

**LEGISLATIVE FRAMEWORK THAT
PROMOTES SOCIAL ACCOUNTABILITY IN
TANZANIA**

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Outline

1. Conceptual overview of Social Accountability
 2. Social Accountability in Tanzania
 3. Legislative framework that promotes social accountability in Tanzania
 4. Challenges facing the legislative framework in promoting social accountability in Tanzania
 5. Recommendations
 6. Conclusion
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1. Conceptual Overview on Social Accountability

CONTEXT AND CONTEXTUAL FACTORS

▶ Context:

- WHAT DOES SOCIAL ACCOUNTABILITY MEAN?
- A broad range of actions and mechanisms, beyond voting, that citizens can take to help the government be more effective and accountable. It also includes actions on the part of government, civil society, media, and other societal actors that promote or facilitate these efforts

▶ Factors that influence social accountability:

- Political transformation,
 - Governance issues,
 - Civil society engagements,
 - the Media,
- NB: all these factors are in one way or another addressed by a certain a legislation in Tanzania.

2. Social Accountability in Tanzania

- ▶ Like other African countries, Tanzania are becoming more active in demanding their rights, participation in decision making,
 - ▶ Need for better Government and Quality of service delivery
 - ▶ Access to Information through the ICT
 - ▶ Management of public resources
 - ▶ Participation in elections
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CIVIL SOCIETY ARE ENGAGED FOR WHAT?

- ▶ Is it for score card of success and failure?
 - ▶ Making evaluation of the SA Process
 - ▶ A justification for Punishment
 - ▶ To measure progress and encourage further action
 - ▶ Provide extensive participation and great deal of transparency
 - ▶ Provide ownership of the Process
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3. Legislative framework that promotes social accountability in Tanzania

a) **Constitutional Provisions:**

- The Constitution of URT, 1977 guarantee fundamental rights; right to information freedom of expression, (Art. 18), Govt and the people, Art. 8, freedom of association, Art 20, participation in public affairs, Art.21, protection of public resources Art. 27

3. Legislative framework that promotes social accountability in Tanzania ...

b) Electoral Laws:

- i. Election Expenses Act, 2010.
 - Aimed at making provisions for funding nomination process, elections campaigns and election with view of controlling use of funds and prohibited practices
- ii. National Election Act
- iii. Political Parties Act, 1992.
 - Provides for the terms, conditions and procedure for the registration of political parties and related matters

3. Legislative framework that promotes social accountability in Tanzania ...

- ▶ c) Financial Laws:

- i. Public Finance Act, 2001

Aims at making more effective control, management, and regulation of the collection and the use of finance of the URT

Also, enhance Parliamentary control and supervision of public funds and resources.

Provides for the Functions of CAG; Examining, inquiring, auditing reports on accounts

- iii. The Public Procurement Act, 2004 and its regulations

Aims at making better regulations of public procurements in the Govt

3. Legislative framework that promotes social accountability in Tanzania ...

- ▶ c) **Financial Laws:.....**

- iv. Local Government Finances Act, 1982.

Makes provisions for sources of revenue and management of funds and resources of local Govt, collection and sound management of finances in the local Govt systems

3. Legislative framework that promotes social accountability in Tanzania ...

d) Criminal Laws:

- i. Economic and Organized Crime control Act, 1984 and its Amendments 1987.
Make better provisions for the control and eradication of certain crimes and culpable non criminal misconduct through the prescription of modified investigation and trial procedure, sanctions and remedies
- ii. Criminal Procedure Act, 1985
provides for matters relating to criminal investigation, controlling, and institutions of proceedings
- iii. Anti Money Laundering Act, 2006.
Makes better provisions for prevention and prohibition of money laundering, provides for disclosure of information, establish financial intelligence Unit and the National Multi Disciplinary Committee.

3. Legislative framework that promotes social accountability in Tanzania ...

d) Criminal Laws:.....

iv. PCCB Act, 2007.

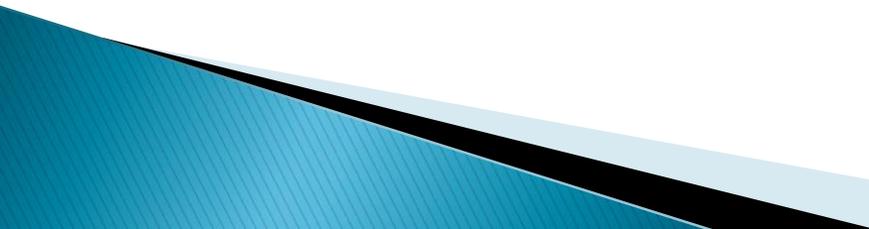
The Act contains preventive and enforcements measures, establishes Prevention and Combating Bureau, provides for corrupt offences like corrupt contracts, procurements, auctions, employments, sexual favours, embezzlements and conspiracy

3. Legislative framework that promotes social accountability in Tanzania ...

e) Other Measures

- i. Parliamentary Committee on Public Accounts
- ii. Ministries have Guidelines eg. Client services charter, public hearings, Big results oriented programme, Open Govt Partnerships
- iii. Local Govt Reforms Programmes: Political, financial, administrative decentralization
- iv. The CHRAGG Act, 2001. CHRAGG Plays as OMBUDSMAN and a HUMAN RIGHTS COMMISSION for the protection and promotion of human rights as well as GOOD GOVERNANCE

4. Challenges facing the legislative framework in promoting social accountability in Tanzania

- ▶ Discrepancies between the legal provision and the actual practices (Laws and policies are NOT adhered to in practice)
 - ▶ Weak protection of Whistleblowers
 - ▶ Access to Financial Information is still an issue
 - ▶ Draconian laws, eg Newspapers Act, RE 2002, Govt can cease publication for public interest
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5. Recommendations

- ▶ Participation in the constitution making process
 - ▶ Advocating for reforms of draconian laws eg Newspaper Act RE 2002, The National Security Act, RE 2002,
 - ▶ Space for civil society, media and ordinary citizens should be demanded
 - ▶ Social Accountability Forum should be convened regularly with action points
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6. Conclusion

- ▶ Social Accountability is very important in improving Governance in particularly in Africa, and assist citizens to make their Govt accountable
 - ▶ It's a unique space which bring all actors in board and share experiences, challenges relating to management of resources, Governance issues and active participation.
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THANK YOU FOR
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