

The context

Under the Local Government Reform Programme, the Prime Minister's Office – Regional Administration and Local Government (PMO–RALG) is responsible for the coordination of all activities in the process of decentralization. While strong achievements have already been registered in the overall process, so far legal harmonization is one of the critical areas that still needs to be strengthened in order to comply with the principles of Decentralization by Devolution.

SULGO has supported the legal harmonization process through capacity building for ministerial staff and providing advisory services to PMO–RALG with in-house experts as well as external consultants.

The results so far

- ▶ Some laws have already been reviewed and amended, for example in the health, water and public procurement sectors.
- ▶ SULGO has led the assessment of legal harmonization within the sector ministries.
- ▶ Challenges have been identified and recommendations have been made to address these. Laws and policies that need to be reviewed and amended as a priority have been identified.



German Development Cooperation

The Support to Local Governance (SULGO) programme is a cooperation between the governments of the United Republic of Tanzania and the Federal Republic of Germany. It is implemented by the Prime Minister's Office – Regional Administration and Local Government (PMO–RALG) and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH on behalf of the Federal Ministry for Economic Cooperation and Development.

The overall aim of the programme is to improve access to public services for citizens through stronger local governments. It has been implemented since 2008, with the current phase running since November 2010.

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All products can be downloaded from the following websites:

<http://www.sulgo.or.tz>

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Setting the legal stage for progress

SULGO
better lives through better services



Support for legal reforms

In 1998, the Government of Tanzania adopted the policy of Decentralization by Devolution under the Local Government Reform Programme. The policy aims at transferring power, resources and responsibilities from the Central Government to the local level. This process requires a comprehensive review and harmonization of the legal framework in nearly all areas of government in order for it to work seamlessly. SULGO assists with the implementation of legal reforms in order to adapt policies and laws to the principles of a decentralized system of government.

The Local Government Acts

One of the main elements of the Local Government Reform Programme is the review of local government legislation which primarily includes the Local Government (District Authorities) Act (No. 7 of 1982) and the Local Government (Urban Authorities) Act (No. 8 of 1982) in addition to other related laws. Legislation is crucial in the decentralization process as it regulates the responsibilities, roles and functions of Local Government Authorities and the relationship between these authorities and the Central Government.

A study conducted in 2008 includes an extensive catalogue of proposals for amendment. However, these proposals have only been partly implemented to date.



SULGO has developed a strategy to support the review of Local Government legislation. The key recommendations of this strategy include a straightforward political mandate from Central Government to PMO-RALG in terms of spearheading the process of legal harmonization and regulating matters related to the responsibilities of other ministries; the allocation of sufficient funds for the review of the legislation, and providing additional technical support for the review process.

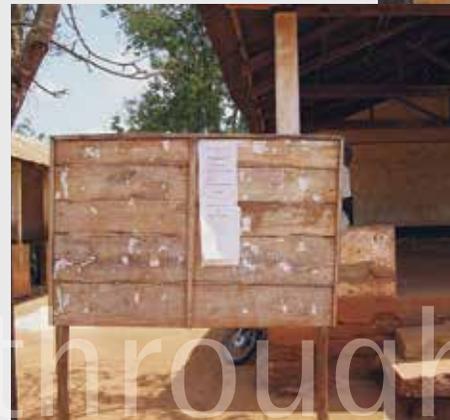
Local Government Finances

Another important area of legal harmonization is the review of the laws concerning local government finances, particularly the Local Government Finances Act, the Urban Rating Act and other related regulations. This is crucial as financial decentralization is one of the core elements of the decentralization policy. Local Government Authorities (LGAs) need strong financial instruments to fulfil the additional tasks resulting from the devolution of responsibilities. This also requires increasing the revenues of LGAs.

SULGO has promoted a discussion of amendments to the law with regard to the following areas:

- ▶ The establishment of additional sources of revenue for LGAs.
- ▶ Clarification of legal terms and eliminating existing ambiguities and contradictions.
- ▶ Expansion of the service levy to cover sole proprietors of businesses. (This proposal was implemented in the amendment of the Finances Act in 2012).
- ▶ Taking into consideration the economic impacts of cumulative taxes and levies on investment at the central and local levels.
- ▶ Increasing the district authorities' share of the land rent.
- ▶ Eliminating tax exemptions that are not justified by the overriding public interest.

These reforms are complemented by technical measures to improve revenue collection and revenue management.



Review of the Ward Tribunals Act

A comprehensive review by SULGO of the legislation concerning ward tribunals revealed several areas that were either overtaken by events or containing ambiguities. In response, SULGO proposed amendments to the Act, catering to the following:

- ▶ Highlighting the independence of ward tribunals.
- ▶ Introducing a women's quota with regard to the quorum and for all matters handled by the tribunals.
- ▶ Allowing legally qualified persons to be ward tribunal members.
- ▶ Allowing the representation of parties and defendants by advocates, particularly in criminal matters which is a crucial requirement of the principles of rule of law.
- ▶ Introducing mandatory preparation and training of ward tribunal members.
- ▶ Establishing clear guidelines for the funding of the tribunals and the remuneration of members.
- ▶ Increasing the threshold for criminal and civil matters handled by the tribunals and adjusting fines.
- ▶ Clarifying legal terms.
- ▶ Repealing outdated regulations.

