

Independent Reporting Mechanism (IRM) Progress Report 2014–15: Tanzania

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Executive Summary: Tanzania

Independent Reporting Mechanism (IRM) Progress Report 2014-15

Tanzania's action plan boasts well-targeted commitments that, if implemented, will advance access to information, as well as improve public oversight of the extractive and land-management sectors. However, improving the level of civic participation in commitments needs greater emphasis, in addition to ensuring that implementation targets are met.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Tanzania began its formal participation in September 2011.

The State House Good Governance Coordination Unit, located in the Presidency, serves as the secretariat of OGP in Tanzania. Further support for implementation of commitments at city, municipal, and district level comes from the Prime Minister's Office for Regional Administration and Local Government.

A steering committee, made of government officials and two civil society representatives oversees the implementation of the second action plan.

OGP Process

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

The government used the online OGP Portal to make the notice and format available for comments by the public on the draft action plan. With only twenty per cent of the Tanzanian population having access to the Internet, consultation was limited.

The government invited a variety of stakeholders for the consultation on the development of the action plan. Over eighty institutions and organizations were invited and took part in the consultative meeting held in Dar es Salaam. There was a lack of representation from trade unions - a key part of civil society in Tanzania - as well as a lack of private sector organizations. Parliamentarians were not involved in drafting the action plan. The mainstream media was well represented, including, for the first time, Tanzanian bloggers. Despite high participation in the meeting, few comments were ultimately accepted into the plan. Final decisions concerning the action plan's development and its implementation rested with the government OGP secretariat.

The government designated a steering committee to oversee the implementation of the second action plan. The committee met on ad hoc basis in Dar es Salaam. The committee has not published any progress reports or the annual self-assessment report on the implementation of commitments.

At a Glance

Member since: 2011
Number of commitments: 5

Level of Completion:

Limited: 4 of 5
Not started: 1 of 5

Timing:

On schedule: 0 of 5

Commitment Emphasis:

Access to information: 5 of 5
Civic participation: 0 of 5
Public accountability: 2 of 5
Tech & innovation for transparency & accountability: 3 of 5

Number of Commitments that Were:

Clearly relevant to an OGP value: 5 of 5
Of transformative potential impact: 2 of 5
Substantially or completely implemented: 0 of 5
All three (★): 0 of 5

This report was prepared by Ngunga Greyson Tepani, an independent researcher

Commitment Implementation

As part of OGP participation, countries make commitments in a two-year action plan. The Tanzanian action plan contains five commitments. The following tables summarise for each commitment the level of completion, potential impact, whether it falls within Tanzania's planned schedule and the key next steps for the commitment in future OGP action plans.

The IRM methodology includes starred commitments. These commitments are measurable, clearly relevant to OGP values as written, of transformative potential impact, and substantially or completely implemented. Tanzania's action plan contains no starred commitments. Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. In addition to the criteria listed above, the old criteria included commitments that have moderate potential impact. Even under the old criteria, Tanzania would not have received any starred commitments. See (<http://www.opengovpartnership.org/node/5919>) for more information.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
* COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.									
3.1: Access to information									Behind Schedule
3.2: Open data									Behind Schedule
3.2.1.Coordinating body									Behind Schedule
3.2.2. Data management									Behind Schedule
3.2.3. Review data disclosure policy									Behind Schedule
3.2.4. Open data policy									Behind Schedule
3.2.5. Open data portal									On Schedule
3.2.6. Key sets of open data on portal									On Schedule
3.3: Open budgets									Behind Schedule
3.3.1. Yearly budget reports									Behind Schedule
3.3.2. Parliamentary Audit Committees reports									Behind Schedule
3.3.3. Monthly tax exemptions management									Behind Schedule
3.3.4. Machine-readable budget data									Behind Schedule
3.4: Land transparency									Behind Schedule
3.4.1. Demarcated areas									Behind Schedule

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	
<p>⊛ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>								
3.4.2. Land Use Plan								Behind Schedule
3.4.3. Online land ownership database								Behind Schedule
3.5: Extractive industries transparency								Behind Schedule
3.5.1. Publish mining development agreements (MDAs) & Profit Sharing Contracts (PSCs) from 2014 onwards								Behind Schedule
3.5.2. Disclosure of contracts signed before 2014								Behind Schedule
3.5.3. Publish demarcated mining areas by December, 2015								Behind Schedule

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
<p>3.1: Access to information</p> <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Transformative Completion: Limited 	<p>This commitment aims to enact an Access to Information (ATI) law that was evolved from a commitment outlined but not implemented in the first action plan. This commitment was not completed in the period under review due to lack of wide stakeholder consultation, which resulted in the ATI bill being rejected in 2015. If implemented, this commitment would have a transformative impact as the bill and resultant act could exponentially increase public access to government-held information. Stakeholders felt that the bill however falls short in one key aspect, in that it does not address existing, out-dated and controversial legislation which limits the rights of access to information, including the Newspapers and Broadcasting Services Acts. It is recommended that the government improve its efforts in engaging and consulting with all relevant stakeholders as a first step towards realizing the bigger goal of having ATI legislation in place.</p>
<p>3.2: Open data</p> <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Limited 	<p>This commitment envisions the development of a framework on open data that includes the formulation of guidelines and policies, the establishment of an oversight body, and mandates the immediate publication of data in a new portal. Only one milestone has recorded full completion (3.2.5) and another shows substantial progress (3.2.6). The remaining four are either not started or limited in their status of completion. Significant effort is still needed to ensure full implementation. A new framework on open data represents a major step for enabling public access to information. The government needs to implement the incomplete milestones by the 31 March 2016 deadline. It is also recommended that the government designate and strengthen the capacity of one lead agency for data coordination purposes, as well as ensure mirroring of the data published in opendata.go.tz in each relevant ministry, department or agency website.</p>

<p>3.3: Open budgets</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	<p>This commitment sets an ambitious goal to publish eight budget reports considered to meet the international criteria for budget transparency in machine-readable format. Although improvements have been made in the release of budget reports, two of eight key reports were not published, namely the mid-year review and the end-of-year budget reports. The published data is not available in real time or machine readable format. It is recommended that the role of publishing budget data and related information be coordinated through one agency, instead of being scattered amongst various lead and support ministries and departments.</p>
<p>3.4: Land transparency</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	<p>This commitment seeks to ensure a fair and equitable governance of land matters through the publication of land use plans, ownership information, and demarcated areas. The government had committed to publish demarcated areas for large-scale agricultural investment (farming and livestock keeping) and to provide an online resource or database on land ownership in Tanzania that is easily searchable. This commitment has limited completion, as some of this data is not readily available as outlined in the action plan. It is recommended that the government publish all data related to this commitment, in machine-readable format, including periodic and real time publication.</p>
<p>3.5: Extractive industries transparency</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Not started 	<p>This commitment aims to fulfil Tanzania's Extractive Industries Transparency Initiative (EITI) commitments by June 2015. Tanzania has been EITI compliant since 2012 but was suspended in September 2015 as a consequence of missing a deadline for the publication of the 2012-13 report by 30 June 2015. Not a single milestone as they were written in the action plan text has been started. Although outside of the evaluation period, the suspension from the EITI was lifted on 17 December 2015 as a result of the required revenue report for the periods 2012-13 and 2013-14 being published on 27 November 2015. This commitment represents an important step to ensure effective and transparent management of extractive industries. It is recommended that the government publish the government's policy on actual practice for disclosure of contracts, all signed mining development agreements, and profit-sharing contracts from 2014 onwards through offline and online means.</p>

Recommendations

There remains a need for Tanzania to improve the quality and scope of dialogue during action plan development and implementation. This should include establishing a meaningful dialogue mechanism, using the existing web portal to communicate progress, publishing progress reports, and designating government points of contact for commitments. Existing commitments, such as the access to information law, budget information, and land ownership commitments, are well targeted and should be implemented with urgency. The next action plan could include commitments targeted at disclosing public officials’ assets and liabilities and civic participation at the local government level. Based on the challenges and findings identified in this report, this section presents the principal recommendations.

Top Five SMART Recommendations
1. The consultation process during the development of the action plan needs to be more open. The government could improve awareness-raising efforts by properly informing the public of the timeline, format and general process. All data made available for public use should be translated to Kiswahili to allow countrywide access to information.
2. Establish a formal dialogue mechanism to allow monitoring of progress and ensure better accountability from implementing agencies.
3. Without further delay, the government should submit to parliament the draft of the access to information law ensuring the following: (1) that a proper consultation is held, (2) that it is submitted on its own for parliament approval, and (3) that it complies with international standards.
4. Prepare legislative amendments and regulations to strengthen assets and liabilities disclosure by public officials.
5. The government should establish a user friendly interface to publish government data in accessible format, including developing proper feedback mechanisms to ensure the involvement of citizens at local government level.

Eligibility Requirements: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section IX on eligibility requirements at the end of this report or visit <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

Ngunga Greyson Tepani is an independent researcher.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP’s Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. National participation in OGP

History of OGP participation

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

Tanzania began its formal participation in September 2011, when President Jakaya Mrisho Kikwete declared his country's intention to participate in the initiative.¹

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective, third party indicators are used to determine the extent of country progress on each of the dimensions. See Section IX: Eligibility Requirements for more details.

All OGP-participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Action plans should set out governments' OGP commitments, which move government practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

Tanzania developed its second national action plan from April 2014. The effective period of implementation for the action plan submitted in June 2014 was officially 1 July 2014 through 30 June 2016. This report covers the period from 1 July 2014 to 30 June 2015. At the time of writing (January 2016), the government has not published a self-assessment report.

Basic institutional context

The OGP in Tanzania is led by a steering committee of representatives from government ministries, civil society organisations (CSOs), and the OGP country coordination office. The President's Office State House Good Governance Coordination (SHGGC) Unit is at the heart of Tanzania's OGP initiative, but key government actors include the Ministry of Finance, the Ministry of Energy and Mining, the Ministry of Land and Human Settlements Development, the e-Government Agency, the Ministry of Water, the Ministry of Health and Social Welfare, and the Ministry of Education and Vocational Training.

The Prime Minister's Office for Regional Administration and Local Government (PMO-RALG) supports and sometimes implements OGP commitments at the local level: district, municipal (city), ward, and facility levels. For example, in the open budget commitment (3.3.), PMO-RALG is responsible for implementation, while it plays a supporting role in the open data commitment (3.2).

In Tanzania, the OGP complements the National Framework for Good Governance (NFGG), which was formulated in 1999. The NFGG envisages a broad-based national partnership for development of good governance. The partnership includes central and local governments, the private sector, and faith-based and civil society organisations.

The IRM reported that the OGP secretariat was understaffed and underfunded during the implementation of the first action plan. Evidence collected during this review period points to a continued status quo in this respect, where the Coordinator, Christine

Maganga Wambali, and a deputy are the only staff responsible for OGP issues at the SHGGC.

Further evidence from interviews and online documents² suggest that planned activities cannot realistically be implemented as a result of requiring significant capital, per the estimated budgets. For example, the Ministry of Water alone requires a budget of Tanzanian Shillings 1.226 billion or US \$571,000 to implement three commitments—with a significant portion of the budget to be supported by development partners.

During the development of the first action plan, the OGP team and leadership made some effort to build awareness and bring on board CSOs and the private sector. The requirement to have a public comment period was observed and posted online. For the second action planning cycle, however, no such processes were followed, save for a consultative meeting held in June 2014.

Methodological note

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP-participating government. In Tanzania, the IRM partnered with Ngunga Greyson Tepani, Executive Director of the Tanzania Association of Non-Governmental Organisations (TANGO). He holds a Master's degree in Community Economic Development from the Open University of Tanzania. The government's self-assessment report had not been published at the time of writing. However, Mr. Tepani gathered the views of civil society and interviewed appropriate government officials and other stakeholders. OGP staff and a panel of experts reviewed the report.

This report follows on an earlier review of OGP performance, "Tanzania Progress Report 2012–13," which covered the development of the first action plan as well as implementation from 1 July 2012 to 30 June 2013.

To gather the voices of multiple stakeholders, Mr. Tepani organized one stakeholder meeting in Dar es Salaam, which was conducted according to a focus group model. Tepani also conducted face-to-face and phone interviews with government officials and other stakeholders. Five out of twelve possible government points of contact availed themselves for interviews with the IRM researcher by means of telephone and email communication. In this report, upon request by some interviewees, the identity of all interview sources has been kept anonymous.

Summaries of the stakeholder meeting and more detailed explanations are given in the Annex.

¹Open Government Partnership. Introduction to OGP in Tanzania <http://www.opengovpartnership.org/country/tanzania> accessed on 22 September 2015

² United Republic of Tanzania. Final OGP Action Plan for Water Sector (2014) <http://bit.ly/20n38Yw> accessed on 20 September 2015

II. Process: Action plan development

The action plan was drafted by government officials, and was a result of careful consideration of the progress achieved and lessons learned while trying to implement the first action plan (2012–13). However, the government did not conduct awareness-raising during action plan development and consultations were limited to invitation-only.

Countries participating in OGP should follow a set process for consultation during development of their OGP action plan. According to the OGP Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation
- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views and; make a summary of the public consultation and all individual written comment submissions available online
- Undertake OGP awareness raising activities to enhance public participation in the consultation
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is dealt with in the section “III: Consultation during implementation”:

- Countries are to identify a forum to enable regular multistakeholder consultation on OGP implementation—this can be an existing entity or a new one.

This is dealt with in the next section, but evidence for consultation both before and during implementation is included here and in Table 1 for ease of reference.

Table 1: Action Plan Consultation Process

Phase of Action Plan	OGP Process Requirement (Articles of Governance Section)	Did the government meet this requirement?
During Development	Were timeline and process available prior to consultation?	No
	Was the timeline available online?	No
	Was the timeline available through other channels?	No
	Provide any links to the timeline.	NA
	Was there advance notice of the consultation?	Yes
	How many days of advance notice were provided?	6
	Was this notice adequate?	No
	Did the government carry out awareness-raising activities?	No
	Provide any links to awareness-raising activities.	NA

	Were consultations held online?	No
	Were in-person consultations held?	Yes
	Was a summary of comments provided?	No
	Were consultations open or invitation-only?	Invitation-only
	Place the consultations on the IAP2 spectrum. ¹	Consult
During Implementation	Was there a regular forum for consultation during implementation?	Yes
	Were consultations open or invitation-only?	Invitation-only
	Place the consultations on the IAP2 spectrum.	Consult

Advance notice and awareness-raising

Compared to the first OGP action plan, it was not clear from IRM interviews and stakeholder meeting whether the government conducted any awareness raising activities during the development of the second OGP action plan. There is no evidence to suggest that there were awareness-raising efforts conducted by the government.

Even so, the government used the OGP portal (<http://www.opengov.go.tz>) to make the notice and format available for comments by the public on the draft action plan. However, only 20% of the Tanzanian population have access to the internet².

To a large extent, the notice and invitations to stakeholders were sent in hardcopy to potential participants. The notice was not dated³ making it hard to evaluate how adequate it was.

Depth and breadth of consultation

The Tanzanian government made some effort to invite stakeholders, both in variety and in numbers, to the development of the second OGP action plan. Over 80 institutions and organizations were invited and took part in the development of action plan, 60 of them being civil society actors.⁴ Through interviews, the IRM researcher was informed that comments were also solicited through emails to several civil society organizations. However, when the OGP secretariat was asked to forward response emails or screenshots of the comments received, they could not do so. The face-to-face meeting with multi-stakeholder representatives took place behind closed doors, where only those invited could participate.

Civil society organizations and other non-state actors included the following:

- Mzumbe University
- University of Dar es Salaam
- Legal and Human Rights Centre (LHRC)
- Twaweza
- Economic and Social Research Foundation (ESRF)
- Tanzania Media Women's Association (TAMWA)
- Christian Social Services Commission (CSSC)
- Media Council of Tanzania
- The Leadership Forum

Similar to the development of the first action plan (2012–13), there was a lack of representation from trade unions, a key part of civil society in Tanzania, as well as a lack of private sector organizations. Apart from the listed organizations above, the

mainstream media was well represented in the consultative meeting including, for the first time, Tanzanian bloggers.

Although civil society was involved as part of the OGP steering committee (in the organizing and drafting of the action plan) the final decision concerning the action plan's development and implementation always rested with the OGP secretariat. From interviews⁵ and online comments⁶, the consultative session was participatory, and participants were free to comment. However, one interviewee felt that the final say rested with the document holders (the government) and participants had no power to significantly change the commitments. The interviewee conceded that the government accepted a few comments that led to the inclusion of new milestones.

The face-to-face consultative meeting was held in Dar es Salaam, and due to financial constraints facing the OGP secretariat⁷, there was very little representation from other geographical areas. The government did not involve parliamentarians, including those who were vocal in some aspects of the first action plan. This was a missed opportunity with the government citing lack of resources for wider consultation, the general election, and the national constitution review as impediments.

There was no available summary of comments from the face-to-face consultative meeting held on 9 June 2014 in Dar es Salaam.

The IRM researcher was informed that the action plan development went through two versions before its approval. The government presented the core areas of focus, which included inputs made by participants during the in-person consultative workshop held in Dar es Salaam in June 2014. However, a draft final copy with participants' comments was not made available to the IRM researcher.

A form for receiving public comments during the action plan development was created and sent by email to a few stakeholders; nevertheless, the IRM researcher could not verify the emails sent or comments received. Repeated efforts by the IRM researcher to ask for the comments and other important information on OGP structure in Tanzania proved futile.⁸

¹ "IAP2 Spectrum of Political Participation", *International Association for Public Participation*, <http://bit.ly/1kMmlYC>

² Extracted from an article <http://bit.ly/1L1EUqn>

³ Notice for public comment available on <http://www.opengov.go.tz>

⁴ List of organisations and agencies involved in the development of the action plan.doc (2014). Documents emailed to IRM researcher on 5 September 2014

⁵ Anonymous. Telephone interview with IRM researcher. 6 September 2014

⁶ Ben Taylor. <http://bit.ly/1SWaOMD>

⁷ Anonymous. Telephone interview with IRM researcher. 6 September 2014

⁸ IRM researcher's emails requesting information on 31st August 2014 and reminders on 5th Sept 2014; 4th July 2015; 3rd Sept 2015; 10th December 2015 and 5th January 2016

III. Action plan implementation

Tanzania designated a steering committee to oversee the implementation of Open Government Partnership commitments as outlined in the second action plan. The role of the steering committee is to monitor progress of implementation and take corrective action to achieve the commitments. The steering committee met at infrequent intervals in Dar es Salaam, where the most members of the committee and OGP secretariat are based.

Regular multi-stakeholder consultation

The IRM researcher had recommended holding steering committee meetings on a quarterly basis to reduce the burden for lead institutions and allow for progress reports to be made more readily available on a quarterly basis.

The OGP Coordinator did not provide any official list of OGP steering committee members to the IRM researcher despite several email requests.¹ From interviews, the IRM researcher could establish that only two CSOs, Twaweza and Tanzania Law Society (TLS) were part of the OGP steering committee. It was further established that this was a closed participation forum, with participation from only earmarked government officials and a few CSOs. Some scanned copies of files containing participating representatives mainly from government ministries, departments, and agencies were made available to the IRM researcher, but these were just attendance registers for specific meetings. Only five out of the twelve government points of contacts made themselves available for interviews.

Through interviews,² the IRM researcher established that there were challenges in maintaining the frequency of holding committee meetings on a regular basis, in addition to a lack of attendance by committee members. Some of the non-participating CSOs stated that the reason for not attending several meetings was that there was no agenda to assess progress of implementation of the OGP commitments.³ Further evidence collected by the IRM researcher shows that in some of the committee meetings participants were from only one institution—the Presidency.

According to one interviewee,⁴ most meetings held were for preparations of two OGP conferences hosted by the Tanzanian government: namely, the Africa Regional OGP Conference held in May 2015, and the Africa Open Data Conference held in September 2015.

At the time of writing (December 2015), the steering committee has not effectively managed the implementation of the OGP commitments and has not published the annual self-assessment report. The OGP dashboard contains no reports other than the recently published quarterly report on implementation of OGP in the water sector.

¹ IRM researcher's emails requesting info on 31st August 2014 and reminders on 5 September 2014; 4 July 2015; 3 September 2015; 10 December 2015 and 5 January 2016

² Anonymous. Telephone interview with IRM researcher. 6 September 2014

³ Anonymous. Telephone interviews with IRM researcher. 20 August 2015

⁴ Anonymous. Telephone interview with IRM researcher. 21 October 2015

IV. Analysis of action plan contents

All OGP-participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs. Action plans then set out governments' OGP commitments, which stretch practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Commitments should be appropriate to each country's unique circumstances and policy interests. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP participating countries. The IRM uses the following guidance to evaluate relevance to core open government values:

Access to information

Commitments around access to information:

- Pertain to government-held information, as opposed to only information on government activities. As an example, releasing government-held information on pollution would be clearly relevant, although the information is not about "government activity" per se;
- Are not restricted to data but pertain to all information. For example, releasing individual construction contracts and releasing data on a large set of construction contracts;
- May include information disclosures in open data and the systems that underpin the public disclosure of data;
- May cover both proactive and/or reactive releases of information;
- May cover both making data more available and/or improving the technological readability of information;
- May pertain to mechanisms to strengthen the right to information (such as ombudsman's offices or information tribunals);
- Must provide open access to information (it should not be privileged or internal only to government);
- Should promote transparency of government decision making and carrying out of basic functions;
- May seek to lower cost of obtaining information;
- Should strive to meet the 5 Star for Open Data design (<http://5stardata.info/>).

Civic participation

Commitments around civic participation may pertain to formal public participation or to broader civic participation. They should generally seek to "consult," "involve," "collaborate," or "empower," as explained by the International Association for Public Participation's Public Participation Spectrum (<http://bit.ly/1kMmlYC>).

Commitments addressing public participation:

- Must open up decision making to all interested members of the public; such forums are usually "top-down" in that they are created by government (or actors empowered by government) to inform decision making throughout the policy cycle;
- Can include elements of access to information to ensure meaningful input of interested members of the public into decisions;

- Often include the right to have your voice heard, but do not necessarily include the right to be a formal part of a decision making process.

Alternately, commitments may address the broader operating environment that enables participation in civic space. Examples include but are not limited to:

- Reforms increasing freedoms of assembly, expression, petition, press, or association;
- Reforms on association including trade union laws or NGO laws;
- Reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions.

The following commitments are examples of commitments that would **not** be marked as clearly relevant to the broader term, civic participation:

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as “access to information”);
- Commitments on decentralization that do not specify the mechanisms for enhanced public participation;
- Commitments that define participation as inter-agency cooperation without a mechanism for public participation.

Commitments that may be marked of “unclear relevance” also include those mechanisms where participation is limited to government-selected organizations.

Public accountability

Commitments improving accountability can include:

- Rules, regulations, and mechanisms that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

Consistent with the core goal of “Open Government,” to be counted as “clearly relevant,” such commitments must include a public-facing element, meaning that they are not purely internal systems of accountability. While such commitments may be laudable and may meet an OGP grand challenge, they do not, as articulated, meet the test of “clear relevance” due to their lack of openness. Where such internal-facing mechanisms are a key part of government strategy, it is recommended that governments include a public facing element such as:

- Disclosure of non-sensitive metadata on institutional activities (following maximum disclosure principles);
- Citizen audits of performance;
- Citizen-initiated appeals processes in cases of non-performance or abuse.

Strong commitments around accountability ascribe rights, duties, or consequences for actions of officials or institutions. Formal accountability commitments include means of formally expressing grievances or reporting wrongdoing and achieving redress.

Examples of strong commitments include:

- Improving or establishing appeals processes for denial of access to information;
- Improving access to justice by making justice mechanisms cheaper, faster, or easier to use;
- Improving public scrutiny of justice mechanisms;

- Creating public tracking systems for public complaints processes (such as case tracking software for police or anti-corruption hotlines).

A commitment that claims to improve accountability, but assumes that merely providing information or data without explaining what mechanism or intervention will translate that information into consequences or change, would **not** qualify as an accountability commitment. See <http://bit.ly/1oWPXdl> for further information.

Technology and innovation for openness and accountability

OGP aims to enhance the use of technology and innovation to enable public involvement in government. Specifically, commitments that use technology and innovation should enhance openness and accountability by:

- Promoting new technologies that offer opportunities for information sharing, public participation, and collaboration.
- Making more information public in ways that enable people to both understand what their governments do and to influence decisions.
- Working to reduce costs of using these technologies.

Additionally, commitments that will be marked as technology and innovation:

- May commit to a process of engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government;
- May commit to supporting the ability of governments and citizens to use technology for openness and accountability;
- May support the use of technology by government employees and citizens alike.

Not all eGovernment reforms improve openness of government. When an eGovernment commitment is made, it needs to articulate how it enhances at least one of the following: access to information, public participation, or public accountability.

Key variables

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach timeframes and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments that Tanzania included in its action plan, and analyses them for the first year of implementation.

While most indicators used to evaluate each commitment are self-explanatory, a number deserve further explanation.

1. **Specificity:** The IRM researcher first assesses the level of specificity and measurability with which each commitment or action was framed. The options are:
 - High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)
 - Medium (Commitment language describes activity that is objectively verifiable, but does not contain clearly measurable milestones or deliverables)
 - Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)
 - None (Commitment language contains no verifiable deliverables or milestones)

2. **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP values and OGP grand challenges.
 - **OGP values:** To identify OGP commitments with unclear relationships to OGP values, the IRM researcher made a judgment from a close reading of the commitment's text. This judgment reveals commitments that can better articulate a clear link to fundamental issues of openness.
3. **Potential impact:** The IRM researcher evaluated each commitment for how ambitious commitments were with respect to new or pre-existing activities that stretch government practice beyond an existing baseline.
 - To contribute to a broad definition of ambition, the IRM researcher judged how potentially transformative each commitment might be in the policy area. This is based on the IRM researcher's findings and experience as a public policy expert. In order to assess potential impact, the IRM researcher identifies the policy problem, establishes a baseline performance level at the outset of the action plan and assesses the degree to which the commitment, if implemented, would impact performance and tackle the policy problem.

All of the indicators and method used in the IRM research can be found in the IRM Procedures Manual, available at (<http://www.opengovpartnership.org/about/about-irm>). Finally, one indicator is of particular interest to readers and is useful for encouraging a race to the top between OGP-participating countries: the starred commitment. Starred commitments are considered to be exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have medium or high specificity.
2. The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of access to information, civic participation, or public accountability.
3. The commitment would have a transformative potential impact if completely implemented.
4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of substantial or complete implementation.

Based on these criteria, the Tanzania action plan contained no starred commitments.

The IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. Under the old criteria, a commitment received a star if it was measurable, clearly relevant to OGP values as written, had moderate or transformative impact, and was substantially or completely implemented.

Based on these old criteria, the Tanzania action plan would have received no additional starred commitments.

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Tanzania, and all OGP-participating countries, see the OGP Explorer¹.

General overview of the commitments

Overall, Tanzania's second OGP action plan (2014–16) was an improvement from the first action plan (2012–13), having a more realistic number of commitments to be implemented and assigning clearer indicators and a specific timeframe to each of the commitments made. Compared to the 25 commitments to be implemented over a period

of one year in the first plan, the government opted for only 5 commitments to be implemented over the two-year cycle in the second plan. There was also a marked improvement from the previous plan, because the action plan development process was more inclusive— though not necessarily fully open.

The second action plan is specifically focused on providing citizen access to government-held information and on improving transparency in land demarcation and the extractive industries. Specifically, it includes five priority areas: (1) access to information, (2) open budgets, (3) open data, (4) land transparency, and (5) extractive industry transparency. The plan provides lead and support agencies responsible for the implementation of each commitment. However, per the previous action plan, it does not provide points of contacts for each commitment. The IRM researcher was supplied with a list of government contacts only upon request, since it was not public knowledge. The government did not produce any online quarterly progress reports, or the annual self-assessment report.

¹ The OGP Explorer provides the OGP community—civil society, academics, governments, and journalists—with easy access to the wealth of data that OGP has collected. It is available at <http://www.opengovpartnership.org/explorer/landing>

3.1: Access to information

Commitment text:

To enact Access to Information Act by December 2014.

The legislation will be established in line with international best practice and shall include:

- (i) Recognition of a human right to information, along with a broad presumption of openness of information held by public bodies, including state-owned enterprises and bodies, and private bodies undertaking public functions or operating under public funding;*
- (ii) An obligation to publish a wide range of information on a proactive basis;*
- (iii) Robust procedures for making and processing requests which are simple, free and quick (with a clearly specified maximum response time).*
- (iv) A limited regime of exceptions based on preventing harm to protected and security related interests, a public interest override and severability where part of a record is exempt;*
- (v) A right of appeal.*
- (vi) Protection for good faith disclosures and sanctions for obstruction of access; and*
- (vii) Obligations to report on requests received backed up by sanctions for refusal to disclose information without reasonable cause.*

Lead Institution: Ministry of Constitutional and Legal Affairs (MOCLA)

Supporting Institutions: Attorney General's (AG) Office, unspecified civil society and private sector organizations

Start Date: 1 July 2014

End Date: 31 December 2014

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
				✓	✓							✓		✓		

What happened?

This commitment aims to enact an Access to Information (ATI) law evolved from a commitment outlined but not implemented in the first action plan. Tanzania's first OGP action plan had no specific details on the contents of the possible legislation; through this commitment the government responds to the recommendations made by the IRM progress report for the first OGP action plan (2012–13). The IRM researcher at that time recommended that the government include a revised version of the commitment, including measurable milestones, for the second action plan (2014–16). It was recommended that the commitment accommodate inclusive consultative processes leading to the publication and enactment of a freedom of information law.

This commitment was not completed in the period under review due to lack of wide stakeholder consultation, which resulted in the Access to Information Bill being rejected before parliament in 2015.

Throughout 2014 and early 2015, the government started the drafting process and made efforts towards the enactment of the ATI law. The first attempt to enact the law was through a bundled bill titled the Written Laws Miscellaneous Amendment Bill 2013 on 6 November 2014, which was proposed by former Attorney General Frederick Werema. Parliament rejected the bill, because it included controversial provisions regarding harsh punitive measures for the publication of seditious information. The rejection of this bill caused the postponement of the ATI law.¹

In June 2015, the government made a second attempt to enact the ATI law. The bill was rushed through urgent procedures and lacked adequate stakeholder consultations. The bill was rejected in parliament and, according to civil society stakeholders interviewed, the process has since stalled due to the general elections held on 25 October 2015.²

According to interviews done by the IRM researcher, civil society stakeholders stated that the process that led to the drafting of Access to Information, Media Services, and two other bills³ was characterized by a certain urgency and a lack of stakeholder consultations, which led the general public and several human right actors to criticize the contents and process as not inclusive or consultative⁴. The Media Council of Tanzania (MCT), among others, was one of the key actors in mobilizing the general public on the important aspects to be considered by the proposed bill through television advertisements.⁵

Did it matter?

This commitment has a potentially transformative impact. If implemented, the bill and resultant act could exponentially increase access to government-held information which is critical for civil society, private sector actors and most importantly the general public. The IRM researcher and stakeholders⁶ view this as a missed opportunity for the country to have shown its commitment to the OGP values by addressing the grand challenges of advancing transparency and public integrity in the government.

Although some interviewees believed that the ATI Bill had positive features, including its broad scope and the fact that it designates an oversight body,⁷ many were of the view that the content of the bill falls short in one key aspect: it lacks the necessary scope to support the process of repealing outdated and controversial legislation, such as the Newspaper Act of 1976 and Broadcasting Services Act of 1993.⁸ The non-repealed acts referred to here, could for example, cause a newspaper, radio, or television station license to be suspended or even revoked by the minister responsible without just and legal hearing processes.

Some stakeholders reiterated the fact that a Kiswahili copy of the draft was not made available as is usually done, which further diminishes the opportunity for reflection and intended inputs from the general population.

Moving forward

The IRM researcher recommends that the government improve its efforts in engaging with all relevant stakeholders as a first step towards realizing the bigger goal of having an Access to Information legislation in place.

During the civil society stakeholder meeting held by the IRM researcher,⁹ participants recommended that within the next seven months, government officials consider the following:

- All bills, including the ATI draft bill, should be translated into Kiswahili and disseminated to all relevant stakeholders, using both physical delivery of copies and be posted online.
- Consultations with key stakeholders should be held through a variety of platforms including face-to-face meetings, live radio/television programs, SMS, and social

media citizen-engagement. This is a requirement for validation of all present and future Bills.

- A mechanism should be set in place to incorporate comments from consultations and draft a Bill for public hearing, ensuring the correct versions of the bill both in English and in Kiswahili summaries are uploaded onto the relevant ministry's website.
- Government should take the final draft after public comments to Parliament for debate and enactment of the ATI law.

The IRM researcher concurs with the stakeholder recommendations and takes note that the above milestones as proposed must be included—with clear start and end dates—in the next OGP action plan, should the commitment fail to be completed during this implementation period (2014–16).

¹Tanzania's Parliament Rejects Media Censorship Bill November 21, 2013 <http://bit.ly/1VIUcG9>, accessed 20 September 2015

² Anonymous. Telephone interview. 13 October 2015

³ The Cybercrime and Statistics Bills; these two were eventually passed by the Tanzanian parliament under a certificate of urgency

⁴ Stakeholder meeting. Dar es Salaam. 25 September 2015

⁵ IRM researcher. Observation on local television. August-September 2014

⁶ Stakeholder meeting. Dar es Salaam. 25 September 2015

⁷ Centre for Law and Democracy. Tanzania: Note on the Draft Access to Information Act, 2015 May 2015 <http://bit.ly/1o3X0Tw>, accessed 22 September 2015

⁸ Anonymous. Stakeholder meeting. Dar es Salaam. 25 September 2015

⁹ Stakeholder meeting. Dar es Salaam. 25 September 2015

3.2: Open data

Commitment text:

To establish an open data system by December 2016.

Key steps to operationalizing this commitment include the following:

(i) Establishing a coordinating body or working group under the Ministry of Finance for exploration of this issue.

(ii) Supporting guidelines issued, followed by legislative resolutions demonstrating support for transparent operations and the integration of open data into policy considerations, including provision of data in machine readable formats.

(iii) Establishment of a user-friendly, interactive open data portal data.go.tz.

(iv) Publication of key datasets on data.go.tz, particularly related to the education, health and water sectors, including data from Basic Education Statistics in Tanzania (BEST) and national examinations (NECTA), medical facilities and Medical Stores Department (MSD), water points, company registrations, NBS census and survey data and GIS data on village and ward boundaries; and with all data an emphasis on provision of disaggregated data at the facility level so as to be meaningful to citizens.

Additional activities as listed in the implementation plan:

- Review existing data disclosure Policy, Act and Regulations.
- Formulate Open Data Policy

Editorial note: The milestones reviewed in this commitment are a combination of the key steps listed in the commitment and activities outlined in the implementation plan.

Lead Institutions: Ministry of Finance (MoF), National Bureau of Statistics (NBS), President's Office, Public Service Management (POPSM), e-Government Agency (eGA), Ministry of Education and Vocational Training (MOEVT), Ministry of Works (MOW), Ministry of Health and Social Welfare (MOHSW), National Archives, and Prime Minister's Office – Regional Administration and Local Government (PMO-RALG)

Supporting Institutions: PMO-RALG, unspecified CSOs, and private sector

Start Date: Not specified

End Date: 30 June 2016

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.2. OVERALL			✓		✓			✓			✓			✓		
3.2.1. Coordinating body			✓		✓					✓			✓			
3.2.2. Data management			✓		✓						✓			✓		
3.2.3. Review data disclosure		✓			✓					✓			✓			

policy																	
3.2.4. Open data policy		✓			✓						✓		✓				
3.2.5. Open data portal			✓		✓			✓			✓						✓
3.2.6. Key sets of open data on portal				✓	✓						✓					✓	

What happened?

This commitment envisions the development of a framework on open data that includes the formulation of guidelines and policies, the establishment of an oversight body, and mandates to immediately publish data in a new open data portal.

Overall, this commitment has demonstrated limited progress in implementation. Only one milestone has been fully completed (3.2.5) and another shows substantial progress (3.2.6). The remaining four are either not started or limited in their status of completion.

Regarding milestone 3.2.1, there is still no working group or a coordinating body under the Ministry of Finance (MoF) to oversee the implementation of this commitment. The guidelines for data management (milestone 3.2.2), should be in place by March 2016; however, at the time of writing this report, there is no indication that there is a process for it. The same applies for milestones 3.2.3 and 3.2.4 for data disclosure policy review and open data formulation.

Nevertheless, civil society representatives interviewed by the IRM Researcher¹ were of the view that commitment 3.2.5—as set out in the action plan—has been completed with the establishment of the open data portal. Milestone 3.2.6 has recorded substantial progress regarding the publication of open datasets. The interviews reflected stakeholders' appreciation of the government understanding that milestone 3.2.5, establishment of an open data portal (www.opendata.go.tz), and 3.2.6, populating it with substantial datasets, were both recommendations from the first action plan.²

From interviews,³ IRM researcher was informed that the same set of data published on the open data portal would also be available on the relevant ministries' websites. So far, only the Ministry of Finance and the Ministry of Water have made the data available, the latter creating a separate website for water-point mapping.⁴

Did it matter?

A new framework on open data represents an important step forward for enabling public access to information. The commitment was ambitious and was well drafted, with clear milestones and deadlines for completion for each.⁵

CSO stakeholders interviewed by the IRM researcher⁶ commended the government for their efforts to improve access to government data online, since previously only civil servants and development partners had exclusive access to these types of datasets. CSO stakeholders⁷ opined that the published data is not easily searchable. However, the IRM researcher found, to the contrary of the stakeholders' assertion, that the data was easily searchable and that the format used on the portal is in fact comma-separated-values (CSV) format, which allows files to be reprocessed by users.⁸

It is important to note that the government, through the previous action plan, was able to publish certain data sets online and in machine-readable format. This included the

water-point mapping data sets.⁹ However, a lot of other technology that supported initiatives by government made data available to the public mostly in non-machine readable formats such as PDF, JPEG, and so forth.

According to the current action plan, the portal was to be populated by datasets from three sectors: education, health and water. There is also a myriad of data contributors apart from the three sector ministries, including the National Bureau of Statistics (NBS) and Medical Stores Department (MSD). The IRM researcher can confirm that data is available although not posted in a timely manner, and it is only available in English, a language not understood by the majority of Tanzanians. Kiswahili is the national language spoken by about 99% of all Tanzanian residents. To enable citizen interaction and feedback for the data published, it is imperative that summaries of published data be made available in the local language—if only for public information purposes.

Interviewed CSO stakeholders¹⁰ point out that government engagement on formulation of open data policy has lacked citizen engagement.¹¹

Moving forward

The IRM researcher recommends that the government of Tanzania attempt to implement the incomplete milestones by the 31 March 2016 deadline. More specifically, the government should focus on preparing guidelines and reviewing and formulating data disclosure and open data policy, to ensure the continuous publication of datasets in the future.

The IRM researcher would like to reiterate a similar recommendation made during the independent review of the first OGP action plan that the government designate and strengthen the capacity of one lead agency for data coordination purposes, as well as ensure mirroring of the data published in opendata.go.tz in each relevant ministry, department, or agency website.

Further, the IRM researcher recommends that data be made machine readable and available in Kiswahili language, to be accessible and to ensure its usability.

The IRM recommends a Kiswahili version or even summary of data presented on the portal; it may be useful to users and other citizen-centred processes to be developed to make the portal and published data more useful and interactive.

Additionally, the formulation of open data policies would benefit from the involvement of data experts and creation of user feedback mechanisms.

¹ Stakeholder meeting. Dar es Salaam. 25 September 2015

² The open data portal <http://opendata.go.tz/dataset> when accessed on 21 October 2015 the portal had a total of 81 datasets disaggregated by organizations and data type/groups

³ Anonymous. Face to face interview with IRM researcher. 5 October 2015

⁴ Water point mapping <http://bit.ly/1PUJKwZ> accessed on 21 October 2015

⁵ Start dates indiscernible as language used is time-frame

⁶ Stakeholder meeting. Dar es Salaam. 25 September 2015

⁷ *ibid.*

⁸ The Open Data Institute, <http://bit.ly/1PSbMmA> accessed on 31 December 2015

⁹ Ngunga Tepani. Tanzania OGP IRM Report. March 2014

¹⁰ Anonymous. Face to face interview with IRM researcher. 16 October 2015

¹¹ NYONYI: Tanzania yet to fully embrace openness, 25 October 2014, The Citizen, <http://bit.ly/1KqdQGn> accessed 31 December 2015

3.3: Open budgets

Commitment text:

To make budget data (eight key budget reports), audit committee reports and tax exemptions publicly available by December 2014.

In line with internationally accepted good practices for open budgets, this includes:

(i) Publish, in a timely manner, the following eight key budget reports each budget year: a pre-budget statement; the executive's budget proposal; the enacted budget; a citizens budget; in-year reports on revenues collected, expenditures made and debt incurred; a mid-year review; a year-end report; and audit reports.

(ii) Publish the reports of the Parliamentary Audit Committees.

(iii) Publish all tax exemptions, on a monthly basis.

(iv) Publish Budget data online, in machine-readable formats, as well as key information made available at district councils as far as possible at all education and health facilities.

Lead Institutions: Ministry of Finance (MoF), Parliament, and the Controller and Auditor General's (CAG) office

Supporting Institutions: Prime Minister's Office – Regional Administration and Local Government (PMO-RALG), unspecified CSO, and private sector organizations

Start Date: 1 July 2014

End Date: 30 June 2016

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. For transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.3. OVERALL				✓	✓		✓	✓			✓			✓		
3.3.1. Yearly budget reports				✓	✓		✓				✓			✓		
3.3.2. Parliamentary Audit Committees reports				✓	✓		✓				✓		✓			
3.3.3. Monthly tax exemptions				✓	✓		✓				✓		✓			
3.3.4. Machine-readable budget data				✓	✓		✓	✓			✓		✓			

What happened?

This commitment sets an ambitious goal to publish the following eight budget reports considered to meet the international criteria for budget transparency in machine-

readable format; a pre-budget statement; the executive's budget proposal; the enacted budget; a citizens' budget; in-year reports on revenues collected, expenditures made and debt incurred; a mid-year review; a year-end report; and audit reports.

In addition to online publication, the government has committed to make budget data publicly available offline at district councils, including all education and health facilities. According to the Open Budget Index (OBI 2015), Tanzania registered the same score as 2012, 46 out of 100—considered to be limited in terms of budget transparency. Although improvements have been made in the release of budget reports, two key reports out of eight were not published, namely the mid-year-review and the end-of-year budget reports. The OBI 2015 also states that more could be done to improve citizen participation in the budgeting process.¹

The IRM researcher finds this commitment to have limited completion overall, with some data under milestone one (3.3.1) having been published, though not in real-time or machine-readable format. For example, the citizens' budget for 2014–15 was supposed to be published online in April 2014 but was not made available until October 2014, when it was on the Policy Forum website. This diminishes the relevance of publishing the document, which would have been useful for citizens earlier in the year.²

A negligible amount of budget data, such as the budget execution reports, are available on the Ministry of Finance's (MoF) website.

The Parliamentary Audit Committee reports (3.3.2) have not been published on the websites of the MoF, the Controller & Auditor General (CAG) or Parliament.³ The monthly publication of tax exemptions (3.3.3) and the release of budget data in machine readable format (3.3.4) has not started.⁴

Did it matter?

The commitment has a moderate potential impact. The IRM researcher believes civil society and other nongovernment actors could benefit from the information published for budget monitoring and advocacy purposes. CSO stakeholders⁵ believe that the commitment, if fully completed, would have given access to vast amounts of budget data and other important reports that were intended to be published online. CSO stakeholders also highlighted that although the quantity of budget data published by the government is important, so too is the process for citizen interaction to enable feedback. The information that has been made publicly available so far, even if limited and not published in a timely matter, is considered to have laid the foundation for possible future systematization of publication of budget data.⁶

Through interviews, it was established that published budget data was collected by a specific unit within the lead ministry.⁷ However, the data is not published regularly, as contributing support ministries provide data at their own pace and will.

Moving forward

The IRM researcher recommends the following:

- The responsible agencies implement the milestones that have not been implemented yet.
- The role of publishing budget data and related information be coordinated through one agency instead of being scattered among various lead and support ministries and public bodies.

Six civil society stakeholders recommended that the following milestones be achieved before 30 June 2016:

- Strengthen a single or unitary coordinating agency within the designated lead ministry to collect, process (where necessary), and upload all budget data into the open data portal in a timely manner.
- Ensure that all relevant datasets are published online are available in machine readable formats and uploaded in real time.
- Make available summaries of all or most of the published data in Kiswahili.

The IRM researcher recommends that if no progress is recorded during the current action plan's implementation period, then this commitment should be included in the third OGP action plan.

¹ Open Budget Index, 2015, <http://bit.ly/1TDRNxY>, accessed 20 September 2015

² Citizens Budget 2014-15 <http://bit.ly/1NQht3b> accessed on 20 September 2015

³ A search on <http://www.parliament.go.tz/committee-reports-list> drew a blank on parliamentary audit committee reports

⁴ URT. Tanzania Open Government Partnership (OGP) Second National Action Plan 2014–15 and 2015–16. June 2014

⁵ Stakeholders meeting. Dar es Salaam. 25 September 2015

⁶ *ibid*

⁷ IRM researcher telephone interview with PMO-RALG official, 26 September 2015

3.4: Land transparency

Commitment text:

Make land use plan, ownership and demarcated areas for large scale land deals accessible online for public use by June 2016.

This includes:

(i) Publish demarcated areas for large scale agricultural investment (farming and livestock keeping)

(ii) Publish all land use plans and make it accessible both at national and local levels

(iii) Make easily searchable land ownership database online

Lead Institution: Ministry of Land, Housing and Human Settlement Development (MLHSD)

Supporting Institutions: Prime Minister's Office – Regional Administration and Local Government (PMO-RALG), TIC and unspecified civil society and private sector organizations

Start Date: None Specified

End Date: 31 December 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. For transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.4. OVERALL			✓		✓			✓			✓			✓		
3.4.1. Demarcated areas			✓		✓						✓			✓		
3.4.2. Land Use Plan			✓		✓						✓			✓		
3.4.3. Online land ownership database			✓		✓			✓				✓	✓			

What happened?

This commitment seeks to ensure a fair and equitable governance of land matters through the publication of land use plans, ownership information, and demarcated areas. The government had committed to, among other things, publish demarcated areas for large scale agricultural investment (e.g., farming and livestock keeping) and to provide an easily searchable online database on land ownership in Tanzania.

This commitment has limited completion. Civil society stakeholders concur with the IRM findings, expressing their disappointment at government inactivity, as some of this data/information should have been readily available as outlined in the action plan implementation document.¹

During an interview with one Ministry of Land, Housing and Human Settlement Development (MLHHSD) official, funding from Big Results Now (BRN) enabled the government to survey plots and farms in four districts of one administrative region of Morogoro. This information collected has not been made available on the ministry's website or elsewhere online with a MLHHSD official citing scarcity of relevant personnel to be able to process collected information and upload it online.²

The Tanzanian government through the MLHHSD, Local Government Authorities (LGAs), and other stakeholders has set a target of issuing 10 million Certificates of Customary Right of Occupancy (CCROs) within 3 years. Under the Land Tenure Support Programme (LTSP), at least 6 million CCROs can be issued. The goal of LTSP, among others, is to secure property rights and make accessible information on large scale commercial land that may become available for investment³. Other players that have contributed to the national land reform agenda include the International Fund for Agriculture and Development through the Ministry of Agriculture, as well as the World Bank, which supports the government's Integrated Land Management Information System (ILMIS), currently still at the pilot stage. ILMIS will be a national electronic resource that has been created to improve land registry, which will also be available and resonate with information available at district and municipal levels.

Civil society stakeholders were aware of efforts being made on the third milestone, but most were uninformed of progress on any of the other three milestones in this commitment.⁴

Did it matter?

This commitment represents an important step in making land management more transparent. Researchers have identified an absence of land use planning, a perceived wave of "land-grabbing," increased large scale agricultural investments, weak policy and institutional framework, corrupt leaders and scepticism toward pastoralism as some of the contributing causes of the longstanding conflicts.⁵ In Tanzania, land is owned by the central government, which in turn has decentralized administrative structures that deal with its management at district or municipal and village or ward (mtaa) level.

Individuals do not own land perpetually. However, a lease or certificate of occupancy for 33 or 99 years can be issued to investors and citizens, respectively, if they wish to own surveyed land. Despite current government efforts to have about 10 million CCROs issued to villages, there have been a number of unresolved land conflicts countrywide, mainly between farmer and pastoralist communities that live adjacent to each other in a village, or in a ward. Communities are also in conflict, with investors of the former often accusing the latter of land-grabbing.⁶

It is therefore essential that the government improve access to information and transparency concerning land-use-related issues. In this regard, it is imperative that the government publish land use plans, information about land demarcated for large scale agricultural investment, and an online resource database.

Civil society stakeholders believe that the commitment represents a very important step towards achieving equitable and fair land governance in Tanzania.⁷ They assert that land usage and management has been an important issue in Tanzania as exemplified by never ending farmer-pastoralist clashes and corruption scandals involving high ranking government officials. Transparency in land matters could provide clarity on land usage and ownership where this information has not been made public before. The land ownership database (or ILMIS) can help the government address diminishing public trust concerning land administration, as it will make available all the information concerning land ownership in the country.

However, this commitment alone does not represent a transformation of the way land is administered.

If the government had adequately staffed its Management Information Systems (MIS) section/unit at MLHSD, the commitment could have made substantial progress.

Moving forward

The IRM researcher recommends that the government fulfil this commitment without any further delay. Additionally, interviewees from civil society believe that the following should be done to achieve the implementation of this commitment:⁸

- Strengthen the ICT or MIS department at the MLHSD to be able to publish all data related to this commitment.
- Make all land data and related information available online, including a database in machine readable format. Information must be published both in Kiswahili and English languages by 30 June 2016.

A representative of the Land Rights, Research and Resources Institute alliance (LARRRI), a civil society coalition of land sector organizations in the country, recommended the renewal of the commitment in the next action plan with more stakeholders involved in its implementation efforts.⁹

Civil society stakeholders recommended that this commitment not feature as a standalone commitment in the next Tanzania OGP action plan but rather be merged with similar open data commitments, such as sectoral, budget, and extractive industries data.¹⁰ However, the IRM researcher is of the opinion that merging commitments or having too many milestones under one commitment could affect implementation and undermine the importance of transparency in land management.

¹ Stakeholder meeting. Dar es Salaam, 25 September 2015

² Anonymous. Telephone interview with IRM researcher 21 October 2015

³ Anonymous. Telephone interview with IRM researcher. 02 January 2016

⁴ Stakeholder meeting. Dar es Salaam. 25 September 2015

⁵ Godfrey Massay, TNRF. A Coalition of Farmers and Pastoralists; An Alternative Paradigm to Resolving Land Use Conflicts. 15 January 2016. <http://bit.ly/1Stwpwg>, accessed 21 January 2016

⁶ Songwa wa Songwa, Citizen Reporter. SPECIAL REPORT: Land grabbing in Tanzania: The truth, fallacies and fights. <http://bit.ly/1NQuGc8>, accessed 20 January 2016

⁷ Ibid.

⁸ Drawn from telephone interviews with stakeholders. 13 October 2015

⁹ Anonymous. Face to face interview with the IRM researcher. 16 October 2015

¹⁰ Ibid.

3.5: Extractive industries transparency

Commitment text:

Tanzania to fulfil its EITI commitments by June, 2015

This includes:

(i) Publish signed mining development agreements (MDAs) and Profit Sharing Contracts (PSCs) from 2014 onwards by June, 2015,

(ii) Document Governments policy on actual practice for disclosure of contracts signed before 2014 by June, 2015,

(iii) Publish Demarcated areas for Mining by December, 2014.

Lead Institution: Ministry of Energy and Minerals (MEM)

Supporting Institution: Attorney General's office

Start Date: Not Specified

End Date: 31 December 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. For transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.5. OVERALL				✓	✓		✓				✓		✓			
3.5.1. Publish mining development agreements (MDAs) & Profit Sharing Contracts (PSCs)				✓	✓		✓				✓		✓			
3.5.2. Disclosure of contracts signed before 2014				✓	✓		✓				✓		✓			
3.5.3. Publish demarcated mining areas				✓	✓		✓				✓		✓			

What happened?

This commitment aims to fulfil Tanzania's EITI commitments by June 2015. Tanzania was declared an Extractive Industries Transparency Initiative (EITI)-compliant country on 12 December 2012. However, the country was suspended in September 2015 as a consequence of missing a deadline for the publication of the 2012-13 report by 30 June 2015.

Despite the Ministry of Energy and Mining's website containing reports on registered foreign mining firms, complete with ownership details, as well as the EITI Transparency law being enacted by the national parliament, the commitment has been evaluated as not started. These gains although relevant to the commitment, were not structured as commitment milestones.

Although outside of the evaluation period, the suspension from the EITI was lifted on 17 December 2015 as a result of the required revenue report for the periods 2012–13 and 2013–14 being published on 27 November 2015.¹

In response to the suspension, the Tanzanian parliament did however carry out activities related to the country's overall policy on extractive industries. In July 2015, the government approved three legislative bills (among others), which were brought under the certificate of urgency, into law. These were the Tanzania Extractive Industry (Transparency and Accountability) Act 2015, the Petroleum Act 2015, and the Oil and Gas Revenues Management Act 2015. By the end of August 2015, the three pieces of legislation were enacted by Parliament and approved by the president.²

Among the three pieces of legislation, the Extractive Industry Transparency and Accountability Act (EITAA) is the most significant and relevant to this commitment, as it provides a framework for disclosure of contracts and production-sharing agreements. The EITA Act is relevant to ensuring the future implementation of this commitment and to preventing the scenario that resulted in Tanzania's suspension: a lack of reporting of financial information in the extractives sector.

The acts updated and consolidated existing legislation for the oil and gas sector. The other objective of the acts was to repeal two previous acts, namely the Petroleum (Exploration and Production) Act 1980, covering upstream petroleum operations, and the Petroleum Act 2008, covering mid and downstream petroleum supply operations.

According to one civil society actor interviewed,³ the regulations to make this act operational, including the necessary mechanisms, are still being developed. Tanzania Extractive Industries Transparency Initiative—Multi-Stakeholder Group (TEITI-MSG) is an oversight committee made up of both government and civil society representatives in Tanzania to oversee EITI compliance and to provide advice in policy and legislative processes. The IRM researcher was informed that TEITI-MSG has started drafting regulations for the EITA Act 2015 later to be presented to the cabinet for approval.

The EITA Act will pave the way for milestone 3.5.1 to be implemented in the near future. The ongoing consultation and consequently making the guidelines operational, has meant that the implementation of all milestones 3.5.1, 3.5.2 & 3.5.3 are yet to start.

Did it matter?

This commitment represents a step in the right direction by the Tanzanian government to ensure effective and transparent management of extractive industries, which currently contribute 8% of the total government revenue.⁴

Stakeholders from civil society feel that the government could have been more ambitious to disclose contracts or EITI information, even prior to 2014. For example, the government could have reframed this commitment to include the publication of extractive industry-government contracts from before 2014, as opposed to what is currently stipulated in the action plan.⁵ In the past, media has reported alleged corruption cases involving contracts in the mining sector. For example, stakeholders⁶ believe that corruption and rent-seeking has significantly influenced the secret signing of Mining Development Agreements (MDAs) and Gas Production Sharing Agreements (PSAs) between the government and extractive Industry companies for agreements entered before 2014.

Early 2014, a leaked contract to the media showed that Exxon Mobil and Norway's Statoil will pay Tanzania a bound rate of return of no more than 50% of profit from a natural gas field in the Indian Ocean. This revelation sparked an outcry by the general public, parliamentarians, and civil society organizations, who demanded the disclosure of all contracts.⁷ The government does not usually disclose this information and withholds details of other oil, gas, and mining contracts. Thereafter, two top officials of the state-run enterprise Tanzania Petroleum Development Corporation (TPDC) were arraigned in court, charged with a contravention of requests to disclose oil and gas PSAs. The charged officials claimed that the non-disclosure was bound by confidentiality clauses in the contracts.

The Parliamentary Committee on Public Accounts (PCPA) had requested TPDC to ensure they release 26 oil and gas contracts to the parliamentary oversight panel before 3rd November 2014. Later, the PAC Chairperson Hon. Zitto Kabwe (a member of national Parliament) and an official from the investor Statoil confirmed that the secrecy was government's own doing since no clauses for secrecy exist in the PSAs.⁸

The IRM researcher believes that Tanzania has the potential to manage resources in a more transparent and accountable manner and avoid the so called resource curse that befell several other resource-rich countries.⁹ Civil society stakeholders¹⁰ commended the Tanzanian government for being engaged as one of nine countries that participate in disclosure of extractive industry company ownership under EITI initiatives in international best practice and transparency.¹¹

Additionally, stakeholders¹² criticized the newly enacted Petroleum Act 2015, because it has included a provision that imposes fees to access previously undisclosed information concerning contracts, licenses, and permits of oil and gas deals in the country—which runs counter to the transparency and accessibility envisaged by the EITI.

Moving forward

The IRM researcher recommends that the following be done to implement the commitment before the deadline:

- Publish all signed mining development agreements (MDAs) and Profit Sharing Contracts (PSCs) from 2014 onwards, through offline and online means (on the new open data portal or on the Ministry of Energy & Minerals' website), by 31 June 2016.
- Publish government's policy on actual practice for disclosure of contracts signed before 2014, by 31 June 2016, through offline and online means.
- Publish demarcated areas for mining, oil and gas exploration online both in Kiswahili and in English, in machine-readable format by 30 June 2016.

¹ Tanzania: More revenues from extractives despite falling prices, 17th December, 2015, <http://bit.ly/1PVdrhB>, accessed 15 January 2016

² Tanzania's New Regime on Oil and Gas Laws; Unveiling Knights or Villains? August 10, 2015 <http://bit.ly/1P7BkyU> accessed on 21 October 2015

³ Anonymous. Telephone interview with IRM researcher. 02 January 2016

⁴ The importance of natural resources for government revenues. EITI. <http://bit.ly/1SYFfSc> accessed on 20 October 2015.

⁵ Anonymous. Telephone interview with IRM researcher. 6 September 2014

⁶ Stakeholder meeting. Dar es Salaam. 25 September 2015

⁷ Kizito Makoye. Top Tanzania officials arrested in row over oil, gas contracts. November 4, 2014 <http://tmsnrt.rs/1nHxovp> accessed on 20 October 2015.

⁸ Ben Taylor. Apparently-everyone-wants-transparency-in-tanzanias-gas-contracts-lets-get-them-online <http://bit.ly/1Piu2X0> accessed on 20 October 2015.

⁹ Referring here to natural resource extraction related corruption.

¹⁰ Stakeholder meeting. Dar es Salaam, 25 September 2015

¹¹ Rasmus Hundsbæk Pedersen and Peter Bofin. The politics of gas contract negotiations in Tanzania: a review. <http://bit.ly/1Piu6Wy> accessed on 20 October 2015.

¹² Ben Taylor. Tanzania Extractive Industries Draft Laws Transparency <http://bit.ly/1NQRXKV> accessed on 20 October 2015.

V. Process: Self-Assessment

Self-assessment checklist

Was the annual progress report published?	N
Was it done according to schedule?	N
Is the report available in the administrative language(s)?	N
Is the report available in English?	N
Did the government provide a two-week public comment period on draft self-assessment reports?	N
Were any public comments received?	N
Is the report deposited in the OGP portal?	N
Did the self-assessment report include review of consultation efforts during action plan development?	N
Did the self-assessment report include review of consultation efforts during action plan implementation?	N
Did the self-assessment report include a description of the public comment period during the development of the self-assessment?	N
Did the report cover all of the commitments?	N
Did it assess completion of each commitment according to the timeline and milestones in the action plan?	N
Did the report respond to the IRM key recommendations (2015+ only)?	N

Summary of Additional Information

The government of Tanzania did not produce the annual self-assessment report by the 30 September 2015 deadline as required by OGP. There were no comments recorded or submitted to IRM upon request.

Civil society stakeholders¹ said that none of them were contacted for self-assessment and expressed their concern over lack of involvement of civil society organizations during the implementation of both the first and second OGP action plans.

Follow-up on Previous IRM Recommendations (2015 and after)

During the independent review of the previous OGP action plan (2012–13), the IRM researcher had recommended the government to include the following user-focused elements in the next action plan:

1. Design commitments with the specific aim of improving the ability of citizens to directly interface with government officials.
2. Provide web-based data in machine-readable as well as non-machine readable formats (i.e., PDF, JPEG), in order to ensure greater access to the information that is being published. This includes data such as basic education statistics of Tanzania, water point mapping systems, and approved tax exemptions so that stakeholders can use and analyse the information. Other information—such as reports on revenue and expenditure and anything meant for general public consumption—may be published in non-machine readable formats.
3. Make all or most of the reports and data available to the public in Kiswahili, using easy-to-read language.

With the exception of the two commitments in the second OGP action plan (2014–16), the above recommendations were not upheld. The commitments that partially met the above criteria are the creation of the open data portal and the budget datasets that were published in machine-readable format with some levels of user/citizen interaction.

¹ Stakeholder meeting. Dar es Salaam, 25 September 2015

VI. Country Context

The success and sustainability of recent efforts to address deep-seated corruption and public accountability related challenges in Tanzania are at this stage, too early to be determined. Further efforts are necessary to improve freedom of speech and tackle the high levels of public sector corruption. Eliminating the current opacity in the administration of the country's resources, including the extractive sector and land tenure, will play a key role in shifting current practice towards the realization of an open and accountable government.

The United Republic of Tanzania has made significant advances in the fight against corruption in the last decade. In 2006, the government approved a National Anti-Corruption Strategy that demonstrated the government's intentions to enshrine fundamental rights in its constitution, such as the right to be informed, protection of whistle-blowers and the right to their privacy, and the ratification of international conventions and human rights instruments.¹

The Prevention and Combating of Corruption Act (PCCA) remains the primary legislation that criminalizes issues related to attempted corruption, extortion, bribery, and money laundering, among others. However, according to Transparency International, Tanzania still has a score of only 31 out of 100 in the 2015 Corruption Perception Index (CPI) – measured on a scale of 0 (highly corrupt) to 100 (very clean). Further, it ranks 117 out of 165 countries in the same index.² The low ranking therefore underscores the perception that corruption in Tanzania is still pervasive throughout the country and in different sectors of the economy, including government procurement, land administration, taxation, customs³ and the extractive industries.⁴

For example in early 2014, a former chief executive of the only electricity generation and supply entity in Tanzania (Tanzania Electricity Supply Company—TANESCO), was charged with abuse of office and forgery. A state audit report implicated him in the awarding of a contract worth more than 884 million Tanzanian shillings (US \$524,000) to a company owned jointly by his wife and himself.⁵ Later the same year, TANESCO was in the spotlight again, as a transfer of at least US \$120 million from the Tegeta Escrow Account funds to Independent Power Tanzania Limited (IPTL) was the latest scandal to have rocked the government of the day. Tegeta Escrow Account was a joint TANESCO-IPTL holding account established in 2006 at the central bank, Bank of Tanzania while the two were awaiting a decision over legal wrangles on capacity charges in national and international courts. IPTL is a joint venture firm formed between Mechmar Corporation of Malaysia (70%) and VIPEM of Tanzania (30%).

International aid donors chose to freeze aid as events of the scandal unfolded and as commitments in donor aid and loans dwindled considerably from 21% of Tanzania's budget in 2013-14 fiscal year to 15% in 2014-15. Two ministers who were beneficiaries to the looting were relieved of their duties by then-President Kikwete. The Attorney General at the time, Judge Werema, also had to resign with some alleged co-conspirators having been cleared of any wrongdoing by the State House.⁶ The increasing incidents of fraud, corruption, and unprecedented abuse of office stem from the fact that laws against these vices are in place with the major challenge being the implementation and enforcement.⁷

However, since the October 2015 general elections, the country now has a new president committed to root out corrupt public servants⁸ as well as inefficient and wasteful practices within the government. After three months in power, President John Pombe Magufuli has practically shown that he is committed to reducing wastage of

public resources, including having a government that is trustworthy, efficient, and open in its conduct. The incumbent started off his presidency by famously cutting more than 90% from the annual state dinner's budget that usually marks the opening of the national parliament and ordered the money saved to be spent on hospital beds and road works. This has endeared the president to many citizens, also because of his crackdown on tax evasion at the port of Dar es Salaam⁹ and the promise to provide free education up to secondary school level for all Tanzanians from January 2016 onwards.

Certain non-state actors in social media¹⁰ are cautious describing some of his recent actions, including the sacking or suspending underperforming public officials, as “knee-jerk reactions”. They assert that the president should concentrate on taking actions to strengthen good governance, integrity, accountability, and transparency structures and processes. Stakeholders argue that depending on an individual's drive or resolve—the president in this case—is dangerous for democracy and can be interpreted as short-termism. The stakeholders, however, commend the president's choice for a lean cabinet but are concerned at some of his ministerial appointments.

One of President Magufuli's new ministerial appointments was implicated in past corruption scandals, including the Tegeta Escrow Account scandal late in 2014. Many commentators are opting to give President Magufuli more time to settle into the job, and they generally support his administration's efforts to strengthen accountability of institutions, such as the currently “toothless” Prevention and Combating of Corruption Bureau.

Tanzania's Development Vision 2025 envisages Tanzania's shift from the current categorization of a developing country to a middle-income, industrialized, and developed country by the year 2025. The country has since 2013 adopted a new results delivery model known as “Big Results Now!” (popularly known as BRN) to ensure that programs are implemented on time with a focus on the citizens and their participation in decision making. BRN is modelled around the Malaysian development strategy, which has also been adopted by Rwanda and Nigeria. BRN is presented as a comprehensive program and in Tanzania it focuses on six national key result areas: energy, agriculture, water, education, transport, and mobilization of resources.

In education for example, Tanzania has made strong progress in enrolling millions more children in primary and secondary schools. There were 8.4 million children enrolled in primary school, up from 7.5 million in the 2005 and 4.4 million in 2000. Since primary education was made free (from 2001), an extra 4 million children have access to education¹¹. The challenge ahead lies in reforming the primary and secondary education systems to ensure that real learning takes place in every classroom.

In June 2015, World Bank's Board of Executive Directors approved a total of US \$100 million for Tanzania to help increase transparency and accountability in governance, and to help improve public financial management. The Open Government and Public Financial Management Development Policy Operation is a credit facility to Tanzania, financed by the International Development Association and is part of a series of operations aimed at strengthening transparency and accountability in public resource management in the country.¹²

Tanzania's second OGP action plan shows that the government has rightly identified some of the key areas that need to be addressed. Enacting an access-to-information legislation to provide access to government-held information can help improve public trust and assist the country in fighting corruption. Tanzania's second OGP action plan (2014–16) highlights a number of initiatives and processes that facilitate access to government-held data, including disclosure of budget information, and dealing with land and extractive industry transparency. While some progress has been made, only a handful of these processes are currently open to the public.

Where freedom of expression, citizens' right to be informed, protection of whistle-blowers, and right to citizens' privacy are concerned, the environment in Tanzania does not allow its people, media workers, and bloggers to discharge their duty of informing the public without fear of any state reprisals. This is a result of the introduction of two recently adopted bills, the Cybercrime and the Statistics Acts. The enactment, under the certificate of urgency, of two bills into law on 1 September 2015, was met with stern resistance.¹³ Civil society activists have initiated court proceedings in an attempt to repeal or amend some controversial clauses in this legislation.¹⁴

CSO stakeholders argued that the main reason these bills were sent to Parliament under certificates of urgency¹⁵ was to enable the government of the day to silence dissent. Further reasons included that the aim was to prevent the publication of politically sensitive information that could possibly impact a political candidate in the 2015 general election. CSO stakeholders assert that the ruling party, Chama Cha Mapinduzi (CCM), with a clear majority in the national parliament, will be able to pass any bill, even if no public consultations or due debate in the August house has been carried out. CSO stakeholders therefore perceive that the passage of the two bills represents attempts by the government to maintain the political status quo.

Parliament has passed a long overdue whistle-blower and witness protection bill, which was enacted in July 2015. The key concerns by some commentators¹⁶ pertain to some provisions in the law, such as the promoting of data disclosure, which could conflict with the perceived draconian Cybercrime Law that criminalizes data espionage. Furthermore, the Whistle-blower and Witness Protection Act 2015 does not expressly offer security or protection for whistle-blowers or witnesses of public sector corruption.

Regarding oil, gas, and mining sectors, Tanzania was declared Extractive Industry Transparency Initiative (EITI) compliant on 12 December 2012 after an EITI due-diligence process. The deadline for the 2012–13 report was on 30 June 2015, which the country missed, resulting in Tanzania being suspended by the EITI Board in September 2015. The suspension was lifted on 17 December 2015 as a result of the required publication of the revenue report for the periods 2012–13 and 2013–14 on 27 November 2015.¹⁷ According to the country's fourth EITI report published on 30 June 2014, government revenue from extractives increased 40% to US \$ 468 million,¹⁸ mainly attributed to the mining sub-sector.

Despite achieving some progress in opening up government to public scrutiny and interaction, more work is needed to address diminishing civic space. There is a need to dispel fears from citizens when accessing or relaying government information, and there is a need to ensure the protection of citizens' privacy from undue and draconian legislation.¹⁹ During its review on 3 October 2011 under the 12th Session of the UN Working Group on the UPR, the United Republic of Tanzania accepted 107 recommendations including the following: commitments to continue implementing national laws in accordance with universally agreed human rights norms and principles (recommendation 85.4); continue efforts to promote and protect human rights and freedoms (recommendation 85.11); and guarantee the freedoms of expression, association, and assembly by allowing human rights defenders, political opponents, and journalists to freely express their views in line with international human rights law (recommendation 85.72).

Despite these explicit commitments, the rights to freedom of expression, association and assembly remain under threat—with human rights defenders and civil society organizations faced with reprisals for their work.²⁰ Article 18 of the Constitution of the United Republic of Tanzania provides for the respect of freedom of expression and the opinions of Tanzanians. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) states that “everyone shall have the right to freedom of expression; this

right shall include freedom to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.” Unfortunately, this right carries certain unnecessary duties and responsibilities and is subject to certain restrictions as provided by the law. The right to freedom of information in Tanzania is not an outright right given, as certain restrictive laws such as the Newspaper Act of 1976 and the Broadcasting Services Act of 1993 can be used by government to ban or shut down a newspaper and TV or radio station at will. In January 2015, a weekly newspaper, *The East African*, was banned from circulation by the authorities. To justify the ban, the authorities noted that the paper was not properly registered in line with provisions of the 1976 Newspaper Act.

However, the reason for the ban was widely perceived to be due to its critical coverage of government officials.²¹ In November 2014, Samwel Nangiria, human rights defender and coordinator of Ngorongoro District NGO Network (NGONET), received threatening phone calls and text messages warning him about his advocacy campaigns pertaining to the land rights of the Masai in Loliondo, Ngorongoro district. Samwel continues to lead advocacy efforts against a decision taken by the Ministry of Tourism to allocate 1,500 square kilometres of land to a Dubai-based hunting company—Otterlo Business Corporation. The decision to displace the Masai was reached, through over-turning an earlier civil society-led and advocated decision to protect the Masai pastoralist’s ancestral lands. This about-turn would result in displacing 80,000 Maasai families and preventing them from accessing land, pasture and water.

It is within this socio-political context that the OGP action plan was developed and implemented.

Stakeholder priorities

The government of Tanzania still needs to improve upon the implementation of the second action plan, and must assure its commitment to the OGP process.

In the development of the next action plan, civil society stakeholders believe that the following issues should be considered.

- **Oversight body and progress reports:** The government created the OGP dashboard (now available at <http://www.opengov.go.tz>). Nevertheless, no oversight committee has been given the responsibility of running the portal, and the information has not been updated on a quarterly basis as was previously promised. Reports concerning implementation of the OGP commitments are not accessible from the dashboard. The lack of periodic reports—monthly, quarterly and annual—suggests that the role of coordinating data collection and publishing it online in real time was not allocated to any implementing agency.
- **Local governments:** The action plan promotes open government practices requesting the publication of data in the open portal and at the facility level. The government should prioritize the involvement of local governments in the OGP strategy and further promote the adoption of all relevant commitments such as the publication of budget data, land and extractive industries transparency, and so forth.
- **Disclosure of public officials’ assets:** Civil society stakeholders believe that the government should develop measures that enable citizen accountability, such as the formulation of an inclusive and open bill for asset disclosure and legitimacy of democratic process in legislation-making in Tanzania.²² This commitment was part of the first action plan, but no progress was made, and the government did not include it in the second action plan, despite the IRM researcher’s initial recommendation. This is important, specifically in the face of public perception of high level government corruption.²³ According to the Global Corruption

Barometer 2013, 75% of Tanzanians felt that public officials and civil servants were corrupt or extremely corrupt.²⁴

- **Publication of information in Kiswahili:** The government and other OGP stakeholders in Tanzania often fail to realize that having draft plans in Kiswahili, and making the comment process open to the public, could encourage participation and ensure more understanding of OGP by various stakeholders.

During the civil society stakeholder meeting, it was recommended that all existing commitments related to access to government-held information, open budget process, and disclosure of land and extractive industry contracts be retained in the next Tanzania OGP action plan.

Scope of action plan in relation to national context

Civil society stakeholders reiterated the need for government to include strong wording to promote citizen interaction and civil society involvement in the next action plan. The commitments should be ambitious enough to enable the Tanzanian government to become more transparent, credible, and responsive to its citizens.

Stakeholders also sought to maintain asset disclosure by public officials as one of the mandatory commitments alongside a new commitment to harmonize (or amend) laws that were against fundamental human rights, such as the recently passed Cybercrime and Statistics Acts – running contrary to the OGP principles of transparency, accountability, citizen participation and use of technology to enhance accountability and transparency process.

Certain stakeholders expressed their concerns over the so-called accountability commitments where the government almost always fails to deliver in its OGP commitment, citing failures to accomplish the first commitment in the current OGP action plan on access to information and one commitment in the previous action plan regarding disclosure of assets by civil servants as cases in point.

Civil society stakeholders also recommended that commitments be merged into thematic clusters dealing with specific OGP values, such as access to information, public accountability and civic participation. However, the IRM researcher is not convinced that merging several commitments can help improve implementation of individual commitments as they are now. The IRM researcher is convinced that shouldn't they be completed within the proposed timeframe, that some of the commitments as recommended can and should be taken up in the next action plan.

¹National Anti-corruption strategy in Tanzania, Anti-Corruption Resource Centre, <http://bit.ly/1SlzgQ9>

² A country's rank indicates its position relative to other countries in the index and the score indicates the perceived level of public sector corruption on a scale of 0 to 100 (from the highly corrupt to very clean). <http://bit.ly/1vJVF4W>

³http://www.transparency.org/whatwedo/answer/overview_of_corruption_and_anti_corruption_in_tanzania

⁴Business Corruption in Tanzania. May 2015. <http://bit.ly/1mkq6oW>

⁵ Kizito Makoye. Donors freeze aid to Tanzania. October 16, 2014 <http://bit.ly/20aaIAhpage> accessed on 20 January 2016

⁶ Athuman Mtulya. 'Tegeta escrow will go down in history as a major scandal'. January 1, 2015. <http://bit.ly/1ZCmK4Zpage> accessed on 20 January 2016

⁷ Business Anti-Corruption Portal, 2015

⁸ Katare Mbashiru. TRA chief Bade axed in Magufuli tax crackdown. November 28, 2015.

<http://bit.ly/1P7QNY0>; and Devotha Mwachang'a. Magufuli dissolves TPA board over scandals suspends 12 bigwigs. December 8, 2015. <http://bit.ly/1S1sjenpages> accessed on 20 January 2016

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- ⁹ Katare Mbashiru. 9bn/- collected at TRA as container owners pay up. 8 December, 2015. <http://bit.ly/1UM5RUj> and Erick Kabendera. Tanzania: Magufuli Tax Evasion Crackdown Yields Fruit. December 13, 2015 <http://bit.ly/1X4oqo8pages> accessed on 20 January 2016
- ¹⁰ Author's/IRM researcher's own interaction on his twitter handle @Hembeti
- ¹¹ URT. Basic Education Statistics in Tanzania (BEST) 2005-2009, Ministry of Education & Vocational Training, July 2009
- ¹² World Bank Mobilizes US\$100 million to Promote Transparency and Open Governance Reforms in Tanzania. June 23, 2015. <http://bit.ly/1meGsXp> accessed on 20 January 2016
- ¹³ Four bills later: is blogging with statistics in Tanzania now only for adrenalin junkies? 25 March, 2015, Mtega, <http://bit.ly/1yGGS9p>
- ¹⁴ Parts of Cybercrime Act opposed in court, 12 September, 2015, The Citizen, <http://bit.ly/23JHfSq>
- ¹⁵ Under the certificate of urgency, a Bill can be sent to parliament with little or no public consultation, minimal or no debate inside parliament to being voted in approval of its unknown/uninformed contents.
- ¹⁶ Parts of Cybercrime Act opposed in court, 12 September, 2015, The Citizen, <http://bit.ly/23JHfSq>
- ¹⁷ Tanzania: More revenues from extractives despite falling prices, 17th December, 2015, <http://bit.ly/1PVdrhB> accessed 15 January 2016
- ¹⁸ Extractives Industries Transparency Initiative, Tanzania <https://eiti.org/Tanzania> accessed on 20th October 2015.
- ¹⁹ Fears Over Tanzania's Cybercrime Law Become Reality During Presidential Election, 29 October 2015, Slate, <http://slate.me/1k1vpQo>
- ²⁰ CIVICUS, THRDC and TANGO. Extract from "Joint Submission to the UN Universal Periodic Review 25th Session of the UPR Working Group United Republic of Tanzania". September 21, 2015
- ²¹ Tanzania bans "the East African" over coverage of government registration *The East African* <http://bit.ly/1o7LBCi>, accessed 26 August 2015
- ²² Revealed: Tanzanians' Sh205bn in Swiss banks, 10 February, 2015, The Citizen, <http://bit.ly/20aaWqX>
- ²³ Revealed: Tanzanians' Sh205bn in Swiss banks, 10 February, 2015, The Citizen, <http://bit.ly/20aaWqX>
- ²⁴ Transparency International: Tanzania, <http://bit.ly/20ab2yY>

VII. General recommendations

Crosscutting recommendations

The IRM researcher recommends the continuing of the two-year action plan approach and focus on specific commitments with clear and measurable results. The next action plan's emphasis should be to make data or government-held information publically available. Further transparency in such sectors as the extractive industry and the disclosure of assets for public servants should be given utmost priority in the next OGP action plan.

OGP Process

1. **Consultation processes:** To strengthen stakeholder participation in the OGP process, the government should establish a formal dialogue mechanism to allow monitoring of progress and better accountability from implementing agencies. All data made available for public use should be translated to Kiswahili to allow countrywide access to information. The consultation process shall aim at attaining transparency of process and adequacy of advance notice and public awareness.
2. **Online communication of progress:** Use the existing web portal to provide information on progress and ensure the continuous update on overall progress on OGP implementation at www.ega.go.tz/ogp, ideally under the management of the e-Government unit.
3. **Government point of contact:** Designate a lead institution and establish a clear point of contact for each commitment to enable citizen interaction, as well as opportunity to contact government officials for potential clarification or additional information that may be requested.
4. **Publication of reports:** Ensure that all OGP-related progress reports are posted on the OGP dashboard, links to ministries, departments, and agencies' websites, and through making offline copies available throughout the government hierarchy to the facility level, and in a timely manner.

Commitments

5. **Access to information:** Without further delay, the government should submit to parliament the draft of the access to information law ensuring the following: (1) that a proper consultation is held, (2) that it is submitted on its own for Parliament approval, and (3) that it complies with international standards, clearly establishing maximum disclosure as a key principle to the right to information. It should also assign a clear oversight body for ensuring its implementation.
6. **Publication of data:** To honour the government's commitment to open data and open budgets, quarterly reports and tax exemptions granted in the health, education, and water sectors should be published on the Ministry of Finance website in real time. For publication of data to be useful, features that enable citizen interaction need to be put in place for the government to benefit from feedback and additional inputs from users. This will also enhance citizen participation and facilitate the development of public accountability mechanisms.
7. **Local government:** Include the involvement of local government authorities in implementing OGP commitments especially those regarding the posting of

- approved budgets, disbursements, and execution reports on facility notice boards and other public places.
8. **Disclosure of public officials' assets:** Prepare legislative amendments and regulations while ensuring wide consultation to strengthen asset disclosures of public officials. It is important that a step-by-step guide be developed and be made available to the general public concerning which senior public servants need to declare their assets. Information on assets should be made publicly available, including through offline means such as the official gazette. This should form part of the next OGP action plan for Tanzania.
 9. Issues such as agriculture, climate change related challenges and women's rights to **land ownership** should be included in a revised land transparency commitment, should the government fail to accomplish its implementation within the current action plan timeframe.

Top Five SMART Recommendations
1. The consultation process during the development of the action plan needs to be more open. The government could improve awareness-raising efforts by properly informing the public of the timeline, format and general process. All data made available for public use should be translated to Kiswahili to allow countrywide access to information.
2. Establish a formal dialogue mechanism to allow monitoring of progress and ensure better accountability from implementing agencies.
3. Without further delay, the government should submit to parliament the draft of the access to information law ensuring (1) that a proper consultation is held, (2) that it is submitted on its own for parliament approval, and (3) that it complies with international standards.
4. Prepare legislative amendments and regulations to strengthen assets and liabilities disclosure by public officials.
5. The government should establish a user friendly interface to publish government data in accessible format, and develop feedback mechanisms to ensure the involvement of citizens at local government level.

VIII. Methodology and Sources

As a complement to the government self-assessment, an independent IRM assessment report is written by well-respected governance researchers, preferably from each OGP participating country.

These experts use a common OGP independent report questionnaire and guidelines,¹ based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organisations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) In those national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

Interviews and focus groups

The Tanzania national IRM researcher carried out one stakeholder meeting using a mixture of representatives from civil society and other non-state actors who were previously aware of OGP and its processes in Tanzania and those who did not. Additionally, the IRM researcher carried out face-to-face interviews, telephone interviews as well as soliciting evidence through online reviews and email requests.

Since the government did not prepare the mandatory annual self-assessment report, it was necessary for the IRM researcher to interview government's lead institutions and supporting institutions for each of the five commitments to record or solicit more information than is accessible online. Not all government contacts were available to be interviewed, in which case the researcher interviewed nongovernmental sources or searched for evidence online.

The IRM researcher used both face-to-face and telephone interview approaches when contacting government officials. It should be noted that, during the research process, the IRM researcher reserves the right to maintain the anonymity of both government officials and nongovernmental stakeholders to ensure openness of comments and to protect against the risk of reprisals. In this report, upon request by some interviewees, the identity of all interview sources has been kept anonymous for reasons expressed above.

Through initial interviews with the OGP secretariat, the IRM researcher was able to identify civil society organizations that sat on the national OGP steering committee, participated in drafting the action plan, or were involved in implementation of commitments. The IRM researcher then sent invitations by e-mail and followed up with telephone calls to find a suitable date and time for a stakeholder focus group meeting.

The IRM report due date fell on 1st October 2015, and, being an election month and year in Tanzania, it posed big challenges for agreeing on a date for the stakeholder meeting—as often dates clashed with commitments by stakeholders in the election processes. The IRM researcher could only muster one stakeholder meeting held in Dar es Salaam, on 25 September 2015.

The participants were drawn from non-state actors, the IRM researcher initially drew up a list of 20 potential participants. Three venues were shortlisted before settling on one. Prospective participants were contacted by telephone and email. As a result of the 2015 general elections in the country which were happening concurrently, only ten participants attended. Consequently, the IRM researcher could only facilitate one focus group meeting. The participants were identified based on their experiences on governance issues or having participated in similar sessions in the past. Further, some of these were members of CSOs that were familiar or involved with OGP in Tanzania. Another criteria used is the mixture of demographics (e.g., youth, women, disability) and entrepreneurship. The focus group discussion approach meant that the number of participants was restricted to ten so as to ensure meaningful participation by all. The IRM researcher ensured that at least four of the participants were women.

The stakeholder meeting took place on 25 September 2015 in Dar es Salaam.

Only four participants were aware of OGP and its processes within Tanzania.

Participants reviewed the action planning process, levels of public awareness, and consultations prior to and during implementation of commitments. They also looked at the role and involvement of civil society in the process. With guidance from the IRM researcher, participants went through the second OGP action plan, which contained five commitments. Participants were asked to objectively gauge the level of completion, ambition, relevance to OGP and usefulness of each of the commitments.

The participants to the FGD session spent most of their time discussing mainly four commitments, namely 3.1, 3.3, 3.4, and 3.5. They provided the IRM researcher with alternative information sources for the commitment focus areas and also provided recommendations for each commitment. The discussion also provided the IRM with valuable information insofar as the national OGP context is concerned. The participants were then asked to provide specific recommendation for each of the five commitments and general recommendations for the next OGP action plan in Tanzania.

The following non state actors participated in the focus group discussion:

- Grace Mnzava (Forum for Grassroots Development Tanzania)
- Tatu Masangula (Bagamoyo Education Development Foundation)
- Bautista Mgomba (Shirikisho la Vyama vya Walemavu Tanzania - SHIVYAWATA²)
- Bakar Khamis (Finnish Centre for International Cooperation, KEPa)
- Anna Pius (Street vendor)
- Shomari Pembe (Coastal Youth Vision Association)
- Agnes Junga (National CSO HIV/AIDS, National Steering Committee NSC)
- Dr. Andrew Mushi PhD (Academician Mzumbe University)
- Abdallah Makungu (Accountant and ICT professional)
- Hassan Karanda (Community-Oriented Development Action - CODATz)

Document library

The IRM uses publicly accessible online libraries as a repository for the information gathered throughout the course of the research process. All the original documents, as well as several documents cited within this report, are available for viewing and comments in the IRM Online Library in Tanzania, at <http://bit.ly/1zLrV50>.

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- Anuradha Joshi
- Debbie Budlender
- Ernesto Velasco-Sánchez
- Gerardo Munck
- Hazel Feigenblatt
- Hille Hinsberg
- Jonathan Fox
- Liliane Corrêa de Oliveira Klaus
- Rosemary McGee
- Yamini Aiyar

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researcher. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org

¹ Full research guidance can be found in the IRM Procedures Manual, available at: <http://www.opengovpartnership.org/about/about-irm>

² The association of all disabled groups/CSOs in Tanzania

IX. Eligibility Requirements Annex

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.¹ When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

Criteria	2011	Current	Change	Explanation
Budget transparency ²	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to information ³	3	3	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration ⁴	2	2	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	3 (5.29) ⁵	3 (5.59) ⁶	No change	<i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	12/16 (75%)	12/16 (75%)	No change	75% of possible points to be eligible

¹ For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>

² For more information, see Table 1 in <http://internationalbudget.org/what-we-do/open-budget-survey/>. For up-to-date assessments, see <http://www.obstracker.org/>

³ The two databases used are Constitutional Provisions at <http://www.right2info.org/constitutional-protections> and Laws and draft laws <http://www.right2info.org/access-to-information-laws>

⁴ Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009): <http://bit.ly/19nDEfK>; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009).

<http://bit.ly/13vGtqS>; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009). <http://bit.ly/1cIokyf>; For more recent information, see

<http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a

change in the asset disclosure measurement. The existence of a law and *de facto* public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjLJ4Y>

⁵ Economist Intelligence Unit, “Democracy Index 2010: Democracy in Retreat” (London: Economist, 2010). Available at: <http://bit.ly/eLC1rE>

⁶ Economist Intelligence Unit, “Democracy Index 2014: Democracy and its Discontents” (London: Economist, 2014). Available at: <http://bit.ly/18kEzCt>