<ul style="list-style-type: none"> <li>- Strengthen linkages between sector ministries and PO PSM to enhance RS and LGA in-service Human Resources Development and Planning. Nonetheless, it is imperative that such linkages establish a common narrative that staff training should not be used for perverse incentives.</li> <li>- Improve attention and resources allocated for Human Resource Development and Planning for LGA staff.</li> <li>- PO PSM GG should assume coordination responsibilities for human resources development and planning across all tiers of Government.</li> <li>- Jointly develop capacity development strategies and plans for sector ministries, RS and LGA staff.</li> </ul>
		Payroll Management	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Maintain on-going reforms aimed at strengthening payroll management.
		Public Service Ethics	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto		Need for M&E systems capable of collating and communicating timely data to lessen admin. burden on council staff

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Management Services, Public Service Performance Improvement	No differences between de-jure and de-facto	Public Service Performance in need of further strengthening	No differences between de-jure and de-facto	Weak linkages between PO PSM GG and RSs compounded by inadequate M&E structures.	- Strengthen Reform Coordination Unit to integrate Decentralisation and limit intra governmental friction.
		Establishment of Executive Agencies	No differences between de-jure and de-facto	Concerns that increased "agencification" of MDAs may undermine D by D through bypassing of traditional modes of oversight (i.e. political)	No differences between de-jure and de-facto	Concerns that establishment and review of executive agencies not consistent with spirit of D by D	- Strengthen participation of multi-stakeholders in appraising the need for establishment of Executive Agencies - Rationalise the rationale for and number of Executive Agencies consistent with both letter and spirit of D by D
		Retired State Leaders Services	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Coordination of Accountability and Transparency	No differences between de-jure and de-facto	Concerned de jure accountability structures privilege politicians at expense of technical experts. Staff morale and expertise remain subject to scrutiny by elected local councillors, some driven by bias. PO PSM GG is aware of many cases where council planners and executives	Deteriorating accountability and transparency of Government business a cause for concern	Deteriorating accountability and transparency of local government affairs a cause for concern	Strengthen coordination role for accountability and transparency by providing stronger link between PO-PSMGG with PO_RALG and RSs on matters related to LGA administration and civil service

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
				have been forced to act differently from technical plans under pressure from local councillors.			
		Public Sector Reforms	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
2.	Prime Minister's Office Policy and Coordination	Policies on Labour, Labour Market, Social Security and Protection, Youth Employment, Local Content, Persons with Disabilities, Illicit Drug Control and Enforcement	No differences between de-jure and de-facto	Works with PO RALG to ensure consistency in translation of national policies by LGAs, BUT has limited direct vertical linkages with LGAs themselves	Has little leverage over PO RALG and therefore service delivery	Heavily relies on informal ties with LGAs on account of history BUT has little formal capabilities to directly influence LGAs	<ul style="list-style-type: none"> <li>- Improvements in sectoral M&amp;E systems to fill the void left by disbandment of Presidential Delivery Bureau. A national M&amp;E body with independent mandate to oversee functions of LGAs and MDAs is needed.</li> <li>- Transfer some policy mandate for youth unemployment and local content to PO RALG as both are closely linked to education services and local economic development</li> <li>- Transfer some policy mandate for illicit drug control and enforcement to ministry of Home Affairs which is already responsible for the administration of policies on public safety.</li> </ul>
		Coordination of government policies and business	No differences between de-jure and de-facto but Government	Weak M&E, communication and resource flows	M&E function in many sector ministries is weak thus	M&E functions weakened by shifting of administration of RS and LGAs to PO RALG. In	<ul style="list-style-type: none"> <li>- Improve clarity and precision of Government Policies to adequately define collaborative structures between ministry and</li> </ul>

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
			continually faces challenges to deliver as one entity	undermines coordination	affecting the flow of information and strategic planning thus confounding the ministry's coordination of Government Policies and Business	addition, flows of resources NOT commensurate with burden of activities	PO RALG. - Strengthen M&E frameworks and systems at both central and local government levels. - Rationalise flows of resources consistent with burden of functions.
		Civil society relations and coordination—Political Parties, Religious Matters and Interface with NGOs	No differences between de-jure and de-facto	Coordination of policy on CSOs, political parties, religious matters and NGOs confounded by limited reach of PMO to grassroots level where such groups operate	Effective implementation of policies on CSOs, political parties, religious matters and NGOs affected by need for three-way coordination involving PMO, PO RALG and Home Affairs	Coordination of policy on CSOs, political parties, religious matters and NGOs confounded by limited reach of PMO at grassroots level where such groups operate (Lower level LGAs)	- Review the definition of the term "Civil Society Organisations" in policy and explore the exclusion of Political Parties from this grouping. - Resolve ambiguity in the division of mandates for CSOs, political parties, religious groups and NGOs between PMO on the one hand, and Home Affairs which is responsible for the "Registration and Coordination of Societies and Non-Governmental Organisation (NGOs)", Ministry of Trade (BRELA), Ministry of Justice and Constitutions, MOHCDGEC and PO RALG which is responsible for local governments where such groups reside on the other. There ought to be a single registration and coordination



	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
							entity, ideally this should be the ministry responsible for social and community welfare (MOHCDGEC)
		Leader of Government Business in the National Assembly	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Relations between the Political Parties and Government	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None as Political Parties are National parties whose relations ought to be administered by the Government's principal actor, the Prime Minister
		National festivals and celebrations	No differences between de-jure and de-facto	No differences between de-jure and de-facto but this is unnecessary lumping of activities in the office of the Prime Minister	No differences between de-jure and de-facto but national festivals and celebrations are part of the nation's culture and ought to be administered by the respective sector ministry	No differences between de-jure and de-facto	Transfer policy mandate for national festivals and celebrations to Ministry of Information, Culture, the Arts and Sports which is already tasked with "promoting National cultural values and norms".
		Disaster Preparedness and Coordination of Management of Civic Contingencies (relief)	No differences between de-jure and de-facto	Inadequate preparedness to coordinate timely response to large scale disasters and relief efforts	Closer collaboration is required with ministry of Home Affairs responsible for the specialized services of "Fire and Rescue Services" and	No differences between de-jure and de-facto	Strengthen collaboration with sector ministries to improve responses to disasters and civic contingencies.

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
					ministry of Works, Transport and Communications currently responsible for meteorology (as part of disaster early warning system)		
		Facilitation and Implementation of Plans for the Development Dodoma as the Capital of Tanzania	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Coordination and Supervision of Transfer of the Government to Dodoma	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Government Press Services	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Press Services relate to flows of information and could be better coordinated by relevant line ministry	No differences between de-jure and de-facto	None
		Business Environment and private Sector Development	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	- This is a cross-cutting activity that needs a powerful champion for which are none other than PMO - Strengthen collaboration between PMO, PO RALG, other sector ministries and LGAs to help local translation and implementation of national

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
							policies for business environment and private sector development. This will help the Government deliver as one entity and enhance role of LGAs in promoting LED
		Youth Development Self Reliance and Organisation	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto but coordination with ministry of education and PO RALG is essential	No differences between de-jure and de-facto	Strengthen collaboration involving PMO, ministry of Education and PO RALG
		Labour, Employment and Matters relating to Youth and Persons with Disabilities	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Insufficient linkages with PO RALG, ministries of Education and Health	Weak presence of PMO at local level	Strengthen collaboration with sector ministries to improve policy coordination
		International Labour Organisation	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Trade Unions and Employers' Association	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
3.	President's Office—Regional Administration and Local Government	Policies on Decentralisation by Devolution (D by D), Regional Administration and Local Government Administration and Rural and Urban Development and their Implementation	D by D has not adequately prioritized the role and weight of regional Secretariats. These have inadequate financial, HR and organisational resources to fully account for professional and technical matters in Regions and Districts as per the 2009 Standing Orders. Examples include delays in responding to LGA HR issues which have at times caused LGAs to directly appeal to PO RALG's Permanent Secretary to resolve.	Occasional failures to timely deal with LGA HR issues such as transfers, promotion and in-service capacity development	Education and Health Sector Coordinating divisions exercise vetoes over sector ministries in key policy matters, contrary to the spirit of Decentralisation	Diminishing budgets for Regional Administration have led to concerns over long-term commitment to the dual structure of Decentralisation in Tanzania	<ul style="list-style-type: none"> <li>- Empower Regional Secretariats with requisite staff to expedite handling of Regional and District professional and technical matters</li> <li>- Enhance resource allocation and flows to Regional Secretariats to strengthen coordination, M&amp;E and supervision of service delivery by LGAs</li> <li>- Strengthen capacity of PO RALG to intervene in instances of organisational interference with spirit of D by D</li> <li>- Review existing Regional Administration Act to remove ambiguity of functions and promote voluntary (not coercive) partnerships in development between RSs and LGAs</li> <li>- Revise Ministerial Discharge of Functions Act to explicitly define mandates for administration of health services for PO RALG</li> <li>- Enshrine the existence, roles and division of powers of LGAs in constitution to safeguard against recentralisation tendencies.</li> </ul>
		Regional Administration	Often by-passed by sector ministries when dealing with LGAs.	Diminishing LGA revenue sources are adversely affecting	Health and Education Divisions	Diminishing budgets for Regional Administration have led to concerns over	<ul style="list-style-type: none"> <li>- Strengthen allocation and flow of resources to Regional Secretariats to empower their</li> </ul>

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
			Sector ministries have recently repeatedly ignored involving PO RALG in communicating technical and administrative issues with LGAs	budget performance, invalidating council plans, and demoralizing council staff by worsening work environments.	effectively seen as well-resourced parallel ministries further contradicting the existence and reach of parent sector ministries.	long-term commitment to the dual structure of Decentralisation in Tanzania	execution of mandates - Sensitize Regional Secretariats to establish a common understanding of their mandates as provided for by existing legal compacts - Clarify and Specify powers, remits and scope of limitations to improve horizontal relations among DCs, DEDs, DASs and RASSs.
	Local Government Administration	Grapples with horizontally issued central government directives that contradict the application of LGA laws and budgetary procedures	Grapples with horizontally issued central government directives that contradict the application of LGA laws and budgetary procedures	Inefficient HR recruitment, allocation and management regime that has marginalized council staff, delayed promotions and in-service capacity development, and handling of other council staff concerns and burdened already fiscally challenged LGAs with settlement costs for staff who sometimes do not even commit themselves to	Occasionally bypasses Regional Administrative Secretaries when handling staff transfers, leading to disproportionate allocations in LGAs	Diminishing budgets for Regional Administration have led to concerns over long-term commitment to the dual structure of Decentralisation in Tanzania	- Equip Decentralisation policy with clear and specific legal mandates by enacting formal policies, strategic plans, laws and implementation guidelines - Provide clear and distinct definition of roles and responsibilities for MDAs and LGAs, and shore-up understanding of linkages between the two - Review accountability (oversight) structures and procedures. - Streamline Human Resource (HR) Management by enabling LGAs to allocate and reassign own staff—permit alternative recruitment "AjiraMbadala".

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
				councils in the long run.			
		Coordination of Urban Services such as Transport, Water and Sanitation	Seen to have unofficially assumed the mantle of a “super ministry”, capable of interfering in policy specific matters across all sectors, particularly in sanitation health and administration of transport infrastructures such as bus/coach stations	No differences between de-jure and de-facto	Weak linkages between PO RALG and sector ministries in urban services	Insufficient capacity to administer urban services to cope with challenge of rapidly increasing rate of urbanisation and population growth	<ul style="list-style-type: none"> <li>- Consolidate gains in urban infrastructure development and facilitate learning spillovers in sanitation health to better cope with increase in urbanisation.</li> <li>- Make Decentralisation a fully cross cutting agenda to promote awareness, familiarity and common understanding of responsibilities by all sector ministries.</li> <li>- Review overlap of functions between LGAs and RSs on the one hand and executive agencies NOT part of LGA system, including TANESCO, TARURA etc.</li> </ul>
		Teachers' Service Commission	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Primary and Secondary Education Administration	No differences between de-jure and de-facto	Absence of clarity over scope of mandate	Education Sector Coordinating division exercise veto over sector ministries in key policy matters, contrary to the spirit of Decentralisation	No differences between de-jure and de-facto but resource stocks are insufficient and compounded by abolishing of fees and other service contributions	<ul style="list-style-type: none"> <li>- Strengthen clarity of mandate for education through explicit specification of functions between PO RALG and MoEST. This can be done by review and revisions of existing Ministerial Discharge of Functions Act.</li> <li>- Review policy related to abolishing voluntary school contributions to promote administrative independence of LGAs and schools.</li> <li>- Strengthen allocation and timeliness of flows of resources to improve service delivery and adaptability of LGAs to changing local conditions and needs with respect to education.</li> </ul>
		Performance Improvement and Development of Human Resources under this Office	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Inadequate understanding of concept of D by D across sector ministry staff	No differences between de-jure and de-facto	Orient and integrate in-service capacity development of all government employees with local authority functions by actively encouraging central government employees to also serve in LGAs during their public service tenure.

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
4.	Ministry of Agriculture	Policies on Agriculture, Food Security and Cooperatives and their Implementation	Unhappy at having to defer policy implementation to PO RALG and having to be held responsible for implementation done by third parties. The Economic and Productive Sectors Section under the Sector Coordination Division currently facilitates the interpretation and implementation of underlying sector policies causing avoidable functional overlaps with the line ministry on core policy matters related to human resources, revenue collection, plant health.	<ul style="list-style-type: none"> <li>- Unhappy that allocation of Agriculture funds skewed in favour of LGAs at 75:25</li> <li>- D by D has constrained the ministry's provision of technical support and oversight. Staff shortages at LGAs have compelled some LGAs to reassign DAICO to non- Agri duties</li> <li>- D by D not commonly understood by MoA thereby undermining principle of "Eyes on Hands Off"</li> <li>- Existing M&amp;E framework is inadequate to support decentralisation of Agriculture, Food Security and Cooperatives policies</li> </ul>	Review of training curricular not adequately supported by MoEST	<ul style="list-style-type: none"> <li>- Min of Agri too slow to respond to local emergencies on plant health</li> <li>- Recruitment and allocation of extension officers not always consistent with contextual demands of LGAs</li> </ul>	<ul style="list-style-type: none"> <li>- Develop national guidelines on handling of plant health emergencies and empower RSs to coordinate timely local responses.</li> <li>- Promote specialization of extension services including the recruitment of extension officers in LGA versed with specific local crops</li> </ul>



	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Coordinate Agricultural, Land-use Management	No differences between de-jure and de-facto	Regulatory ambiguity has exacerbated unsustainable agricultural practices that have led to conflicts between farmers, livestock keepers and other groups, as well deteriorating environmental degradation in some areas of the country	Insufficient linkages between sector ministry, MoLF, VPO, Ministry of Lands and PO RALG in enabling productive land-use planning for livestock development	Weak enforcement capacity by local authorities has contributed to vulnerability of land and populations dependent on agriculture	<ul style="list-style-type: none"> <li>- Empower Regional Secretariats (in collaboration with MoA, VPO, and other sector ministries) to design and develop regional land-use management plans</li> <li>- Enhance resource allocation and flows to Regional Secretariats to strengthen coordination, M&amp;E and supervision of Agricultural land-use management</li> </ul>
		Coordinates Agricultural Research and Extension Services	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Coordinates Food Security Management	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Inadequate local responses to food security challenges exacerbated by centralisation of responsibilities	Strengthen availability of financial resources at RS and LGA levels to improve their responses to food security challenges as first lines of defence.
		Coordinates Crop Warehouse Licensing	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Coordinates Strategic Food Reserve Management	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto but poor funding for Regional and District Disaster Management Committees	Improve funding for Regional and Disaster Management Committees

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		Coordinates Commodity Exchange	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Development of Cooperative Societies and Cooperatives	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Cooperatives Savings and Credit Societies	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Agricultural Infrastructure Development	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto but weak funding for infrastructure development is undermining local initiatives including those for irrigation	- Strengthen Zonal Irrigation Units through increased funding and personnel to enhance support for RSs and LGAs in irrigation infrastructure development
		Marketing and Value Addition for Agriculture	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
5.	Ministry of Livestock and Fisheries	Livestock and Fisheries	Presence of two Permanent Secretaries has led to almost two parallel-ministerial structures within the same ministry. This has complicated communication with other ministries and other stakeholders	No obvious gaps due to long established history of functions and retention of core personnel	Infrequent communication with PO RALG in coordination of animal health programmes	- Weak local administration of trans-boundary animal disease. - Weak communication and response to local animal health concerns	Enhance, in collaboration with PO RALG, and through greater utilization of zonal offices the provision of skills for planning and implementation of animal diseases control programmes to Local Government Authorities staff

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		Livestock Land-use Planning	No differences between de-jure and de-facto	Regulatory ambiguity has exacerbated unsustainable livestock practices that have led to conflicts between livestock keepers, farmers and other groups, as well deteriorating environmental degradation in some areas of the country	Insufficient linkages between MOLF, Ministry of Lands and PO RALG in enabling productive land-use planning for livestock development	Weak implementation capacity by local authorities has created a vacuum for multiple competing interest's dependent on same land resources as livestock users	<ul style="list-style-type: none"> <li>- Empower Regional Secretariats (in collaboration with MoA, VPO, and other sector ministries) to design and develop regional land-use management plans</li> <li>- Enhance resource allocation and flows to Regional Secretariats to strengthen coordination, M&amp;E and supervision of livestock land-use management</li> </ul>
		Livestock and Fisheries	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Livestock and Fisheries Infrastructure Development	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto but weak funding for infrastructure development is undermining local initiatives	Increase funding and personnel support for RSs and LGAs in facilitate local livestock and fisheries' infrastructure development
		Livestock and Fisheries Products Development	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Weak linkages with MITM to promote innovation and competitiveness in livestock and fisheries value chains, and secure reliable markets	Weak capacity in RSs to translate national plans to local implementation	<ul style="list-style-type: none"> <li>- Strengthen strategic collaboration with MITM and PO RALG to promote productive utilisation of livestock and fisheries value chains</li> <li>- Strengthen staffing at RS level to facilitate local economic development of livestock and fisheries products</li> </ul>

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		Veterinary Services	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto but implementation is undermined by weak availability of resources	Strengthen local resource availability to promote extension of veterinary services in LGAs
		Fish Farming	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto but implementation is undermined by weak availability of resources	Strengthen local resource availability to promote fish farming as a viable economic activity in LGAs
6.	Ministry of Education, Science and Technology	Education, Research, Library Services, Science, Technology, Innovation and Skills Development.	<ul style="list-style-type: none"> <li>- No departures from de-jure functions but often finds itself overruled by PO RALG even on policy matters including the administration of statistics with respect to Basic Education</li> <li>- Ministry officials are frustrated at having to be held accountable for performance of schools even in absence of administrative mandate for basic education.</li> </ul>	The difference between the administration of basic education services and policy not clearly articulated and/or understood by both MoEST and PO RALG	<ul style="list-style-type: none"> <li>- Inadequate division and coordination of labour between MoEST and PO RALG</li> <li>- Claims of undue interference by PO RALG in policy functions</li> </ul>	<ul style="list-style-type: none"> <li>- Inadequate HR and financial resources constrain timely and regular accreditation of schools and other QA related activities</li> <li>- Collection and administration of statistics on basic education at RS and LGA levels hampered by quality of relationship between MoEST and PO RALG</li> </ul>	<ul style="list-style-type: none"> <li>- Improve clarity and specificity of functions including difference between administration of education and education services to reduce overlaps between MoEST and PO RALG.</li> <li>- Review the structure of education administration to improve accountability and ownership of policy performance as well as resolve organisational conflicts in the administration of functions.</li> <li>- Improve resource flows to improve quality assurance at local level</li> <li>- Streamline collection, analysis and upload data to ESMIS to enhance M&amp;E of Education policy</li> <li>- Revive national participation in the Open Government Partnership Initiative to encourage knowledge sharing</li> </ul>

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
							and learning - Upgrade University curricula to incorporate understandings of the role, functions and requirements of LGAs.
		Basic Education Development through Teachers Training Accreditation and Professional Development	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Weak linkages between MoEST and PO RALG with Regional and District Education Officers (REO and DEOs) being appointed by PO RALG contrary to the enabling provisions of the existing Education Act of 1978 which mandate the Commissioner for Education	Delegation of appointment and management of Regional and District Education Officers (REO and DEOs) to PO RALG not supported by existing legal provisions in Education sector	- Review and enact a new Education Act to empower implementation of Education Policy of 2013 - Enhance quality and integrity of standards by promoting strategic collaboration between PO RALG and MoEST in the appointment and management of Regional and District Education Officers (REO and DEOs).
		Management of Folk Development Training	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Management of National Qualification Framework	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Skills Mapping and Development	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

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		Teachers' Professional Standards Development	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Schools Accreditation and Quality Assurance	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto but poor understanding of lines of accountability and weak resource capacity for execution of functions. Local School and Quality Assurance often aspires to audit a handful number of schools owing to budget constraints	- Enhance sensitisation of roles, mandates and accountability frameworks at local level - Improve resource allocation and flows to enable execution of function and expand breadth and scope of operations
		Education Press Services	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Promotion of Application of Science, Engineering, Technology and Mathematics	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Development of Local Expertise in Science, Technology and Innovation	No differences between de-jure and de-facto	Weak appreciation, promotion and upgrading of indigenous knowledge and technology	Weak linkages between MoEST and ministry responsible for Culture, MOHCDGEC and MITM in development of local expertise in STI	Weak linkages between MoEST, PO RALG and local authorities in development of local expertise in STI	- Promote inter-ministerial linkages to enhance sensitization and collaboration of localised STI - Designate RSs as local centres of excellence for development of local expertise in STI - Enhance funding for development of local expertise in STI

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		Research on Science and Technology	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto but efficiency and effectiveness of implementation could be enhanced by further devolving organisation of the Commission for Science and Technology (COSTECH)	Enhance diversity, relevance and utilization of research on science and technology by establishing zonal offices of COSTECH to further streamline coordination of this activity.
7.	Ministry of Finance and Planning	Fiscal, Monetary, Financial, Public Procurement and Public Private Partnership	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Insufficient involvement of local authorities in design and implementation of public private partnership policy	Collaborate with PO RALG and MITM to enhance engagement of RSs and LGAs in design and implementation of public private partnerships including project identification, project write-up, marketing, contract negotiation and management of partnerships.
National Development Vision, Planning and Guidance		No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Poor translation of national development vision at local levels	- Collaborate with PO RALG to enhance RSs and LGAs capacity to effectively translate implementation of national development policies - Collaborate with PO RALG and PMO to develop a specialized national local economic development policy	
National Planning, Monitoring and Evaluation		No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Weak appreciation of local capabilities and potentials in national planning, monitoring and evaluation	Promote the role of RSs in the development, implementation, monitoring and evaluation of national development plans.	
Treasury Registrar Affairs		No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None	

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		Development of Budget Guidelines and Formulation of Government Budget Guidelines, Government Budget and its implementation	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		External Finance and Relations with International Institutions	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Finance Intelligence	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Pensions	Weak linkages between MOFP, PMO's Office responsible for Employment and PO PSM	No differences between de-jure and de-facto	Weak linkages between MOFP, PMO's Office responsible for Employment and PO PSM	No differences between de-jure and de-facto	- Delegate whole responsibilities for pensions to PMO's Office responsible for Employment. - Create an independent ministry solely tasked with Employment and Pensions.
		Government Assets Management and Stock Verification	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Internal and External Audit	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Custodian of Enemy Property	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Public Debt, Loans and Guarantees	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None



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		Public Private Partnership	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Joint Finance Commission	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Productivity	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Capital Markets Development and Regulations	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		National Statistics	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Financial Sector Development and Inclusion	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Follow -up of poverty and alleviation Programs in various sectors	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
8.	Ministry of Health, Community Development, Gender, the Elderly and Children	Health, Community Development, Social Welfare, the Elderly Children and Gender	Model sector and ministry on D by D	- No major gaps in health but plenty of gaps in community development, gender, elderly and children welfare. Despite presence of a social welfare officer at RS level, LGAs lack specialized social welfare officers and	- Weak representation of community development, gender, the elderly and children matter at PO RALG - Responsibilities of care for the elderly and	- Weak representation of community development, gender, the elderly and children matter at LGA level with acute shortages of specialized staff - Most LGAs do not have designated social welfare officers	- Create a separate division or directorate at PO RALG to deal with community and social welfare - Decentralise the administration of elderly care and residence - Decentralise the administration of juvenile detention centres and operations which are still directly handled by the ministry

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				<p>instead District Medical Officer (DMO)—a separate and unrelated cadre all together—assume such duties.</p> <ul style="list-style-type: none"> <li>- Weak understanding of organisational mandates and responsibilities within the wider institutional delivery framework</li> </ul>	<p>disabled have been moved to the ministry responsible for labour and youth</p> <ul style="list-style-type: none"> <li>- Little interest by PO RALG to meaningfully participate in sector policy making. PO RALG accused of being content with simply implementing policies without inputting in their design</li> </ul>		<ul style="list-style-type: none"> <li>- Return the mandate of caring for the elderly and disabled to MoHCDEC</li> <li>- Create a specialized Regional Social Welfare Office or division at RS levels to free existing regional social welfare officers from the command of Regional Medical Officers (RMOs)</li> <li>- Enhance inter-ministerial participation in the design of sector policies.</li> <li>- Promote common understanding of distinct mandates and responsibilities of sector institutions, as well as the spaces for strategic collaboration.</li> </ul>
		Preventive and Curative Services Chemical Management Services	Model sector and ministry on D by D But officials concerned with veto powers on policy matters wielded by PO RALG's Health Division	No differences between de-jure and de-facto	MOHCDGEC's plans to promote community health workers (CHW) to the frontline of preventive healthcare have been thwarted by PO RALG's insistence that all frontline personnel ought to have clinical	Low staffing levels in primary healthcare facilities mainly dispensaries	<ul style="list-style-type: none"> <li>- Uphold integrity of ministerial division of labour, allowing MOHCDGEC to primarily take charge of policy matters and PO RALG coordination of service delivery</li> <li>- Enhance collaboration between MOHCDGEC and MoEST to promote expansion of capacity stocks among health cadres</li> <li>- Enhance Government capacity to address capacity gaps in national healthcare system</li> </ul>

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					qualifications, in breach of the PO RALG's mandate which does NOT extend to policy		
		Medical Laboratory Services	Ministry concerned that matters related to Community Development enjoy less coverage than those of health. As opposed to health, the community development setup at PO RALG is non-existent, instead CD is coordinated by an ill-equipped health coordinator at PO RALG	No differences between de-jure and de-facto	No differences between de-jure and de-facto	LGAs occasionally hire secondary school chemistry and/or biology teachers as lab technicians thus diluting standards and quality	<ul style="list-style-type: none"> <li>- Institute strategic collaboration involving MOHCDGEC, PO RALG and MoEST to fill capacity gaps in key healthcare positions</li> <li>- Deny LGAs the freedom to re-categorize science teachers to medical posts and conduct regular M&amp;E to inform staffing levels at local health service delivery outlets.</li> </ul>
		Medical Research and Nutrition	Weak understanding of differences between community and social welfare in policy practice	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Weak integration and presence of medical research and nutrition awareness including professional staffing at local level	Promote integration of medical research and sensitization of nutrition science at local level
		Food and Drug Quality Services Medical Supplies	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Promotion of Traditional and Alternative Medicine	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

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		Health Services Inspection Family Planning	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		International Health and Medical Organisations	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Coordination of NGO dealing with the functions under this Sector	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Coordination of International Organisations under this Sector	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Performance Improvement and Development of Human Resources	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Extra Ministerial Departments, Parastatal Organisation, Agencies, Projects and Programmes under this Ministry.	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
9.	Ministry of Home Affairs	Public Safety	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Immigration, Refugees, Fire and Rescue Services	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Police Force Services	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Prisons Services	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Immigration and Citizenship Services	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Registration and Coordination of Societies and Non-Governmental Organisation (NGOs)	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Effective registration and coordination of Societies and Non-Governmental Organisations (NGOs) affected by need for inter-ministerial coordination involving Home Affairs, PMO, PO RALG, MITM and MOHCDGEC	No differences between de-jure and de-facto	- Resolve ambiguity in the division of mandates for Societies and Non-Governmental Organisations (NGOs) between Home Affairs on the one hand, and other line ministries respectively responsible for different types of CSOs and NGOs. There ought to be a single registration and coordination entity, ideally this should be the ministry responsible for social and community welfare (MOHCDGEC) in close collaboration with the ministry of Home Affairs.
		Citizenship	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		National Identification	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Refugees Services	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Fire and Rescue Services	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Probation, Parole and Community Services	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Repatriation of Destitutes	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
10.	Ministry of Lands, Housing and Human Settlements Development	Land, Housing, Human Settlement and Property Development	<ul style="list-style-type: none"> <li>- MLHSD is currently considering introducing an additional cadre of land officers at the ward level, to enhance the ministry's participation in village land committees.</li> <li>- Concerned with lack of prioritization and subsequent ring-fencing of land development budgets at LGA level which are often diverted for other uses without replacement.</li> </ul>	No gaps between de-jure and de-facto functions BUT financial and HR shortages are serious concerns to effectiveness of functions	No discernible gaps reported or observed although communication on land availability can be a problem with respect to investment with inadequate communication between MLHSD and other sector ministries such as trade, investment and marketing, as well as ministry of Foreign Affairs.	Land Officers report directly to and held accountable by MLHSD in contrast to principles of D by D	Re-decentralise administration of land and property-based taxes to improve efficiency and effectiveness of collection as well financial capability of LGAs with respect to land and property matters.

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		Land Development and Administration	Coordinates land use planning in collaboration with LGAs and PO RALG as per Urban Settlements Act of 2007	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto but concerns are abounded with lack of prioritization and subsequent ring-fencing of land development budgets at LGA level which are often diverted for other uses without replacement.	Empower RSs and LGAs to recruit and manage local based land officers to work closely with the Ministry of Lands.
		Human Settlements and Property Development	Concerned that recent weak budget performance is hampering local land and settlement developments as LGAs are not receiving their statutory 30% shares of land and property-based taxes.	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Weak staffing and resource availability is undermining decentralisation of human settlements and property development services	- Strengthen resource flows to RSs and LGAs to enable regular appraisal and upgrade of existing human settlements and property development masterplans - Re-decentralise administration of land and property-based taxes to improve efficiency and effectiveness of collection as well financial capability of LGAs with respect to land and property matters.
		Survey and Mapping Valuation	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Sites and Services Registration of Land, Titles and Documents	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Building Research	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Urban, Rural and Regional Physical Planning	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Land Master Plans	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Weak implementation capacity at LGA level contributes to gaps in enforcement and encourages non-conformity to existing Land-Use Plans	Increase staffing levels and resource flows to LGAs to enable enforcement and monitoring of existing Land-Use plans
		Resolution of Land Disputes	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Presence of multiple dispute resolution machineries (quasi-judicial, for example tribunals and judicial ones, for example High Court) obscures clarity, fuels confusion and undermines transparency and integrity of process	- Revise existing Land Acts to resolve ambiguity of responsible bodies for dispute resolution and promote integrity of functions
		Performance Improvement and Development of Human Resources	Facing severe HR shortages as currently there are only 1577 land officers in the country and MLHSD along with LGAs have been unable to hire additional officers	No differences between de-jure and de-facto	No differences between de-jure and de-facto	- Weak presence of MLHSD at local Government level owing to inadequate staffing levels of various land cadres	- Promote uptake of land related training courses - Strengthen staffing levels to fill voids across cadres



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11.	Ministry of Natural Resources and Tourism	Forestry, Beekeeping, Wildlife, Antiquities, Museum and Tourism and their implementation	No differences between de-jure and de-facto	Policy implementation hampered by limited reach of ministry and associated agencies	No differences between de-jure and de-facto	- No differences between de-jure and de-facto but there is NO function within LGAs for promoting tourism - Expertise on antiquities and museums also largely non-existent	- Review RS and LGA administrative structures to institutionalize mandates for tourism promotion and development - Strengthen collaboration between MNRT, MoEST, PO RALG and Ministry of Information, Culture, Arts and Sports (MICAS) to enhance national and local capacities on antiquities and museum affairs
		Forestry and Forestation	No differences between de-jure and de-facto	Policy implementation hampered by limited reach of ministry and associated agencies	No differences between de-jure and de-facto	Weak linkages between MNRT and PO RALG	- Strengthen linkages between MNRT, PO RALG and local authorities to empower District Natural Resources Officers (DNROs)
		Bee keeping Development	No differences between de-jure and de-facto	Policy implementation hampered by limited reach of ministry and associated agencies	Ministry's agent-Tanzania Forestry Services Agency (TFS)-- tasked with overseeing beekeeping without requisite extension capabilities, a resource more familiar with ministry of Agriculture	TFS exercises discretion over local authorities in beekeeping	- Review operational mandates for TFS and transfer responsibility for beekeeping to ministry of Agriculture in conjunction with PO RALG

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		National Parks and Game Reserves Development and Protection	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Coordination of Development of Tourism Attractions	No differences between de-jure and de-facto	Weak linkages between MNRT and other ministries as well as LGAs	No differences between de-jure and de-facto	Weak linkages between MNRT and RSs and LGAs	<ul style="list-style-type: none"> <li>- Strengthen linkages between MNRT and PO RALG to promote joint development of local tourism attractions</li> <li>- Coordinate a review of RSs and LGAs Human Resources (HR) cadres to institutionalize a specialised role for Development of local tourism attractions.</li> </ul>
		National Heritage, Antiquities and Museum	No differences between de-jure and de-facto	Large gaps in understanding of and capacity for development and management of national heritage, antiquities and museums	No differences between de-jure and de-facto	Expertise on antiquities and museums also largely non-existent	Promote sensitization of national heritage, antiquities and museum matters as well as linkages and potentials for development of sustainable tourism based local economic development
		Protection of Forestry and Wildlife	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Weak linkages with RSs and LGAs in protection activities beyond revenue collection and extraction rights issuance	<ul style="list-style-type: none"> <li>Strengthen linkages among government agencies to realise local economic value of forestry and wildlife protection</li> <li>- Promote integration of wildlife and forestry protection (and protection) in local productive value chains (as one of the many strategies for local economic development)</li> </ul>

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		Performance Improvement and Development of Human Resources	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Strengthen collaboration with PO PSM GG and PO RALG to promote institutionalization of local specialised roles to advance implementation of policy under MNRT
12.	Ministry of Water	Water Resources	Concerned that LGAs as well as ministry of Agriculture (which has been bequeathed with mandate for irrigation) lack the requisite technical expertise to carry out such functions.	Weak monitoring of local projects due to bureaucracy of having to deal with PO RALG	Weak coordination with other sector ministries such as ministry of works, and energy in planning and executing projects	Exercises weak oversight of water engineers because of inadequate HR levels at LGA level	Enhance implementation of de-jure water policy as it is comprehensively decentralised. But there is a need to further sensitize MoW officials on the values and need for D by D to improve their understanding and appreciation of existing structures.
		Rural and Urban Water	- Unhappy at having to be held accountable for service delivery shortcomings at LGA level - Decentralisation of water services at LGA not accompanied by training and staffing of local water departments. It is not uncommon for district water engineers to be assigned to road and other infrastructure duties by DEDs. - MoW concerned that Community Owned	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Enhance implementation of de-jure water policy as it is comprehensively decentralised. But there is a need to further sensitize MoW officials on the values and need for D by D to improve their understanding and appreciation of existing structures.  Investment in building technical capacity at LGAs also necessary

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			Water Supply Organisations (COWSOs) are failing in their prescribed functions of operation and maintenance of community water projects due to weak technical capacities.				
		Central Water Laboratory	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		River Basins Development	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Water Quality and Pollution Control	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Drilling, Rainwater Harvest and Dam construction Water Resources Institute Central Water Stores	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Water Sources Protection	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

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		Sewage and Drainage Development	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Performance Improvement and Development of Human Resources and	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Extra Ministerial Department, Parastatal Organisations, Agencies, Programmes and Projects under this Ministry.	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
13.	Ministry of Works, Transport and Communication	Works, Construction, Transport and Transportation	No differences between de-jure and de-facto	No gaps observed although the three independent divisions could be better organised to promote coordination of related functions and do away with parallel departments and units. For example, ICT, Government Communication and Legal services could be better streamlined for efficiency of function	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Rationalise intra-ministerial organisational structure to remove unnecessary duplication of departments and units
		Communication Technology (ICT), Posts and Telecommunications.	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations <b>Key: = Centralise</b> <b>= Deconcentrate</b> <b>= Delegate</b> <b>= Devolve</b> <b>= Internal strengthening</b>
		Roads, Bridges, Ferries and Mechanical Matters, Public Works and Government Buildings	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Inadequate communication and harmonization of plans between the works and communication divisions on the one hand and PO RALG, ministry of energy and water, on the other, means that often infrastructure projects are often poorly coordinated resulting into cost-over-runs and incompleteness of projects as each unit of government ends working in isolation. An example is the laying of sewerage systems or erecting of	Ministerial agencies often work independent of RSs and LGAs leading to a lack of ownership and occasional disagreement over infrastructure planning and execution.	<ul style="list-style-type: none"> <li>- Strengthen communication and harmonization of plans involving the three divisions to enhance coordination of functions</li> <li>- Strengthen sensitisation and participation of RSs and LGAs to enhance coordination of functions.</li> </ul>

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					water and electricity infrastructure which occasionally leads to disruptions and destructions of existing road infrastructure.		
		Engineering and Design Works, Material Laboratory, Transport Licensing, Civil Aviation, Surface, marine, Air and Rail Transportation	No major departures from de-jure responsibilities although some executive agencies such as Tanzania Airport Authority (TAA) under the ministry continually find themselves under-resourced to carry out their intended functions	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Review resource allocation vis-à-vis scope of functions
		Harbours/Ports, Safety and Security of Transport and Communication	No differences between de-jure and de-facto but centralisation of wharf (mialo) administration in conflict with spirit of D by D policy	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Institutional conceptualisation of wharves (mialo) as extension of harbours/ports conflicts D by D's principle of subsidiarity. Administration of wharves could be done more efficiently and effectively by RSs and LGAs	Decentralise the administration of wharves (mialo) to LGAs due to proximity of administration to service areas.

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		Meteorology, National ICT broadband Back-Borne	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Decentralise administration of meteorological services to LGAs as these are closer to local weather stations.
14.	Vice t President' s Office, Union and Environment	Environment Policy	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Weak coordination of environment policy with PO RALG and MNRT	- Weak integration and translation of national environment policy in local authority plans - Weak resourcing of local environment plans that hampers policy implementation.	- Strengthen collaboration between VPO, MNRT and PO RALG in implementation of national environment policy - Enhance articulation and inclusion of environmental matters in local development plans and budgets. - Improve resource flows for promoting sustainable use and conservation of the environment at local levels - Diversify revenue sources for policy implementation by allocating funds from forestry sources and ring-fence spending of funds at local level
		Coordination of Union Matters and Cooperation between the Government of the United Republic of Tanzania and the Revolutionary Government of Zanzibar for Non-Union Matters	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None



	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Promotion of Cleaner Production and Green Economy, Environmental Protection and Enforcement	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Weak linkages with productive sectors' policies including those of MITM, PMO, MNRT, Ministry of Energy, Ministry of Minerals, Ministry of Agriculture, PO RALG etc.	Poor understanding, translation and promotion of green economy and environment in local development policies and plans	<ul style="list-style-type: none"> <li>- Strengthen linkages with productive sectors and related policies</li> <li>- Enhance sensitization of green environment, technologies and economies across different tiers of government</li> <li>- Enhance integration of concept of green economies in national and local development plans</li> <li>- Enhance resource allocation and flows to sector ministries and RSs to expedite promotion of green economies and technology in production.</li> </ul>
15.	Ministry of Defence and National Service	Policies on National Defence and National Service and its implementation	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

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		Coordination of National Service Training (JKT)	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Performance Improvement and Development of Human Resources and	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Extra Ministerial Department, Parastatal Organisations, Agencies, Programmes and Projects under this Ministry.	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
16.	Ministry of Constitutional and Legal Affairs	Coordinates Policymaking on legal affairs and their implementation	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

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		Coordinates Constitutional Affairs	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Coordinates administration and delivery of justice	Shortages of legal professionals across ministries, regional administrations and local government authorities affect the design of bylaws and	Inadequacy of HR and financial resources hampers effective coordination of administration and delivery of justice	No differences between de-jure and de-facto	No differences between de-jure and de-facto	- Harmonise pay among legal professionals between central and local government levels to improve employment attractiveness of Regional Administrations and Local Authorities. - Provide additional incentives for legal professionals working in rural or hard of access areas - Strengthen existing capacity of legal professionals at Regional Secretariats and Local Government Authorities.
		Legislative drafting	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Public prosecutions	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Civil, International Law and Contracts	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Human Rights and Legal Aid	Implementation of legal sector reforms has succeeded in expanding access to legal aid and sensitisation of human rights concerns	<ul style="list-style-type: none"> <li>- Inadequacy of trained lawyers persists at LGA levels with some LGA forcing to deploy Human Resources Officers as makeshift legal officers.</li> <li>- Shortages of certified Human Rights officials constrains compliance with existing national guidelines</li> </ul>	Weak linkages with PO RALG limits effectiveness of bureaucracy	Weak linkages between ministry and RS/LGAs has affected harmonisation of staffing requirements, functions and recognition legal officers operating at the local level	<ul style="list-style-type: none"> <li>- Conduct a staff and skills audit of human rights and legal aid officials at RS and LGA levels to establish a benchmark for reforms.</li> <li>- Strengthen capacity development and harmonization of legal practice in the government</li> <li>- Promote awareness and adherence to human rights at local level</li> </ul>
		Law Reforms	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

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		Extraditions and Extra Territorial Mutual Assistance in Criminal Matters	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Performance Improvement and Development of Human Resources and	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Extra Ministerial Department, Parastatal Organisations, Agencies, Programmes and Projects under this Ministry.	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
17.	Ministry of Foreign Affairs and East African Cooperation	Coordination and implementation of policies on Foreign Affairs, International Cooperation and East African Cooperation	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Management of Bilateral and Multilateral Cooperation	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Coordination of Bilateral and Multilateral Relations	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Coordination of International Treaties, Conventions and Agreements	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Diplomatic Privileges and Immunities	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Protocol and Credentials	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None



	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Consular Services	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		International and Regional Cooperation including SADC, Commonwealth and African Union	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	<b>Name of Ministry</b>	<b>Functions as per Presidential instruments (structure and functions)</b>	<b>Experience (actual situation on the ground)</b>	<b>Gaps between authorized functions and experience on the ground</b>	<b>Overlaps between the ministry and other ministries</b>	<b>Overlaps between the ministry and RS/LGAs</b>	<b>Recommendations</b>  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Economic Diplomacy and Diaspora Affairs	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		East African Cooperation Affairs	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Performance Improvement and Development of Human Resources and	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Extra Ministerial Department, Parastatal Organisations, Agencies, Programmes and Projects under this Ministry.	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
18.	Ministry of Information, Culture the Arts and Sports	Coordination and Implementation of policies on Information, Culture, Arts and Sports	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	<b>Name of Ministry</b>	<b>Functions as per Presidential instruments (structure and functions)</b>	<b>Experience (actual situation on the ground)</b>	<b>Gaps between authorized functions and experience on the ground</b>	<b>Overlaps between the ministry and other ministries</b>	<b>Overlaps between the ministry and RS/LGAs</b>	<b>Recommendations</b>  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Coordination and regulation of mass media	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Regulation of films and theatrical performances	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Promotion of the arts, sports and culture	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	<b>Name of Ministry</b>	<b>Functions as per Presidential instruments (structure and functions)</b>	<b>Experience (actual situation on the ground)</b>	<b>Gaps between authorized functions and experience on the ground</b>	<b>Overlaps between the ministry and other ministries</b>	<b>Overlaps between the ministry and RS/LGAs</b>	<b>Recommendations</b>  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Performance Improvement and Development of Human Resources and	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Extra Ministerial Department, Parastatal Organisations, Agencies, Programmes and Projects under this Ministry.	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
19.	Ministry of Industries, Trade and Investment	Coordination and implementation of Policies on Industry, Investment, Trade, and Research	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Intellectual property, copyrights and neighbouring rights	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Fair competition affairs	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Weights, measures and standards	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	<b>Name of Ministry</b>	<b>Functions as per Presidential instruments (structure and functions)</b>	<b>Experience (actual situation on the ground)</b>	<b>Gaps between authorized functions and experience on the ground</b>	<b>Overlaps between the ministry and other ministries</b>	<b>Overlaps between the ministry and RS/LGAs</b>	<b>Recommendations</b>  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Market intelligence and trade promotion	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Investment and export promotion	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None



	<b>Name of Ministry</b>	<b>Functions as per Presidential instruments (structure and functions)</b>	<b>Experience (actual situation on the ground)</b>	<b>Gaps between authorized functions and experience on the ground</b>	<b>Overlaps between the ministry and other ministries</b>	<b>Overlaps between the ministry and RS/LGAs</b>	<b>Recommendations</b>  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Business registration	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Small and Medium Scale Enterprise Development (SME)	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		International organisations relating to industries, trade and investment	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Performance Improvement and Development of Human Resources and	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Extra Ministerial Department, Parastatal Organisations, Agencies, Programmes and Projects under this Ministry.	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
20.	Ministry of Energy and Minerals	Coordination and implementation of Policies on Energy, oil and gas	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	<b>Name of Ministry</b>	<b>Functions as per Presidential instruments (structure and functions)</b>	<b>Experience (actual situation on the ground)</b>	<b>Gaps between authorized functions and experience on the ground</b>	<b>Overlaps between the ministry and other ministries</b>	<b>Overlaps between the ministry and RS/LGAs</b>	<b>Recommendations</b>  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Urban and rural electricity programmes	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Weak coordination of efforts with ministry of Works, Lands and local governments leading to duplication of efforts with respect to infrastructure development and maintenance	Strengthen inter-ministerial and inter-governmental coordination for improved effectiveness and efficiency of action.
		Renewable and non-renewable sources of energy	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	<b>Name of Ministry</b>	<b>Functions as per Presidential instruments (structure and functions)</b>	<b>Experience (actual situation on the ground)</b>	<b>Gaps between authorized functions and experience on the ground</b>	<b>Overlaps between the ministry and other ministries</b>	<b>Overlaps between the ministry and RS/LGAs</b>	<b>Recommendations</b>  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Performance Improvement and Development of Human Resources and	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Extra Ministerial Department, Parastatal Organisations, Agencies, Programmes and Projects under this Ministry.	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	Recommendations  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
21.	Ministry of Minerals	Coordination and implementation of Policies on mining	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Coordination and supervision of mines, geophysical and geological surveys	Inadequate ministerial presence on the ground coupled with insufficient linkages with local authorities affects monitoring and supervision of mines, and administration of geophysical and geological surveys	No differences between de-jure and de-facto	No differences between de-jure and de-facto	Weak linkages with Regional Secretariats and Local Governments mean that some mineral-rich regions and LGAs have no specialised mining or geology experts	Strengthen linkages with Regional Administrations and Local Governments to address capacity gaps in key areas

	<b>Name of Ministry</b>	<b>Functions as per Presidential instruments (structure and functions)</b>	<b>Experience (actual situation on the ground)</b>	<b>Gaps between authorized functions and experience on the ground</b>	<b>Overlaps between the ministry and other ministries</b>	<b>Overlaps between the ministry and RS/LGAs</b>	<b>Recommendations</b>  Key: = Centralise = Deconcentrate = Delegate = Devolve = Internal strengthening
		Value addition in extractive industries	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None
		Performance Improvement and Development of Human Resources and	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None

	Name of Ministry	Functions as per Presidential instruments (structure and functions)	Experience (actual situation on the ground)	Gaps between authorized functions and experience on the ground	Overlaps between the ministry and other ministries	Overlaps between the ministry and RS/LGAs	<b>Recommendations</b> <b>Key: = Centralise</b> <b>= Deconcentrate</b> <b>= Delegate</b> <b>= Devolve</b> <b>= Internal strengthening</b>
		Extra Ministerial Department, Parastatal Organisations, Agencies, Programmes and Projects under this Ministry.	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	No differences between de-jure and de-facto	None



## Annex 2: Data Collection Tools

### Annex 2.1. Interview Guide at the Ministry, Department and Agency Level

#### RESPONDENT'S IDENTIFICATION

<ul style="list-style-type: none"><li>➤ Name: _____</li><li>➤ Position: _____</li><li>➤ Ministry/Department/ Agency: _____</li><li>➤ Contacts (phone): _____</li><li>➤ Contacts (email): _____</li><li>➤ Date of Interview: _____</li></ul>
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#### **B: QUESTIONS ON FUNCTIONAL RELATIONS**

1. What are the key responsibilities and functions that you feel they need to be devolved to the lower levels of government that are currently performed by your Ministry/Department/Agency?

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2. What are key responsibilities and functions that you feel need to be moved to your ministry/Department/Agency that are currently performed by the lower levels such as RCs, DCs and LGAs?

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3. What have been the most notable efforts to promote D by D? How do you assess their efficacy? What needs to change in the future to be more effective?

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4. There has been a tendency for some ministries to centralise some activities from the lgas? Has your ministry been done any centralisation? Any explanation for doing the centralisation? Any evidence to support your explanation? How effective has been your move to centralise?

5. Which policies and laws currently guide central-local relations and what are their strengths and weaknesses? What needs to change?

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6. What are the sectoral laws and policies that contradict the implementation of D-by-D and what should be done to address the problem?

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7. What is your institution doing in relation to service delivery under the spirit of D-by-D?

Domains of Functions	The Current Functions	Code
For policy making and policy support functions		P
For legislation		L
For controlling of subordinate institutions		C
For regulation and enforcement of rules		R
Services for citizen and businesses		S
For internal self-administration		A

**Note:**

**a. Top level should concentrate on P, L, C + own A**

**b. Lower levels concentrate on R, S + own A**

8. Is your organisational structure optimal for the performance of the required functions? What needs to be changed or what is the ideal organisational structure would you recommend?

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9. What type of administrative structure will you propose to enhance D-by-D especially on the functional and power relations between central government and local government?

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10. Which crucial vision & results should be pursued (by PO-RALG, RS and LGA levels) in the medium to long-term? How should the vision be realised?

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11. Are there any horizontal overlaps of responsibilities and functions among Ministries, Departments and Agencies?

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12. Are the appropriate structure of Ministries, Departments and Agencies with functions, roles and mandates clearly defined to avoid overlaps in your institution?

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13. What challenges does the Ministry/Department/Agencies face on availability of resources (staff, finances, infrastructure, working tools etc)? [provide figures for last 3 years showing planned figures vis a vis actual situation]

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14. In view of the fifth's government new direction of emphasis on economic development through industrialization, agro-development and internal resource mobilisation, what structural and functional changes should be introduced or put in place?

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## Annex 2.2. Interview Guide at the Regional Level

### A: RESPONDENT'S IDENTIFICATION

<ul style="list-style-type: none"><li>➤ Name: _____</li><li>➤ Position: _____</li><li>➤ Region: _____</li><li>➤ Contacts (phone): _____</li><li>➤ Contacts (email): _____</li><li>➤ Date of Interview: _____</li></ul>
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### B: QUESTIONS ON FUNCTIONAL RELATIONS

1. As a Regional Commissioner/RAS, could you please explain briefly the key responsibilities and functions of your office?

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2. Are there any vertical overlaps of functions between Ministries, Department, Agencies etc. with your office?

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3. Is the current administrative structure between central and local governments ideal for enhancing D-by-D in Tanzania and why?

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4. What type of administrative structure will you propose to enhance D-by-D especially on the functional and power relations between central government and local government?

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5. Which policies and laws currently guide central-local relations and what are their strengths and weaknesses? What needs to change?

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6. What are key functions that you feel they need to be devolved to the lower levels of government that are currently performed by your Office?

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7. What are key functions that you feel need to be moved to your office that are currently performed by the lower levels such as LGAs and LLGAs?

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8. Which frameworks have been easy to use in executing your functions?

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9. What frameworks have been challenging to use to execute your function and what would you say is the source of problems?

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10. Do you think that the political officials and technical staff are on the same page about the *interpretation* of your institution's statutory mandate of supporting the Local Governments to achieve administrative discretion?

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11. Have you been successful in fulfilling the vision D-by-D of enhancing administrative discretion for LGAs

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12. How would you describe the effectiveness of existing mechanisms for supervision, mentoring, and control of staff in the Local Governments?

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13. What challenges does the Regional Administration face on availability of resources (staff, finances, infrastructure, working tools etc)? [Provide figures for last 3 years showing planned figures vis a vis actual situation]

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14. In view of the fifth's government new direction of emphasis on economic development through industrialization, agro-development and internal resource mobilisation, what structural and functional changes should be introduced or put in place?

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15. There has been a tendency for some ministries to centralise some activities from the LGAs? Were you consulted on such cases? Would you say that the centralisation of such activities has made some noticeable improvements? If such activities were to be

decentralised, would you support such a decision? What actions need to be taken to improve the situation?

**C: ASSESSMENT OF EXISTING SECTOR/NATIONAL/ POLICIES/LEGISLATION THAT CAN SUPPORT EFFECTIVE D-by-D (consider general/specific policies/laws to the sectors under study)**

Sector Policies/legislations	Strengths	Weaknesses	Proposed changes
Ministry x			
Ministry Y			
Ministry Z			

**D: MAIN CHALLENGES (AND SOLUTIONS) FACING DEVOLUTION IN TANZANIA AND ITS IMPACT ON D-BY-D**

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## Annex 2.3. Interview Guide at the District Level

### A: RESPONDENT'S IDENTIFICATION

➤ Name: _____
➤ Position: _____
➤ District: _____
➤ Contacts (phone): _____
➤ Contacts (email): _____
➤ Date of Interview: _____

### B: QUESTIONS ON FUNCTIONAL RELATIONS

1. As a District Commissioner/RAS, could you please explain briefly the key responsibilities and functions of your office?

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2. Are there any vertical overlaps of functions between LGAs and your office?

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3. Which policies and laws currently guide central-local relations and what are their strengths and weaknesses? What needs to change?

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4. What are key functions that you feel they need to be devolved to the LGAs that are currently performed by your office?

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5. What type of administrative structure will you propose to enhance D-by-D especially on the functional and power relations between central government and local government?

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6. What are key functions that you feel need to be moved to your office that are currently performed by the lower levels such as LGAs and LLGAs?

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7. Which frameworks have been easy to use in executing your functions?

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8. What frameworks have been challenging to use to execute your function and what would you say is the source of problems?

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9. Do you think that the political officials and technical staff are on the same page about the *interpretation* of your institution's statutory mandate of supporting the Local Governments to achieve administrative discretion?

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10. Do you think that technical staff agree among themselves on methods and processes for the implementation of your institution's mandate?

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11. Have you been successful in fulfilling the vision D-by-D of enhancing administrative discretion for LGAs

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12. How would you describe the effectiveness of existing mechanisms for supervision, mentoring, and control of staff in the Local Governments?

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13. In view of the fifth's government new direction of emphasis on economic development through industrialization, agro-development and internal resource mobilisation, what structural and functional changes should be introduced or put in place?

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## Annex 2.4. Interview Guide at the LGA Level

### A: RESPONDENT'S IDENTIFICATION

<ul style="list-style-type: none"><li>➤ Name: _____</li><li>➤ Position: _____</li><li>➤ District/Municipal/City Council: _____</li><li>➤ Contacts (phone): _____</li><li>➤ Contacts (email): _____</li><li>➤ Date of Interview: _____</li></ul>
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### B: QUESTIONS ON FUNCTIONAL RELATIONS

1. As a Director, could please explain briefly the key responsibilities and functions of your office?

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2. Are there any vertical overlaps of functions between Ministries, Departments, Agencies, DC and RC with your office?

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3. Which policies and laws currently guide central-local relations and what are their strengths and weaknesses? What needs to change?

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4. What are key functions that you feel they need to be devolved to the lower levels of government that are currently performed by the Ministry/Department/Agency/RC/DC?

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5. Which frameworks have been easy to use in executing your functions?

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6. What frameworks have been challenging to use to execute your function and what would you say is the source of problems?

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7. What type of administrative structure will you propose to enhance D-by-D especially on the functional and power relations between central government and local government?

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8. Do you think that the political officials and technical staff in the LGA are on the same page about the *interpretation* of your functional responsibilities?

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9. Do you think that technical staff agree among themselves on methods and processes for the implementation of your institution's mandate?

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10. How would you describe the effectiveness of existing mechanisms for supervision, mentoring, and control of staff in the Local Governments?

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11. In view of the fifth's government new direction of emphasis on economic development through industrialization, agro-development and internal resource mobilisation, what structural and functional changes should be introduced or put in place?

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12. There has been a tendency for some ministries to centralise some activities from the LGAs? What activities have been centralised? Do you support such a move? What explanation do you have? Do you think there has been some improvements in the delivery of services? What actions need to be taken to improve the service delivery if re-decentralisation was to be done?

## Annex 3: List of People Consulted

S/ N	Name	Organisation	Designation
1	Vedastus Manumbu	Prime Minister's Office, Policy and Coordination	PECON
2	Joseph Kiraiya	Prime Minister's Office, Policy and Coordination	ADPC
3	MazoeaMwera	Prime Minister's Office, Policy and Coordination	ADA
4	Grace Mosha	Prime Minister's Office, Policy and Coordination	ADPL
5	MussaMakota	Prime Minister's Office, Policy and Coordination	ADME
6	Ally Mwatima	Prime Minister's Office, Policy and Coordination	ECON
7	Albert Boniface	Prime Minister's Office, Policy and Coordination	
8	Nigel Msangi	Prime Minister's Office, Policy and Coordination	DAH RM
9	Deogratias Hella	Prime Minister's Office, Policy and Coordination	ASDPP
10	Neema Musomba	President's Office Public Service Management and Good Governance	SMA
11	Elias Luvanda	President's Office Public Service Management and Good Governance	PECON
12	Baraka Kilagu	President's Office Public Service Management and Good Governance	HRO II
13	Sophia Abdallah	President's Office Public Service Management and Good Governance	SHRO
14	Guba Vyagusa	President's Office Public Service Management and Good Governance	PECON
15	Atupele Mwambene	Ministry of Health, Community Development, Gender, the Elderly and Children	DPP, Community Development
16	Stanley Ngizi	Ministry of Health, Community Development, Gender, the Elderly and Children	ADDAP, Community Development
17	Patrick Golowike	Ministry of Health, Community Development, Gender, the Elderly and Children	DCD
18	Sebastian Kitiku	Ministry of Health, Community Development, Gender, the Elderly and Children	ADCD

19	Elector Kilusungu	Ministry of Health, Community Development, Gender, the Elderly and Children	Ag. CSW
20	Stephen Pancras	Ministry of Water	Ag. DAHRM
21	Amani Mafuru	Ministry of Water	DRWS
22	Welliam Christian	Ministry of Water	Ag. DUWS
23	Nadhifa Kemikimba	Ministry of Water	DWQ
24	Jackson Mutazomba	Ministry of Water	ADWQ
25	Enock Wagala	Ministry of Water	ECON
26	Richard Mzuzu	Ministry of Water	SECON
27	Bahati Joram	Ministry of Water	Ag. DPP
28	Happiness Chiwinga	Ministry of Water	HRO
29	T.S. Bagandanshoa	President's Office—Regional Administration and Local Government	AD
30	Mrisho Mrisho	President's Office—Regional Administration and Local Government	AD
31	Erick Kitali	President's Office—Regional Administration and Local Government	DICT
32	Ibrahim Minja	President's Office—Regional Administration and Local Government	AD
33	Naomi Sawe	President's Office—Regional Administration and Local Government	KIDUD
34	Lucas Malunde	President's Office—Regional Administration and Local Government	Ag.DLS
35	Datus Matuma	President's Office—Regional Administration and Local Government	ASDPM
36	Seraphim Kamily	President's Office—Regional Administration and Local Government	Ag.HGCU
37	Wilson Gwoma	President's Office—Regional Administration and Local Government	KIADGB
38	Angelista Kihaga	President's Office—Regional Administration and Local Government	KIDLG
39	Mrisho S Mrisho	President's Office—Regional Administration and Local Government	Ag.DAHRM
40	Kaspar Kumburu	President's Office—Regional Administration and Local Government	PECON
41	Rogasian Rukoa	President's Office—Regional Administration and Local Government	SFO
42	Idris Mtandi	President's Office—Regional Administration and Local Government	PECON

43	Lufunyo Ng'umbi	President's Office—Regional Administration and Local Government	ECON
44	Thomas Nsyengula	President's Office—Regional Administration and Local Government	LO I
45	Khalifa Kondo	President's Office—Regional Administration and Local Government	PECON I
46	Denis Londo	President's Office—Regional Administration and Local Government	DCDO I
47	Methusela Masanja	President's Office—Regional Administration and Local Government	PCDO
48	Andrew Komba	President's Office—Regional Administration and Local Government	DSC
49	Ezekiel Mpanda	Ministry of Lands, Housing and Human Settlements Development	DPP
50	Jackson Samwel	Ministry of Lands, Housing and Human Settlements Development	ADPO
51	Iddi Shekabughi	Ministry of Agriculture	Ag.ADP
52	Felix Msoka	Ministry of Agriculture	PECON
53	Stephane Mgani	Ministry of Agriculture	ECON
54	WelluKizinga	Ministry of Agriculture	P/ADMIN
55	John Banzi	Ministry of Agriculture	Ag.DCD
56	Zakia Lwamala	Ministry of Agriculture	Ag. DLU
57	Warrioba Sanya	Mwanza Regional Secretariat	AS - Water
58	John Mongella	Mwanza	RC
59	Kiomoni Kibamba	Mwanza City Council	CED
60	Hosiana Kusea	Mwanza City Council	DPLO
61	Said R Kitinga	Ilemela Municipal Council	DAS
62	Yonas M Alfred	Nyamagana District Council	DAS
63	John Wanga	Ilemela Municipal Council	DED
64	Thecla Janarius	Magu District Council	Ag. DED, & DPA
65	Magesa Boniface	Sengerema District Council	DED
66	CMT	Sengerema District Council	CMT
67	Ali Kidwaka	Geita District Council	DED
68	CMT	Geita District Council	CMT
69	RS	Geita Region	RS
70		Chato District Council	DPLO
71		Mbogwe District Council	DED
72		Geita Region	AS- Water
73		Geita Region	AS-Education
74		Nyan'ghwale District Council	DED
75	Edward Mbanga	Ministry of Health, Community Development, Gender, the Elderly and Children	DPPH

76	Otilia Gowele	Ministry of Health, Community Development, Gender, the Elderly and Children	DTH
77	Bernard Urassa	Ministry of Health, Community Development, Gender, the Elderly and Children	DAH RM-H
78	Edward Mukyaru	Ministry of Works, Transport and Communication	DPP-T
79	Fulgence Katabazi	Ministry of Works, Transport and Communication	DAP-T
80	Daniel Werema	Ministry of Works, Transport and Communication	PECON
81	Hon. Mizengo Pinda	Government of Tanzania	Rt. PM
82	Makuru Petro	Ministry of Education Science and Technology	DPP
83	Graciana Shirima	Ministry of Education Science and Technology	ADPP
84		Ministry of Foreign Affairs	DPP
85	Elisa D. Mbise	Ministry of Works, Transport and Communication	Ag.DPP-C
86	Bahati	Ministry of Works, Transport and Communication	Engineer-DICT-C
87	Jampyon Mbugi	Ministry of Works, Transport and Communication	Engineer-DC-C
88	Leah Sanga	Ministry of Works, Transport and Communication	HRO-C
89	Adam Mwaigogi	Ministry of Works, Transport and Communication	ADPP-C
90	Matiko M. Sanawa	Ministry of Energy	DAH RM
91	Gladys S.	Ministry of Energy	Ag.ADPL
92	Daudi P. Magota	Ministry of Energy	ECON
93	Robert Mwasenga	Ministry of Energy	Statistician
94	Neema R. Mwafumbila	Ministry of Energy	Technician
95	Joseph Ngulumwa	Ministry of Energy	Ag.CM
96	Sigfrid S. Mwalutambi	Ministry of Energy	Principal Statistician
97	Audax Bahweitima	Ministry of Natural Resources and Tourism	Ag.ADPP
98	Albert Dede	Ministry of Natural Resources and Tourism	ECON

99	Geoffrey Kasyeta	Ministry of Natural Resources and Tourism	DPP-T
100	Mwita William	Ministry of Natural Resources and Tourism	DA
101	Mzamilu Kaita	Ministry of Natural Resources and Tourism	DW
102	Jumanne K. Shauri	Ilala Municipal Council	MD
103	Hilary Baina	Ilala Municipal Council	MELO
104	Sije H. Lebi	Ilala Municipal Council	Ag.MAICO
105	Nitikey J. Mwakabende	Ilala Municipal Council	Ag.MBKO
106	Mangiwah J. Kigana	Ilala Municipal Council	Ag.MECON
107	Francisca F. Makoye	Ilala Municipal Council	MDSO
108	Benadeta	Ilala Municipal Council	
109	Subira A.	Ilala Municipal Council	
110	Asmini A. Baruani	Ilala Municipal Council	Ag.MWE
111	Manumbo M. Luaga	Ilala Municipal Council	Ag.MLFO
112	McDonald M.	Ilala Municipal Council	Ag.MT
113	Marietha D. Kiago	Ilala Municipal Council	Ag.
114	Abdon Mapunda	Ilala Municipal Council	DAS
115	Sheila Edward Lukuba	Ilala Municipal Council	DO
116	Jabiri Omari makame	Ilala Municipal Council	ADAS
117	Nicodemus John Shirima	Ilala Municipal Council	DO
118	Yokobety M. Malisa	Dar es Salaam Regional Secretariat	AAS (PC)
119	Deogratias	Dar es Salaam Regional Secretariat	PMO
120	Khalifa Kondo	Dar es Salaam Regional Secretariat	DPP-TAMISEMI
121	Dennis Lazaro Londo	Dar es Salaam Regional Secretariat	OR-TAMISEMI
122	John J. Ngonyani	Dar es Salaam Regional Secretariat	Ag.AAS(A)
123	Victoria P. Bura	Dar es Salaam Regional Secretariat	Ag.AAS(H)
124	Jumanne Y. Ndayigeze	Dar es Salaam Regional Secretariat	Ag.AAS(EC)
125	Bernadetha Thomas	Dar es Salaam Regional Secretariat	Ag.AAS(ED)
126	Mercy Kyamba	Dar es Salaam Regional Secretariat	Ag.AASLG



127	Eng. Elizabeth A. Kingu	Dar es Salaam Regional Secretariat	Ag.AAS(W)
128	TP. Michael	Dar es Salaam Regional Secretariat	Ag.AAS(I)
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130	Roina Ilomo	Kibaha Town Council	DO - Ruvu
131	Assumpta M. Hildebrand	Kibaha Town Council	ADAS
132	Moza Mtete	Kibaha Town Council	LO
133	George Mbogo	Kibaha Town Council	THRO
134	Saidi M. Kayangu	Kibaha Town Council	Ag.EO
135	Amkawene Ngilangwa	Kibaha Town Council	TPLO
136	Mkana Mohamed Mkana	Kibaha Town Council	TEMO
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138	Anitha Kashaaja	Kibaha Town Council	Ag.TCDO
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140	Njau J. Marco	Kibaha Town Council	DAICO
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142	Milahi	Gairo District Council	DAICO
143	Margareth A. Cheche	Gairo District Council	DPEO
144	Isaya Mihinzo	Gairo District Council	DCDO
145	Jane H. Sanga	Gairo District Council	Ag. DHRO
146	Alfred J. Kazimoto	Gairo District Council	DSEO
147	Kulwa Madali	Gairo District Council	DSO
148	Mussa Mwakasula	Gairo District Council	OCD
149	Ditram Mhoma	Gairo District Council	DBC(PCCB)
150	Florent L. Kyombo	Mvomero District Council	DED
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152	Mohamed Manyeko	Mvomero District Council	DIA
153	Cotrida Komba	Mvomero District Council	DLO
154	Grant Patali	Mvomero District Council	Ag.DHRO
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156	Arazaki Kingi	Mvomero District Council	Ag.DESO
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158	Jafari A. Makupula	Mvomero District Council	Ag.HPMU
159	Janeth J. Shishila	Mvomero District Council	Coord-CHF
160	Nsoki T.L	Mvomero District Council	T.O
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164	Andrew S. Muhulo	Mvomero District Council	Ag.DSEO
165	Isabella H. Kiluma	Mvomero District Council	DT
166	Iddi S. Ndabagenga	Mvomero District Council	DNRO
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168	Oscar L. Kunambi	Mvomero District Council	Ag.HBKU
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170	Abdul M. Maulidi	Pwani Regional Secretariat	REO
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172	M. Mrema	Pwani Regional Secretariat	AAS - I
173	Alphonse C.M	Pwani Regional Secretariat	AAS - WATER
174	Frank Y. Mchomou	Pwani Regional Secretariat	PSO
175	Abdulkarim A. Mdu	Pwani Regional Secretariat	AAS - Agri
176	Shangwe Twamala	Pwani Regional Secretariat	AAS - E
177	Edward B. Mwakipesile	Pwani Regional Secretariat	AAS - P & C
178	Emmanuel J. Kwayu	Pwani Regional Secretariat	Ag. RA
179	Lydia Mafole	Pwani Regional Secretariat	On behalf of AAS - Health
180	Anitha Mwambola	Pwani Regional Secretariat	Ag.AAS-LG
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