

The United Republic of Tanzania

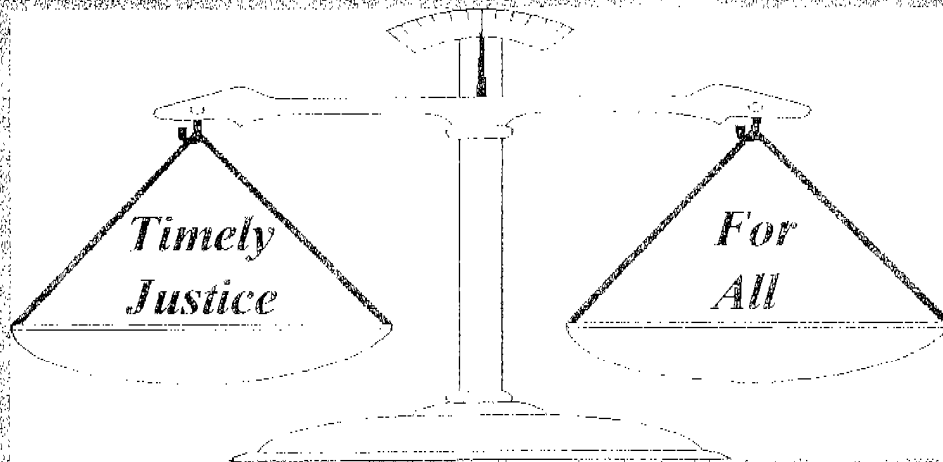
Ministry of Justice  
& Constitutional Affairs



The Judiciary

Attorney General's Chambers

## LEGAL SECTOR REFORM PROGRAMME



*Upholding*



*the Rule of Law*

## Medium Term STRATEGY AND ACTION PLAN

2000-2005

October 1999

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**FOREWORD**  
by  
**The Minister for Justice and Constitutional Affairs,**  
**Honourable H. Bakari Mwapachu, M.P.**

The People of Tanzania have always aspired to be a society in which total social and economic justice prevails for all. The Government is committed to vigorous and sustained pursuit of this aspiration through the rule of law, democratic and inclusive governance, and transparency and accountability in the conduct of public affairs. Government is also unequivocally committed to uphold the human rights for all in Tanzania. This commitment underpins the current mission of my Ministry and the Judiciary to reform the country's legal sector.

Since Government accepted the recommendations for far-reaching and extensive reforms by the Presidential Legal Sector Task Force in 1996, both the Judiciary and Executive Agencies in the sector have amply demonstrated commitment to improve efficiency and quality of legal services in the country. My Ministry has fully backed these initiatives by the Judiciary. At the same time, my Ministry has initiated for example, measures to strengthen the Tanzania Law Reform Commission; establish a Commission for Human Rights and Administrative Justice; and complete the development of the Institute of Judicial Administration at Lushoto. In the same context, the recent move by Parliament to open the legislative process to participation by civil society organisations is a significant development in the reform of our legal sector.

These developments constitute a significant step forward in the reform of the legal sector. However, the performance of the legal sector institutions is severely constrained by the many problems identified by the Task Force. There are still inordinate delays in resolving disputes and dispensing justice in our judicial system. Legal services are not readily accessible for the majority of our poor and disadvantaged citizens; corruption and unethical behaviour are excessively prevalent in the legal system; and public trust in the system remains below acceptable levels. Furthermore, the development of our legal system lags behind the social, political, economic and technological changes that the country has experienced in recent years. In particular, we are challenged to rapidly develop the legal system to facilitate the efficient development of a private-sector and market-led economy, and due protection of consumer rights.

The pace of reform of the legal sector has been constrained by paucity of implementation capacity and resources, both domestic and external. Increased Government funding is crucial to accelerated and sustainable reform of the sector. Also, since donor funds currently constitute the predominant proportion of the Government's development budget, increased donors participation in supporting the sector reform is crucial.

The persistence of resources constraints underlies our initiative to develop the legal sector reform medium strategy and action plan. Total reform of the sector and realisation of our vision is a long term undertaking to which we remain fully committed. The medium term strategy also reflects the imperative for a comprehensive approach and concerted efforts among all the institutions for effective implementation and ultimate achievement of its goals. Therefore, I call upon all the stakeholders to remain steadfast in cooperation and collaboration in the mission to reform the legal sector.

H. Bakari Mwapachu  
MINISTER FOR JUSTICE AND CONSTITUTIONAL AFFAIRS

**PREFACE**  
by  
**The Chief Justice of Tanzania**  
**Honourable Francis Nyalali**

Upholding the rule of law through the efficient, fair and transparent administration of justice is the bedrock for the promotion and maintenance of social peace and stability of the State. It is also crucial in ensuring an enabling environment for development and prosperity of the nation. This is the role and mandate that the Constitution of the United Republic of Tanzania bestows on the Judiciary.

However, as amply illustrated by the Legal Sector Task Force in 1996, the Judiciary as well as other key public legal sector institutions have never received a commensurate share of public sector development and recurrent resources. Consequently, over the years the capacity and infrastructure of the institutions in the Judiciary and other parts of the legal sector were depleted to levels inconsistent with performance of the constitutional role and mandate of the Judiciary. Moreover, in spite of the clear highlighting of the legal sector problems and constraints by the Task Force, the sector has so far received rather limited and uneven funding support from the Government and its development partners.

With the relatively limited resources that the Government and a few donors have made available, the Judiciary has in recent years taken significant measures to improve and modernise the administration of justice. For example:

- i. Individual calendar system of managing cases in the High Court and Subordinate Courts has been successfully introduced;
- ii. Mechanism for Alternative Disputes Resolution of cases has been adopted by the High Court and Subordinate Courts;
- iii. Specialisation has been introduced by establishing a Juvenile Court for the administration juvenile justice, and a Commercial Court for commercial cases in Dar es Salaam;
- iv. The publishing of Law Reports on important decisions of the Court of Appeal and High Courts of Tanzania and Zanzibar has been reviewed and updated;
- v. Over 600 primary court magistrates, 300 resident and district magistrates and 34 judges of the High Court and Court of Appeal have attended refresher courses or seminars on constitutionalism and human rights;
- vi. The Institute of Judicial Administration for training of court administrators and continuing judicial education of magistrates and judges has been established at Lushoto by Act of Parliament;
- vii. The system for recruitment and appointment of magistrates and judges has been reviewed and improved;
- viii. Committees of judicial ethics have been established at the national and zonal levels; and

- ix. Computerization of the judiciary has been initiated at the court of Appeal and the High Court in Dar es Salaam by establishing a local area network system.

The medium term strategy and action plan for legal sector reform is the outcome of a collaborative effort between the institutions of the Bench and the Bar. We in the Judiciary are fully aware that reforms in the Judiciary have to go hand in hand with corresponding reforms in other institutions of the legal sector, otherwise our efforts are bound to fail. Complementary measures of reform in these other institutions are consequently and anxiously awaited. In this context, we in the Judiciary welcome the commitment of the Executive, and particularly the Minister of Justice and Constitutional Affairs and the Attorney General to the reform of the legal sector. We also hail the initiatives by civil society organisations to enhance access of legal services to the poor and disadvantaged communities in or society. Together, we are committed to the legal sector reform in pursuit of a shared vision: ***a system of accessible justice to all.***

F. L. Nyalali  
CHIEF JUSTICE

**INTRODUCTION**  
by  
**The Attorney General,**  
**Honourable Andrew J. Chenge**

The Government's commitment to reform the legal sector dates back to April 1993 when the Government pronounced the establishment of the Legal Sector Reform Task Force constituted of eminent Tanzanians under the chairmanship of the Hon. Mark Bomani. This Task Force did a sterling job. It carried out a comprehensive review of the legal sector and thereby identified the problems and issues within the sector. Further, in its January 1996 report, the Task Force well documented the changes needed to reform the legal sector.

Since then, the Government has embraced virtually all the recommendations of the Task Force, and directed for their implementation. However, there has been rather limited progress in the implementation of these recommendations. The main, but not exclusive, explanation for this lack of progress is the dearth of both local and external financial resources needed to support the implementation of the reform programme.

The Legal Sector Task Force estimated the total investment costs for the reform of the sector at US\$ 286 million. Subsequently, Government and its development partners have indicated that these level of resources will not be made available in the medium term. Therefore, full reform and modernisation of the legal sector must be pursued as a long term goal. In this long term strategic perspective, we are defining a medium term strategy and action plan for the period 2000-2005. This strategy is therefore a road map to the ultimate goal. It is based on a re-assessment of the prospective availability of both domestic and external resources and the capacity of public sector agencies to support the implementation of the reform agenda.

An effectively performing legal system that enjoys public confidence is the bedrock of maintenance of law and order. The on-going restructuring of the public sector has clarified and underpinned that maintenance of law and order is the core of the core roles of the State. In the past, however public institutions in the legal sector have been considerably underprovided in the Government budget. Consequently, the physical infrastructures and facilities in these institutions are awfully inadequate and dilapidated. Even against the background of budgetary constraints, sight should not be lost that investment in the needs of the legal sector must be essentially met by the Government of Tanzania. Government is committed to reverse and rectify the situation.

Andrew J. Chenge  
THE ATTORNEY GENERAL

**PREFATORY REMARKS**  
by  
**The President of the Tanganyika Law Society,**  
**Mr. Evarist H. Mbuya**

The Tanganyika Law Society (TLS) is comparatively a young, small and poorly endowed organisation. Still, it has a vital role to play in promoting the development of quality legal services in the country. We are happy that both those in the Executive Bar and the Judiciary duly acknowledge this role. This was well manifested by enabling the extensive participation of the TLS as an institution and that of many of its members in the work of the Legal Sector Task Force.

The reforms in the legal sector, heralded by the Government's acceptance of the recommendations of the Legal Sector Task Force, are crucial and long overdue. Therefore, TLS hails the measures taken by the Judiciary and the Executive in the past few years to improve the legal framework and administration of justice in the country. However, we are concerned at the relatively slow pace of change. As readily acknowledged by all, we have a long way to go in achieving a truly enabling and modern legal environment in our country.

The reforms in the legal sector come at an opportune moment, as we enter the new millennium. The need to translate the aspirations of our people: to enjoy their fundamental rights while they face the economic challenges of the new millennium, the maintenance of law and order and the consolidation of democratic system of government and the rule of law, are key features of the action plan of the legal sector reform programme, in which all the stakeholders have a role to play. Let us take advantage of the challenges of the new millennium in order to put in place a responsive legal system.

TLS and its members are anxious for the realisation of a vibrant and efficient judicial and legal system in the country. We are committed to play our role in the transformation of the system. Already, to the extent of our limited capacities, we are making our contribution as the TLS. For example, for a number of years, we have been running a fairly successful, although small, programme of legal aid. Furthermore, members of the TLS are also active in several voluntary and civil society organisations, including the Tanzania Women Lawyers Association (TAWLA), The Women's Legal Aid Centre (WLAC) and the Legal and Human Rights Centre.

We urge the Government and the Judiciary to hasten the speed of the legal sector reform. The TLS is committed to playing a positive role in the partnership for legal reform. I pledge the steadfast commitment of the members of the TLS to co-operate and meaningfully contribute in the reform process; in developing legal services in the country, and in enhancing access to these services for the vast majority of our people, especially the rural poor; as well as the sustenance of professionalism and integrity of the legal sector service providers.

Evarist H. Mbuya  
President of the Tanganyika Law Society



# 1. VISION, MISSION AND LONG TERM STRATEGIC PERSPECTIVE

## **Background: Problems and Challenges**

1.1 The Government's commitment to reform the legal sector dates back to April 1993 when the Government pronounced the establishment of the Legal Sector Reform Task Force constituted of eminent Tanzanians under the chairmanship of the Hon. Mark Bomani. This Task Force did a sterling job. It carried out a comprehensive review of the legal sector and thereby identified the problems and issues in the legal and institutional frameworks within the sector. Further, in its January 1996 report, the Task Force well documented the changes needed to reform the legal sector.

1.2 Since then, the Government has accepted virtually all the recommendations of the Task Force, and directed for their implementation. However, there has been rather limited progress in the implementation of these recommendations. The main, but not exclusive, explanation for this lack of progress is the dearth of both local and external financial resources needed to support the implementation of the reform programme. Rather limited support for the programme has been received from the Government, and several donors, including the World Bank, SIDA, USAID and CIDA. The more substantial external support in recent years has been from DANIDA which will soon be widely discernible in the establishment of the Commercial Court division of the High Court. DANIDA has also accepted to support strengthening of the Tanzania Law Reform Commission, the establishment of the Commission of Human Rights and Administrative Justice (CHRAJ) and the establishment of a network for NGOs dealing with legal aid activities.

1.3 Thus, despite this support, the quality of legal services available to the people and other entities in Tanzania remains well below standards in most respects. This state of affairs is reflected in:

- ◆ Inordinate delays in resolving disputes and dispensing justice. In spite of recent efforts to address this problem, there remain large backlogs of both criminal and civil cases in the legal system. Major crimes take more than four years to resolve, and civil cases usually even longer. This is clearly a totally unacceptable situation;
- ◆ There is very limited access to legal services for the majority of the citizens who either lack awareness of their basic rights and the opportunities for judicial redress, or cannot afford the services or do not have confidence in the integrity and fairness of the legal system;
- ◆ Corruption and other unethical conduct of officers in the legal system;
- ◆ The system is in significant ways outdated and has not been responsive to either social, political, economic and technological changes, or increasing resources constraints over the years; and
- ◆ There is limited public trust in the legal system. This situation surfaces from unexplained delays in the disposal of civil and criminal suits and perceived corruption of judicial officers and other law enforcement officers.

1.4 The institutional and resources constraints underlying the problems in the legal sector remain as well elaborated in the report of the Legal Sector Task Force. As paraphrased in the recent technical workshop, these include:

- ◆ A fragmented, excessively bureaucratic and outdated legal and regulatory framework;
- ◆ Weak management and coordination of legal sector institutions;
- ◆ Low competence and morale of public sector legal personnel;
- ◆ Inadequate numbers of professionally trained legal personnel in the country;
- ◆ Constrained independence and low integrity of the judicial system;
- ◆ Ignorance and poverty of the majority of the citizens; and
- ◆ Excessively limited and poorly maintained work environment for all public institutions in the legal sector.

1.5 The legal sector reform initiative must, however, not only address the above problems but also respond urgently and effectively to the challenges of the unfolding national and international social, political, economic and technological trends. These challenges include for example:

- ◆ The changing social culture of the people arising from urbanisation and expanding and intensifying interaction with other cultures. Consequently, for example, there is need for a more dynamic family law;
- ◆ The new pluralistic democratic political environment coupled with the movement towards participatory management of socio-economic development;
- ◆ The expanding and institutionally complex private-sector-led market economy. The legal framework needs to change to facilitate regulation of corporate behaviour, to protect consumer interests, and timely resolution of civil and commercial disputes; and
- ◆ The vast growing electronic commerce. Thus, for example, with many business transactions not requiring the use of ordinary paperwork, the nature of evidence admissible in court needs to be redefined.

1.6 Reform of the legal sector also needs to respond to the on-going rapid transformation of the public sector which is being ushered in by among others, the Public Service Reform and the Local Government Reform programmes. For example, the Public Service Reform Programme (PSRP) is sponsoring the change of the institutional and legal status of the offices of Registrar of Companies in the Ministry of Commerce and Industries and the Administration General in the Ministry of Justice and Constitutional Affairs to quasi-autonomous and largely self-financing "Executive Agencies". Also, the legal sector reform can facilitate the public institutions in the sector to tap into such PSRP initiatives as modernisation of records management and personnel information systems, and a public services improvement programme. The Local Government Reform Programme's goal of decentralisation of public service delivery and promotion participatory development, also reflect a

new political and economic dispensation which is likely to significantly impact on the environment of the legal sector institutions. At the same time, these and other public sector reform programmes have given rise to the need for extensive changes in the legal and regulatory framework. Therefore, the reform programmes should be designed and implemented to reinforce each other.

### **A Shared Vision of the Future**

1.7 In the backdrop of these problems and challenges, Government wishes to share with the people of Tanzania a vision that will inspire and sustain the reform and development of the legal sector in the next century. This vision for the sector is cast within the framework of Tanzania's Development Vision and Long Term Development Strategy (Vision 2025) which, *inter alia*, stipulates the pursuit to develop a society that has the following attributes:

- (i) peace, political stability, national unity and social cohesion;
- (ii) democracy as well as political and social tolerance;
- (iii) good governance, rule of law, integrity and moral uprightness;
- (iv) the highest level of ingenuity, self confidence and self esteem;
- (v) people centred development;
- (vi) economic and social justice;
- (vii) equal opportunity to all citizens to participate in and contribute to the development of the nation, paying attention to minority and disadvantaged groups in society;
- (viii) a strong, diversified, resilient and competitive economy which can effectively cope with the challenges of the development goal and confidently adapt to changing market and technological conditions in the world economy; and
- (ix) sustainable development endeavour on inter-generation equity basis such that future generations benefit from the protection of natural resources of the country by the present generation.

1.8 Our vision of the future legal sector is characterised by:

- ◆ Speedy dispensation of justice;
- ◆ Affordability and access to justice for all social groups;
- ◆ Integrity and professionalism of legal officers;
- ◆ Enhanced independence of the judiciary; and
- ◆ A legal and regulatory framework, and jurisprudence of high standards that are responsive to social, political, economic and technological trends at both national and international levels.

1.9 In pursuit of this vision, the clarion call for all will be:

*TIMELY JUSTICE FOR ALL*

### **Our Shared Mission**

1.10.1 The shared mission of all the institutions in the legal sector must be:

*to support the development of social justice, equality and rule of law through quality and accessible legal services.*

1.11 This mission should be underpinned by shared values in the fraternity of legal officers on the Bench, the Bar, and Executive Agencies, especially the Attorney General Chambers. These values include:

- ◆ fairness;
- ◆ basic human rights;
- ◆ equality and social justice;
- ◆ rule of law; and
- ◆ integrity of legal professionals.

1.12 The following principles will guide our values:

- ◆ inalienability of basic human rights;
- ◆ equality of all before the law;
- ◆ separation of powers;
- ◆ protection of public interest;
- ◆ ethical conduct of legal officers;
- ◆ accessibility and affordability of legal services for all citizens;
- ◆ timely resolution of disputes;
- ◆ efficiency in discharge of functions; and

- ◆ transparency and accountability to the people.

### **Long Term Strategic Perspective**

1.13 The Legal Sector Task force estimated in 1996 the amount needed to effectively reform the sector at US\$ 286 million. Subsequently, a Government Working Group identified the medium term priorities under the reform programme amounting to about US\$ 106 million. It is now however clear that implementation of such a programme is severely constrained, in terms of financial resources and availability of competent legal professionals to achieve all our goals until in the long term. Therefore, it is projected the goals will be substantially achieved in the long term, probably about the second decade of the next century.

1.14 The long term strategic perspective of the legal sector reform is geared to the realisation of the shared vision. In this perspective, furthermore, all sector stakeholders will commit to accomplish the implementation of all the recommendations contained in the report of the Legal Sector Task Force as approved by Cabinet. In the meantime, nonetheless, public legal sector institutions have embarked on various initiatives to ameliorate the situation. The measures introduced to improve the administration of Justice include, for example:

- ◆ introduction of case management committees;
- ◆ individual calendar system;
- ◆ alternative dispute resolution;
- ◆ establishment of a commercial court (with DANIDA support); and
- ◆ establish of zonal and regional judicial ethical committees.

1.15 Still, the need for a comprehensive and inter-agency collaborative approach to achieve effective reform of the sector is well recognised by the stakeholders. It is in this context, therefore, that a medium term strategy and action plan for the period 2000-2005 has been defined. Furthermore, this strategy is based on a re-assessment of the prospective availability of both domestic and external resources and the capacity of public sector agencies to support the implementation of the reform agenda.

## 2. MEDIUM TERM STRATEGY

### Strategic Objectives

2.1 On the basis of a logical framework approach, the strategic objectives of the sector reform programme for the medium term have been defined to be:

- (i) updating and harmonising the legal and regulatory framework;
- (ii) enhancing independence of the judiciary and integrity of legal officers;
- (iii) strengthening the management and coordination of legal sector institutions;
- (iv) enhancing the competence and motivation of personnel in public legal sector institutions;
- (v) improving pre-service training of legal personnel in the country;
- (vi) enhancing access to legal services for the poor and disadvantaged; and
- (vii) developing and maintaining an enabling and conducive work environment for public legal officers.

2.2 Each of the above objectives will be the focus of a component of the sector reform programme's medium term strategy and action plan. In subsequent sections of this report, the outputs and activities planned under each of these components are outlined in a logical framework.

### Key Features of the Strategy

2.3 Key features of the medium term strategy include the following:

- ◆ **Committing Government to enhanced funding of legal sector institutions:** Maintenance of law and order is the core of core functions of Government. It is primarily the *raison d'être* for the existence of the state. It is also therefore *the* central plank of good governance. And upholding the *Rule of Law*, which is the shared mission of the legal sector institutions, is the bedrock for maintenance of law and order in a democratic and liberal society. In this perspective, adequate funding of the operations of public legal sector institutions should be accorded the highest priority in allocation of Government expenditures. In the sector reform strategy, it is planned to petition the Ministry of Finance to significantly increase public funding for the legal sector institutions beginning FY 2000/2001.
- ◆ **Emphasis on relatively low-cost interventions:** Emphasis on low cost interventions in this initial phase of the reform is geared to maximising early impact with the severely limited resources.

- ◆ **Strong inter-agency collaboration:** It is abundantly clear that effective institutional changes and capacity building in the legal sector must move in tandem across all the key institutions in the sector. In this context also, inter-agency collaboration is crucial. This is reflected in the proposed programme implementation arrangements;
- ◆ **Strategic planning by legal sector institutions:** All the legal sector institutions will be required to prepare strategic plans with the twin goals of capacity building and improved service delivery. The strategic planning initiatives will be within the framework of the recently promulgated Public Service Employment and Management Policy, and the performance improvement component of the Public Service Reform Programme. These strategic plans will encompass the implementation of the relevant legal sector reform measures. Already, one legal sector institution, the Law Reform Commission has embarked on a strategic planning exercise; and
- ◆ **Linking and complementing other public sector reform programmes:** Legal sector reform is one of several major public sector reform programmes, including: macro-economic adjustment and privatisation programmes; the Public Service Reform Programme; the Local Government Reform Programme; the Financial Management Reform Programme; the Presidential Anti-Corruption drive; and sector development programmes in social services and infrastructure. The on-going constitutional review process is another reform programme. All these programmes share the overarching goals of enhancing good governance and the living conditions of the people of Tanzania. Moreover, these programmes reinforce each other in many aspects. But there are also the risks of duplication of efforts and moving at cross-purposes in the implementation process. Therefore, it is important to ensure appropriate linkages and complementarity of the reform programmes.

## **Implementation Arrangements**

2.4 In spite of resource constraints the implementation of the reform of the legal sector cannot be delayed any longer. The key stakeholders have determined the imperative to embark on the reform with whatever meagre resources are at their disposal. Mobilising more resources for the development and effective operation of the key legal sector institutions will indeed be part and parcel of this reform initiative.

2.5 To give impetus to the reform initiative, it is considered important to identify those on whom the roles and responsibilities for leadership and management of the implementation task should rest. Specifically, it is proposed that, following due consultations among the key stakeholders:

- ◆ a Legal Sector Reform Steering Committee be constituted. All key legal sector institutions including professional bodies and non-governmental organisations will be represented in this Committee. The Chief Justice will be the Chairman of the Committee, and the Attorney General its Vice-Chairman. The Law Reform Commission will provide the Secretariat to this Committee.
- ◆ inter-agency task forces will be established to spearhead each of the key areas of the reform; viz:

- (i) updating and harmonising the legal and regulatory framework;
  - (ii) enhancing independence of the judiciary and integrity of legal officers;
  - (iii) strengthening the management and co-ordination of legal sector institutions;
  - (iv) enhancing the competence and motivation of personnel in public legal sector institutions;
  - (v) improving pre-service training of legal personnel in the country;
  - (vi) enhancing access to legal services for the poor and disadvantaged; and
  - (vii) developing and maintaining an enabling and conducive work environment for public legal officers.
- ◆ In each of the key legal sector institutions, a specific top officer will be designated to oversee and coordinate the implementation of the reform interventions in the organisation. In other words, there will be officers who will be the focal points for the reform initiative in the following organisations:
    - ◆ the Judiciary;
    - ◆ the Attorney General's Chambers;
    - ◆ the Ministry of Justice and Constitutional Affairs;
    - ◆ the offices of the Registrar of Companies, Societies and Titles;
    - ◆ the Faculty of Law and other legal training institutions;
    - ◆ the Tanganyika Law Society;
    - ◆ the Law Reform Commission; and
    - ◆ the Permanent Commission of Enquiry.



### **3. UPDATING AND HARMONISING THE LEGAL AND REGULATORY FRAMEWORK**

#### **Overview of Problems and Issues**

3.1 The Legal Sector Task Force elaborated on the context and persuasiveness of the extent to which the Tanzania legal framework is outdated. Firstly, the English law received by colonial legislation has neither been adapted or modified to the circumstances of independent Tanzania, nor changed through any meaningful reform process. Secondly, while customary law is a major component of the current legal framework, it has been difficult to update and reform it because of its relative inaccessibility and the great diversity of its applicable systems.

3.2 Further, with regard to laws and subsidiary legislation introduced over the years, there is a widely shared knowledge and experience that these have been sometimes introduced in a fragmented way and they contradict each other at places.

3.3 The problem of a fragmented legal framework extends to the legislation governing the establishment of legal sector institutions. Thus the Legal Sector Task Force recommended, “the review of the establishment acts of the various legal sector institutions, amending the Constitution and review of Court Procedures and regulations registry regulations and procedures including the acts governing the operations of the offices of the Registrar of Titles, Companies, Societies, Births, Deaths, Marriages and Trusts”.

3.4 There is also a major problem in the administration of the criminal justice system because of the fragmentation of the roles, responsibilities, authority and functions between the Director of Public Prosecutions (DPP) in the Attorney General Chambers (AGC) and the Department of Police in the Ministry of Home Affairs. As the Legal Sector Task Force observed, while theoretically the DPP’s statutory owners of supervising all public prosecutions imply authority to review the adequacy of criminal investigations for purposes of criminal prosecutions, translating that into practice is sometimes beset by bureaucratic difficulties and practical constraints. Moreover, since the DPP has no physical representation in most regions, and all districts, the functions of public prosecution are carried out by the police with limited supervision or direction by the DPP. Therefore, the Legal Task Force recommended:

- (a) a unified prosecution system under the overall direction of the DPP; and
- (b) a separation of the prosecution from the investigative functions.

#### **Medium Term Reform Strategy and Action Plan**

3.5 To update and harmonise the legal framework in the context of the problems and issues outlined above, it is proposed for the medium term that:

- ◆ While the intricate aspects of law reform remain the mandate and responsibility of the Tanzania Law Reform Commission, there are other institutional issues identified by the Task Force which need to be addressed with the support of the Attorney General’s Chambers. As recommended by the Legal Sector Task Force, the Law Reform Commission will be

strengthened so that it can discharge its mandate more effectively. DANIDA has commenced to provide capacity building support to the Commission.

- ◆ An inter-agency task team is constituted to spearhead:
  - (a) separation of the prosecution from the investigative functions;
  - (b) the unification of the public prosecution system; and
  - (c) the less intricate and readily apparent need for the harmonisation of laws, rules and regulations.

3.5 The medium term strategy and action plan for the updating and harmonisation of the legal framework is presented in a logical framework in **Chart 3.1**. The total costs, estimated at about US\$ 5,165,000 are itemised in **Table 3.1** which follows the chart.

**CHART 3.1 UPDATING AND HARMONISING LEGAL FRAMEWORK**

NARRATIVE SUMMARY	INDICATORS AND TARGETS	DATA SOURCES/MEANS OF VERIFICATION	MAJOR ASSUMPTIONS
<p><b>DEVELOPMENT OBJECTIVE:</b></p> <p>To update and harmonize the Legal and Regulatory Framework.</p>	<ol style="list-style-type: none"> <li>1. New legal and regulatory framework in place by 2002.</li> <li>2. Prosecution Regional Courts to be State Attorneys (not police) by 2005.</li> </ol>	<ul style="list-style-type: none"> <li>◆ Government Gazette.</li> <li>◆ Reform Programme reports.</li> <li>◆ Reports by the Law Reform Commission.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Sustained Government commitment and drive for enhancing good governance.</li> <li>◆ Cooperation of the concerned organizations including AGC, POLICE &amp; PCB.</li> <li>◆ Cabinet and parliamentary approval for changes.</li> </ul>
<p><b>OUTPUTS:</b></p> <ol style="list-style-type: none"> <li>1. Separation of prosecution and investigative functions.</li> <li>2. Revised establishment acts of the various legal sector institutions.</li> <li>3. Unified prosecution systems under the overall direction of the DPP.</li> <li>4. A legal and regulatory framework and jurisprudence of high standards responsive to social, political, economical and technological trends at both national and international levels.</li> <li>5. A strengthened Law Reform</li> </ol>	<ol style="list-style-type: none"> <li>1. AG's offices established in regions and districts and State Attorneys to carry out all prosecutions in the Regional Courts by 2005.</li> <li>2. A provision in the Criminal Procedure Act 1985 to empower the DPP to seek any relevant information necessary for the performance of his duties from any</li> </ol>	<ul style="list-style-type: none"> <li>◆ Government Gazette.</li> <li>◆ Published bills and acts of Parliament.</li> <li>◆ Official circulars.</li> <li>◆ Reform programme reports</li> </ul>	<ul style="list-style-type: none"> <li>◆ As above.</li> <li>◆ Successful implementation of the DANIDA – sponsored project to strengthen the Law Reform Commission.</li> <li>◆ More effective collaboration between AGC and the Law Reform Commission to effect new</li> </ul>

NARRATIVE SUMMARY	INDICATORS AND TARGETS	DATA SOURCES/MEANS OF VERIFICATION	MAJOR ASSUMPTIONS
<p>Commission:</p> <ul style="list-style-type: none"> <li>• Increased and professional review and research capacity;</li> <li>• Sufficient and suitable office space and facilities;</li> <li>• Increased human resource capacity; and</li> <li>• Increased capacity to raise public awareness and promote legal literacy.</li> </ul> <p>6. Regular changes as necessary in the legal and regulatory framework.</p>	<p>person, office or institution.</p> <ol style="list-style-type: none"> <li>3. DPP vested with statutory powers under the Police Force Ordinance to order investigation on further investigation of any case.</li> <li>4. A provision in the Police Force Ordinance to empower the DPP to call for any file from the police for his perusal.</li> <li>5. Relevant laws passed by Parliament on the changes.</li> <li>6. DPP withdraws the authority to prosecute from other agencies.</li> </ol>		<p>legislation.</p>
<p><b>ACTIVITIES:</b></p> <ol style="list-style-type: none"> <li>1. Constitute and mobilize an inter-agency ministerial task team to plan and implement for separation of prosecution and investigative functions, and unified prosecution system. Also, revisit reasons that led to DPP to delegate some of his prosecutorial powers to various agencies.</li> <li>2. Obtain the AG's and Cabinet approval of the recommendations of the task team.</li> <li>3. Sensitise the public and the police on the anticipated changes through stakeholders fora (workshops, seminars, etc.)</li> <li>4. Implement the above recommendations, beginning with the regions in 2002-2005.</li> </ol>	<ol style="list-style-type: none"> <li>1. A task team established and working on the issue by June 2000.</li> <li>2. Implementation of the recommendations instructed by AG.</li> <li>3. Sensitisation workshops/seminars conducted at least in every of the 20 regions by June 2002.</li> <li>4. AG's offices established in all regions by 2005 and prosecutions to be by State Attorneys instead of police.</li> <li>5. A detailed report on the results of a comprehensive review by July 2001.</li> <li>6. Cabinet approved circulars and bills to revise the acts, by</li> </ol>	<ul style="list-style-type: none"> <li>◆ Government Gazette and draft Bills.</li> <li>◆ Parliamentary reports (the Hansard)</li> <li>◆ Programme progress reports.</li> <li>◆ Court reports</li> <li>◆ Minutes of meetings of implementation and monitoring and evaluation teams.</li> </ul>	<p>As above</p>

NARRATIVE SUMMARY	INDICATORS AND TARGETS	DATA SOURCES/MEANS OF VERIFICATION	MAJOR ASSUMPTIONS
<p>5. Review comprehensively the current legal and regulatory framework with reference to changes in the socio-economic and political developments. In the same context also review the acts that establish the various legal sector institutions.</p> <p>6. Obtain Cabinet approval of changes in legal and regulatory framework including draft bills.</p> <p>7. Inform, educate and train personnel in the changed legal and regulatory framework through publications, workshops, seminars, etc.</p> <p>8. Implement changes.</p> <p>9. Support and strengthen the operations of the Tanzania Law Reform Commission as per action plan agreed with DANIDA, (in two phases).</p>	<p>December 2000.</p> <p>7. Publications, workshops/seminars conducted to inform and educate and train personnel on changes in 2003.</p> <p>8. New legislation and subsidiary legislation to effect changes -- by July 2003.</p> <p>9. Progressive (year-to-year) improvement in the scope, volume and quality of reports by the Law Reform Commission.</p> <p>10. New Acts of Parliament legislation to implement recommendations of the Reform Commission.</p>		

**Table 3.1: COSTS ESTIMATES AND BUDGET FOR UPDATING AND HARMONISING THE LEGAL FRAMEWORK  
(AMOUNT IN US\$ 000s)**

ACTIVITY	YEARS					TOTAL
	1	2	3	4	5	
<b>(a) Unifying and Streamlining the Prosecution System</b>						
Task team costs (provisional sum)	120.00	120.00	60.00	-	-	300.00
Technical Assistance/Consultancies/Training	120.00	120.00	60.00	-	-	300.00
Equiping and furnishing regional & zonal offices	-	-	250.00	500.00	1,000.00	1,750.00
<b>Sub-Total</b>	<b>240.00</b>	<b>240.00</b>	<b>370.00</b>	<b>500.00</b>	<b>1,000.00</b>	<b>2,350.00</b>
<b>(b) Strengthening the Law Reform Commission</b>						
Management capacity, training and evaluation	280.00	100.00	50.00	50.00	50.00	530.00
Research and review	200.00	70.00	70.00	70.00	70.00	480.00
Office facilities	145.00	20.00	20.00	20.00	20.00	225.00
Publicity	45.00	30.00	30.00	30.00	30.00	165.00
<b>Sub-Total</b>	<b>670.00</b>	<b>220.00</b>	<b>170.00</b>	<b>170.00</b>	<b>170.00</b>	<b>1,400.00</b>
<b>TOTAL</b>	<b>910.00</b>	<b>460.00</b>	<b>540.00</b>	<b>670.00</b>	<b>1,170.00</b>	<b>3,750.00</b>

## 4. STRENGTHENING MANAGEMENT AND COORDINATION

### Overview of Problems and Issues

4.1 The constitutional framework of separation of powers is a crucial control in safeguarding the integrity of the judicial processes. In that framework, nonetheless, it is imperative that the various institutions that work independently including the Bench, the Bar, the AG's Chambers, the Ministry of Justice and Constitutional Affairs operate with some modicum of coordination if acceptable standards of efficiency and effectiveness are to be maintained in the system of justice.<sup>1</sup> But in such an institutional framework, there is necessarily an ambiguity of the overall leadership and management of the sector and its systems of service delivery. This poses significant issues on how to ensure effective coordination of the activities of the sector institutions without the risk of undue interference and compromising the independence of the institutions. Yet, without effective coordination, as perceived to be the case currently, it will be difficult to realise a major improvement in the quality of legal services in the country<sup>2</sup>. Therefore, the technical working group on the sector reform medium term strategy has identified weak coordination of sector institutions as one of the problems that underlay the poor performance of the institutions in the delivery of legal services.

4.2 Further, it is apparent that given the severe resource constraints under which the public sector legal institutions have been operating over the past two or three decades, the management of these institutions has not been proactive and strategic in addressing the causes of the poor quality of legal services. In fairness though, the managers of these institutions (judges, magistrates and attorneys) as it is the case for most public sector institutions, have not previously benefited from any significant management training. At the same time, on top of a heavy workload in their professional functions, they often have been burdened with excessive administrative chores.

4.3 At the lower (regional, district and sub-district) level the weak management of the legal sector institutions is underpinned by the absence of a system of effective supervision of magistrates, attorneys, and prosecutors. The main explanation for this is lack of transport to enable senior officers to travel on supervisory missions to the regions, districts and the sub-districts.

4.4 The problems of weak co-ordination and management of the sector institutions are exacerbated by the absence of a reliable management information system. Such a system would facilitate the sharing of data and information that indicate the performance standards and trends in the delivery of legal services.

### Medium Term Strategy and Action Plan

4.5 The medium term strategy and action plan for strengthening management and coordination of legal sector institutions is presented in a logical framework as **Chart 4.1**. In brief, the key features of the strategy include:

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<sup>1</sup> The Council for legal education is the only existing formal inter-agency coordination mechanism in the sector, but even with its narrow mandate, its performance has been below expectations.

<sup>2</sup> Such coordination mechanism will facilitate the exchange of ideas, sharing problems and solutions to sector wide management issues.

- ◆ Introducing a formal institutional mechanism through which the key stakeholders in the sector institutions will regularly address the problems and issues facing the sector. This builds on the experience already gained with the recently introduced case flow management committees.
- ◆ Training the senior executives in the sector in strategic and results-oriented management practices. These executives would also be trained in change management skills with particular focus on the need to ensure effective implementation of this sector reform programme.
- ◆ Reducing the administrative chores for the judicial officers and attorneys in the public sector legal institutions. This will be achieved through: (a) in-service training of the existing administrative support staff; and (b) recruitment of more and better qualified administrative support staff.
- ◆ Introducing strategic planning and performance improvement practices currently being piloted in public sector agencies under the Public Service Reform Programme. This initiatives will be linked to the Ministry of Finance initiatives in Medium Term Expenditure Framework and Performance Budgeting. Through this, the public sector legal institutions will articulate their claims for rightful share of public expenditure allocations.
- ◆ Designing and implementing an integrated and modern management information system with shared databases for the key sector institutions. This will however be preceded by improvements of the existing systems.
- ◆ Ensuring an effective system for supervision of the administration of justice in the regional, district and primary courts. For this purpose, first, the system and procedures for systematic regular efficient and effective supervision of magistrates and State Attorneys will be defined and documented. Second, vehicles will be procured for every zonal regional and district office to facilitate travel by the zonal, regional and district supervising judges and magistrates. Third, there will be adequate funding by Government of the operational and maintenance expenditures of the public legal sector institutions.

4.6 The costs and budget for the implementation of the medium term strategy, estimated at a total of US\$ 8,750,000 are itemised in **Table 4.1**.

**CHART 4.1: STRENGTHENING MANAGEMENT AND CO-ORDINATION**

NARRATIVE SUMMARY	INDICATORS AND TARGETS	DATA SOURCES (MEANS OF VERIFICATION)	IMPORTANT ASSUMPTIONS
<p><b>DEVELOPMENT OBJECTIVE:</b></p> <p>Strengthen management and coordination of the legal sector institutions.</p>	<ol style="list-style-type: none"> <li>1. Backlog of court cases eliminated.</li> <li>2. Reduced average time of court processes for the various categories of cases:</li> <li>3. Reduced numbers in remand prisons.</li> </ol>	<ul style="list-style-type: none"> <li>◆ Official files/correspondence.</li> <li>◆ The mass media on performance of the legal system.</li> <li>◆ Surveys on the judicial services.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Ministry of Finance to categorise sector as a priority for public expenditure allocation.</li> </ul>
<p><b>OUTPUTS:</b></p> <ol style="list-style-type: none"> <li>1. A Sector Institutions Coordination mechanism put in place.</li> <li>2. Clear and transparent management set up and institutional relationships, with areas of overlap removed and administrative set-up streamlined (as envisaged in the Task Force report).</li> <li>3. Strategic and performance improvement plans developed and implemented by legal sector institutions in accordance with the Public Sector Reform Programme.</li> <li>4. Executives of the legal sector institutions, trained in management and administrative skills.</li> <li>5. Enhanced administrative/management support for the legal sector institutions.</li> <li>6. Improved and modern management information system for the key sector institutions.</li> <li>7. Improved funding of operational and maintenance costs in the establishments of the Judiciary and the Ministry.</li> <li>8. Improved supervision of public sector legal service providers in the regional, district and primary courts (i.e. magistrates and State Attorneys).</li> </ol>	<ol style="list-style-type: none"> <li>1. Report on review of coordination issues in the sector.</li> <li>2. Regularity of formal meetings between top executives of the key sector institutions (Chief Justice, Attorney General, DPP, Commissioner of Police etc.) At least once every 3 months, plus an annual conference.</li> <li>3. Changes in institutional arrangements introduced by July 2001.</li> <li>4. Strategic plans and medium term and annual service improvement targets developed for all key institutions by FY 2001/02.</li> <li>5. Reduced time spent by judicial and legal officers on administrative routines.</li> <li>6. Modern MIS designed by FY 2001/02 and implemented in FYs 2003/2005.</li> <li>7. Improved funding of operational and maintenance costs in the establishments of the Judiciary and the Ministry.</li> <li>8. Increased supervision visits to zones regions and districts by more senior officers</li> <li>9. Reduced cases of indiscipline and unethical conduct by legal service providers (particularly magistrates and State Attorneys).</li> </ol>	<p>As above</p> <ul style="list-style-type: none"> <li>◆ Official files/correspondence.</li> <li>◆ Minutes of meetings.</li> <li>◆ Official circulars and memos.</li> <li>◆ Ministry of Finance Public Expenditure Reviews</li> </ul>	<p>As above</p> <ul style="list-style-type: none"> <li>◆ Support by Civil Service Department in implementation of improved staffing planning and management systems and practices.</li> </ul>



NARRATIVE SUMMARY	INDICATORS AND TARGETS	DATA SOURCES (MEANS OF VERIFICATION)	IMPORTANT ASSUMPTIONS
<p style="text-align: center;"><b>ACTIVITIES</b></p> <p>1(a) Constitute a sectoral task team to carry out review of coordination issues in the sector and recommend improved coordination mechanisms.</p> <p>(b) Obtain approval of key stakeholders (including Ministers, Chief Justice, AG and Deputy AG); and implement the review team's recommendations.</p> <p>2. Review and plan the implementation of the new administrative arrangement in the Judiciary and AG Chambers on the basis of the recommendations in the Legal Sector Task Force report.</p> <p>3. Introduce strategic planning and management practices in the legal sector institutions within the framework of the Public Service Reform Programme.</p> <p>4. Develop and implement training programmes for all legal sector personnel as follows:</p> <ul style="list-style-type: none"> <li>• Strategic and change management for senior to top executives;</li> <li>• Management skills for all middle grade professionals;</li> <li>• Supervisory skills for administrative personnel and primary court magistrates; and</li> <li>• Records management and computer skills for relevant personnel.</li> </ul> <p>5. Recruit and train for improved administrative support in the Judiciary.</p> <p>6. Design and implement improved management information systems for the key sector institutions (including shared databases).</p> <p>7. Procure vehicles for supervision functions at zonal, regional and district levels.</p>	<ol style="list-style-type: none"> <li>1. Presentation of the interministerial review report by June 2000.</li> <li>2. Coordination mechanism promulgated by December 2000.</li> <li>3. Implementation of the new coordination mechanism commenced by 2001.</li> <li>4. A comprehensive training programme accepted by Attorney General and Chief Justice by December 2000.</li> <li>5. At least 50 personnel to receive a minimum of one week training each successive year.</li> <li>6. At least 100 personnel to receive supervisory training of at least a week each year.</li> <li>7. Relevant training for at least 100 personnel per year.</li> <li>8. Detailed implementation for new administrative arrangements. Plans ready by December 2000.</li> <li>9. Implementation of new administrative arrangements commenced by January 2001 and substantially completed by July 2005.</li> <li>10. At least 20 districts catered for with transport facilities for supervision in each successive year beginning FY 2001/2.</li> <li>11. The performance improvement model (PIM) of the Public Service</li> </ol>	<ul style="list-style-type: none"> <li>◆ Programme implementation progress reports.</li> <li>◆ Strategic Plans and implementation progress reports by the legal sector institutions.</li> <li>◆ Governments budget books (printed estimates).</li> </ul>	<ul style="list-style-type: none"> <li>◆ Support by the Civil Service Department (CSD) in the implementation of the Performance Improvement Model (PIM)</li> </ul>

NARRATIVE SUMMARY	INDICATORS AND TARGETS	DATA SOURCES (MEANS OF VERIFICATION)	IMPORTANT ASSUMPTIONS
	<p>Reform Programme launched in all public legal sector institutions by 2001/2002.</p> <p>12. Improved transport budget for the Judiciary and AG Chambers beginning FY 2001/2.</p> <p>13. Administrative cadre in the judiciary with more graduate level executives by FY 2001/2.</p> <p>14. Technical Assistance/ Consultants contracted for, Management Information System (MIS) design and implementation supported by July 2002.</p> <p>15. IT hardware and software for MIS procured and installed beginning FY July 2003.</p>		

**Table 4.1: COSTS ESTIMATES AND BUDGET-STRENGTHENING MANAGEMENT AND COORDINATION**

**(AMOUNT IN US\$ 000s)**

INSTITUTION/DEPARTMENT	YEARS					TOTAL
	1	2	3	4	5	
<b>1</b> Management Skills Training	100.00	250.00	200.00	200.00	200.00	950.00
<b>2</b> Supervisory Skills Training	100.00	250.00	300.00	200.00	100.00	950.00
<b>3</b> Consultancies/Technical Assistance on Performance Management System	100.00	200.00	100.00	-	-	400.00
<b>4</b> Vehicles for Supervision Services	-	750.00	750.00	750.00	750.00	3,000.00
<b>5</b> Management Information Systems						
(a) Improvements on current system	50.00	150.00	-	-	-	200.00
(b) Installation of modern Management Information System	-	300.00	500.00	1,000.00	1,500.00	3,300.00
<b>Total</b>	<b>350.00</b>	<b>1,900.00</b>	<b>1,850.00</b>	<b>2,150.00</b>	<b>2,550.00</b>	<b>8,800.00</b>

## 5. ENHANCING COMPETENCE AND MOTIVATION OF PERSONNEL

### Overview of Problems and Issues

5.1 Law salaries and other employment benefits are key factor in the low morale and poor performance of the judicial and other legal offices in the country. The Legal Sector Task Force observed that “the conditions of service in Tanzania’s legal sector can justifiably be characterised as depressing”. Further, the Task Force compared the compensation of judicial officers in Tanzania with those in Uganda, Zimbabwe, Seychelles and Kenya to make the important point that “the remuneration of the Judiciary is extremely poor and is not commensurate with the important role played by members of that key institution in a modern democracy”. Also pertinent was the observation by the Task Force that lawyers who are public officers fare badly even in comparison with other public servants in Tanzania because they are not graded as rare professionals (as in the case with doctors, engineers, accountants, etc.).

5.2 It is anticipated that the issues of grading and pay for the judicial officers and lawyers serving in the public service will be addressed in the medium term through the on-going pay reform initiative under the Public Service Reform Programme. In this initiative, it is planned that there will be rapid enhancement of pay for professionals in the public service. Also, as part of this reform, there is an on-going evaluation and regarding of jobs in the public service. However, considering the biased low grading of legal professionals in the public service in the past, it will be important that the sector reform programme takes specific actions to rectify the situation.

5.3 Besides remuneration, the competence and motivation of personnel in the legal sector, especially the professionals, is also significantly been undermined by a number of other factors including:

- ◆ poor pre-service training (see Chapter 7) that denies the professionals some critical basic knowledge. This is particularly the case with regard to specialist knowledge and skills. Thus, for example, the weakness in teaching of commercial law at the University of Dar-es-Salaam (UDSM) ill-equips the lawyers for careers in this field;
- ◆ very weak human resources management systems and practices in the public legal sector institutions. The problems in this area are exacerbated by excessive political considerations, patronage and other non-meritocratic practices in staff appointments;
- ◆ poor work conditions, with dearth of such basic facilities as stationery, furniture and office equipment; and
- ◆ physical insecurity felt by judicial officers and state attorneys because of poor location of residences and lack of proper means of travel to and from duty.

## Medium Term Strategy and Action Plan

5.4 The medium term strategy enhancing the competence and motivation of personnel in the public legal sector institutions is presented in **Chart 5.1**. The key outputs of the strategy's action plan include:

- ◆ new job gradings, schemes of service and pay levels for the legal professionals in the legal sector public institutions. This objective will be pursued in the context of the on-going public service job evaluation and regrading exercise under the Public Service Reform Programme.
- ◆ personnel with requisite and specialist skills. This implies a strong in-service training programme for the legal professionals. The training will broadly focus in three areas:
  - (a) induction training for recent and all new recruits;
  - (b) continuing education and refresher course; and
  - (c) training in specialist skills, such as commercial law, arbitration, legislative drafting, corporate law international crime, etc.
- ◆ improved management system personnel incorporating meritocratic practices for appointments of personnel in the public legal sector institutions. There is a newly promulgated Public Service Employment and Management Policy that stipulates for meritocracy for all public service appointments in future. The constitutional review process also suggests curtailing the involvement of the executive political leadership in appointments to the Judiciary. The initiatives to improve personnel management system and practices should be developed in this context.
- ◆ security of accommodation and travel for magistrates and state attorneys. There are no obvious solutions to this problem posed by insecure accommodation and travel by magistrates and state attorneys. For now, it is proposed to undertake a comprehensive review of the issue and present to Government some cost-effective and feasible options on how the issue should be addressed in the medium to long term.
- ◆ improved work environment for the personnel. Four specific measures are proposed to progressively improve the work environment in the offices of judicial offices and state attorneys:
  - (a) improve supply of work materials and tools (including supply of office equipment);
  - (b) enhance the legal registries;
  - (c) improve stocking and management of libraries; and
  - (d) extend automation of evidence recording.
- ◆ a retention scheme for fees (non-fine) revenue collected by legal sector public institutions. Already, the Registrar of Companies has been permitted by the Ministry of Finance to operate such a retention scheme. It is proposed to extend this to other institutions. However, the retention scheme would not be appropriate for court fines because of the high risk that the judiciary could be misconstrued to impose excessive fines to enhance its revenues from the retention scheme.

5.5 The total costs for the implementation of this component, as itemised in **Table 5.1**, are estimated at US\$ 6,475,000.

**Chart 5.1: ENHANCING COMPETENCE AND MOTIVATION OF PERSONNEL**

<b>NARRATIVE SUMMARY</b>	<b>INDICATORS AND TARGETS</b>	<b>DATA (MEANS OF VERIFICATION) SOURCES</b>	<b>IMPORTANT ASSUMPTIONS</b>
<p><b>DEVELOPMENT OBJECTIVE:</b></p> <p>Enhanced competence and motivation of personnel in public legal sector institutions.</p>	<ol style="list-style-type: none"> <li>1. Speedy throughput of cases in the judicial process, and reduction in backlog of court cases.</li> <li>2. Declining cases of corruption and other public complaints against personnel.</li> <li>3. Timely circulation of judgements and decisions.</li> <li>4. Improved quality of prosecutions and judgements as reflected in supervision reports.</li> <li>5. Personnel with higher level of job satisfaction.</li> </ol>	<ol style="list-style-type: none"> <li>1. Monthly case reports.</li> <li>2. Caseload management reports.</li> <li>3. Mass media reports.</li> <li>4. Circulated High Court or Court of Appeal judgements and rulings.</li> <li>5. Court and AG's Chambers case evaluation reports.</li> <li>6. Surveys of personnel.</li> </ol>	<ul style="list-style-type: none"> <li>◆ Government changes in grading schemes of services and improved pay and work conditions.</li> <li>◆ New and positive attitude of employees in responsive to improved pay and work performance.</li> <li>◆ Executive supports enhancing meritocracy in appointments of the top executives in Judiciary and the AG chambers.</li> </ul>
<p><b>OUTPUTS:</b></p> <ol style="list-style-type: none"> <li>1. Revised job gradings and scheme of service, and pay levels for personnel.</li> <li>2. Adequate number of personnel with requisite professional and specialist skills.</li> <li>3. Improved personnel management systems, with meritocratic practices for appointments of personnel in the legal sector institutions.</li> <li>4. Improved security of accommodation and travel for magistrates and state attorneys.</li> <li>5. Improved work environment for the personnel: <ul style="list-style-type: none"> <li>• Adequate work materials and tools;</li> <li>• More efficient registries;</li> <li>• Access to necessary library references;</li> <li>• Automation of court recording system.</li> </ul> </li> <li>6. A retention scheme for fees (non- fine) revenue collections by the legal sector institutions.</li> </ol>	<ol style="list-style-type: none"> <li>1. Reduced vacancy levels in the public legal sector institutions.</li> <li>2. Decrease in specialist and experienced personnel exodus from public to private sector.</li> <li>3. Increased proportion of personnel with specialised skills.</li> <li>4. New staff appointments and staff appraisal procedures documented.</li> <li>5. Increasing proportion of staff expressing job satisfaction.</li> </ol>	<ol style="list-style-type: none"> <li>1. As above</li> <li>2. Personnel records</li> <li>3. Personnel performance reports</li> </ol>	<p>As above</p>
<p><b>ACTIVITIES:</b></p> <ol style="list-style-type: none"> <li>1. Undertake a comprehensive</li> </ol>	<ol style="list-style-type: none"> <li>1. Report on the comprehensive review of</li> </ol>	<ol style="list-style-type: none"> <li>1. Printed estimates of</li> </ol>	<p>As above.</p>

NARRATIVE SUMMARY	INDICATORS AND TARGETS	DATA (MEANS OF VERIFICATION) SOURCES	IMPORTANT ASSUMPTIONS
<p>review of job grades, schemes of service and pay levels for legal professionals and make recommendations for changes to Government.</p> <p>2. Develop and implement a comprehensive training programme for in-service personnel focusing on the following:</p> <p>(a) Induction training;</p> <p>(b) Continuing education and refresher courses; and</p> <p>(c) Specialist training (e.g., commercial laws, arbitration, legislative drafting, civil litigation negotiation skills, corporate law, international crimes, etc.</p> <p>3. Specific improvements in personnel management system and practices to include:</p> <p>(a) review system and practices of appointment of judicial staff to be on merit.</p> <p>(b) a system for objective performance appraisal for officers in the AG's Chambers and Judiciary.</p> <p>4. Study strategies and options for cost-effective improved security of accommodation and travel of magistrates and state attorneys in the zonal, regional, district and primary courts and make recommendations to Government.</p> <p>5. Improve the availability of work materials and facilities for the personnel. Specifically:</p> <p>(a) supply offices with computers, photocopies, and basic furniture;</p> <p>(b) define and implement improvements in the legal registries;</p> <p>(c) review and improve stocking and operations of the legal libraries; and</p> <p>(d) gradually extend automation of evidence recording in courts beyond the high court</p>	<p>job grading schemes of service and pay levels completed.</p> <p>2. Progressive enhancement of pay so that remuneration package for sector professionals is comparable with private sector personnel by 2004.</p> <p>3. New gradings and schemes of services by July 2001.</p> <p>4. Documentation of new system and procedures for appointments and promotion for legal professionals in the Judiciary.</p> <p>5. New equipment, and law reference books supplied to headquarters and all zonal and regional offices by 2005.</p> <p>6. Proposals for improving security of accommodation and travel for magistrates and state attorneys presented to Government by June 2001.</p> <p>7. Proposals for retention scheme presented to MOF by March 2000.</p>	<p>Government budget.</p> <p>2. Mass media for advertisements on staff recruitment.</p> <p>3. Official records and reports of the Judicial Service Commission and the Public Service Commission.</p> <p>16. Staff circulars.</p>	

NARRATIVE SUMMARY	INDICATORS AND TARGETS	DATA (MEANS OF VERIFICATION) SOURCES	IMPORTANT ASSUMPTIONS
<p>in Dar es Salaam.</p> <p>6. Study the scope, strategies and administrative modalities for retention scheme. Then propose to the Ministry of Finance for enhanced budget and a retention scheme covering non-fine (fees) charges by legal sector institutions.</p> <p>7. Conduct regular surveys on performance and morale of personnel.</p>			



TABLE 5.1: COSTS ESTIMATES AND BUDGET-ENHANCING COMPETENCE AND MOTIVATION OF PERSONNEL

(IN US\$ 000s)

	YEARS					TOTAL
	1	2	3	4	5	
1 Revision of job gradings, scheme of service and pay levels for personnel.	100.00	150.00	50.00	50.00	50.00	400.00
2 Training in specialist skills						
- Judiciary	100.00	100.00	100.00	100.00	100.00	500.00
- AG Chambers	100.00	100.00	100.00	100.00	100.00	500.00
3 Refresher courses / continuing education	50.00	100.00	100.00	200.00	200.00	650.00
4 Improving personnel management system and practices	75.00	100.00	50.00	25.00	25.00	275.00
5 Revision of accomodation and security of magistrates and state attorneys	-	75.00	75.00	-	-	150.00
6 Improved work environment:						
- work materials and tools	-	100.00	100.00	100.00	100.00	400.00
- legal registries	50.00	100.00	200.00	200.00	200.00	750.00
- libraries	100.00	500.00	750.00	250.00	250.00	1,850.00
- automation of evidence recording system	100.00	200.00	200.00	200.00	200.00	900.00
7 Developing proposals and defining administrative system and procedures for the retention scheme	40.00	60.00	-	-	-	100.00
<b>Total</b>	<b>715.00</b>	<b>1,585.00</b>	<b>1,725.00</b>	<b>1,225.00</b>	<b>1,225.00</b>	<b>6,475.00</b>

## 6. ENHANCING INDEPENDENCE OF THE JUDICIARY AND INTEGRITY OF PERSONNEL

### Overview of Problems and Issues

6.1 The institutions and professionals in legal services sector have been stigmatised by widespread accusations of corruption and much publicised cases of unethical conduct by judicial officers. The 1996 report of the Presidential Commission of Enquiry into Corruption (Warioba Report) gave credence to these accusations. It is also the case that the Legal Sector Task Force alluded to the erosion of the independence of the Judiciary and the integrity of judicial and law officers. This situation is exacerbated by the poor remuneration of the officers, which adversely affect their morale.

6.2 The Technical Working Group on the medium term strategy observed that, besides poor pay, the independence of the judiciary and integrity of personnel in the public legal sector institutions is also caused or abated by:

- ◆ ambiguities in the system of discipline and sanctions for those who breach the independence of the judiciary. In this regard it is also observed that there is undue political and administrative interferences with judicial processes.
- ◆ red-tape built around rules, regulations, procedures and practices in the administration of justice. This red-tape in turn abates corrupt practices.
- ◆ an absence of clear obligations for transparency and accountability to the public. Furthermore, judicial processes remain incomprehensible and non transparent to the vast majority of citizens.
- ◆ failure by officers to adhere strictly to professional ethics. In response to this situation, regional and district judicial boards have recently been introduced. Nonetheless, more and sustained efforts are needed to achieve the desired degree of integrity among the judicial and legal officers.
- ◆ dependency of the judiciary on other Government departments for basic operational facilities, administrative support and funding. In this context, for example, it was observed that the Judicial Service Commission is dependent on the Civil Service Commission for administrative support.

6.3 It was further observed that the institutions previously established by Government to safeguard the basic rights of the citizens and combat corruption and other unethical conduct in public institutions (in particular the Permanent Commission of Enquiry, and the Prevention of Corruption Bureau) have not been particularly effective. At the same time, it was noted that the Presidential led initiative to strengthen the Prevention of Corruption Bureau (PCB) and combat corruption did not need to be seen to be part of the Legal Sector Reform Programme. However, the success of this initiative was an important assumption in defining the strategy for enhancing integrity of the legal sector personnel.

## Medium Term Strategy and Action Plan

6.4 The medium term strategy and action plan to enhance the independence of the judiciary and the integrity of personnel in the legal sector institutions are presented in a logical framework in **chart 6.1**. The thrust of the strategy entails measures to achieve the following:

- ◆ Establishing a fully independent Judicial Service Commission. This will mean: (i) establishing a secretariat for the commission separate from that of the civil service, and (ii) defining a budget and funding mechanism that ensures the commission's equitable claim on public expenditure without undue interference by agencies in the Executive Branch of Government.
- ◆ Ensuring that the various legal sector public institutions, e.g., the Attorney General, DPP, Registrar of Companies, etc. have the authority and power necessary for the effective discharge of their constitutional and statutory roles and mandates.
- ◆ Improving observance of the constitutional principle of separation of powers, among the Legislature, the Judiciary and the Executive. Towards this objective, it will be necessary to: (i) better educate and make aware leaders and the public about the principles of constitutionalism; and (ii) introduce a clear system of discipline and sanctions for non-compliance with the principle of separation of powers.
- ◆ Ensuring that professionals in the legal sector adhere strictly to ethics in their conduct. The reform programme will support measures to inter alia create self-awareness of the importance and imperative to exercise independence of thought and integrity in making professional decisions. Among such measures will be: (i) introducing a code of ethical conduct for the judicial and legal officers in the public service, (ii) keeping record and publishing bulletins of bad and good conduct among the officers, and (iii) introducing merit awards and recognition for exemplary conduct.
- ◆ Introducing more simplified and transparent procedures and practices in the system of administration of justice. A first step in this regard will be to identify what procedures and practices in the judicial processes remain obscure and incomprehensible to the public. The second step will be to identify measures to change the situation.
- ◆ Strengthening the Permanent Commission of Enquiry (PCE). The current constitutional review white paper suggests that the PCE should be transformed to a Commission for Human Rights and Administrative Justice (CHRAJ). Such transformation was also recommended by the Task Force. Pending the outcome of the constitutional review process, DANIDA will support the establishment of the CHRAJ under this reform component.

6.5 The costs and budgets for the implementation of strategy and action plan, estimated at a total of US\$ 3,350,000 are presented in **Table 6.1**.

**Chart 6.1: COMPONENT ENHANCING INDEPENDENCE JUDICIARY AND INTEGRITY OF PERSONNEL**

NARRATIVE SUMMARY	INDICATORS AND TARGETS	DATA SOURCES	IMPORTANT ASSUMPTIONS
<p><b>Development Objective:</b></p> <p>Enhance independence and integrity of the legal sector personnel.</p>	<ol style="list-style-type: none"> <li>1. Meritocracy principles and transparency in appointments.</li> <li>2. Reduced instances of executive and political interference in judicial process.</li> <li>3. Improved public trust in legal sector institutions.</li> <li>4. Cases of corruption and other unethical conduct reduced to minimal level.</li> </ol>	<ol style="list-style-type: none"> <li>1. Reports of the Prevention of Corruption Bureau (PCB).</li> <li>2. Reports of the Permanent Commission of Enquiry (PCE)/(CHIRAJ)</li> <li>3. Mass Media reports on the Judiciary.</li> <li>4. Official records.</li> <li>5. Integrity surveys.</li> </ol>	<ol style="list-style-type: none"> <li>1. Political commitment to the total independence of the judiciary.</li> <li>2. On-going constitutional review process upholds the establishment of the CHIRAJ.</li> </ol>
<p><b>OUTPUTS:</b></p> <ol style="list-style-type: none"> <li>1. A fully independent Judicial Service Commission.</li> <li>2. Enhanced independence, through delegated authority and powers, for other key legal sector institutions.</li> <li>3. A system of discipline and sanctions for non-compliance with the principle of separation of powers.</li> <li>4. Professionals in the legal sector who adhere strictly to ethics.</li> <li>5. Simpler and more transparent procedures and practices in the system of administration of justice.</li> <li>6. A strengthened Permanent Commission of Enquiry (Establishment of Commission for Human Rights and Administrative Justice).</li> </ol>	<ol style="list-style-type: none"> <li>1. New rules and legislation on institutional changes in June 2001.</li> <li>2. Independent secretariat of the Judicial Service Commission in place in July 2002.</li> <li>3. System of discipline and sanctions gazetted by June 2001.</li> <li>4. Sustained reduced public complaints against judicial and legal officers.</li> <li>5. Measures to simplify and enhance transparency promulgated in 2002.</li> <li>6. More strengthened/restructured Permanent Commission of Enquiry/Commission for Human Rights and Administrative Justice in place by July 2002.</li> </ol>	<ol style="list-style-type: none"> <li>1. As above.</li> <li>2. Official Gazette and records.</li> <li>3. Official Gazette and records.</li> <li>4. Changes in the Constitution and relevant legislation.</li> </ol>	<ol style="list-style-type: none"> <li>1. As above.</li> <li>2. Co-operation and collaboration between various agencies - necessary to facilitate the changes.</li> </ol>
<p><b>ACTIVITIES:</b></p> <ol style="list-style-type: none"> <li>1. Establishment of an independent Secretariat for the Judicial Service Commission (JSC).</li> <li>2. Review and amend of existing laws, regulations and practices to accord due independence and facilitate integrity in the operations of all the key legal sector institutions.</li> <li>3. Organise annual programmes</li> </ol>	<ol style="list-style-type: none"> <li>1. Office accommodation, furniture fittings and equipment, and staff for the secretariat of the JSC in place by July 2002.</li> <li>2. Task team and consultant to update rules and regulations appointed by December 2000.</li> <li>3. Level and number of participants in the sensitization seminars.</li> </ol>	<ol style="list-style-type: none"> <li>1. Programme progress reports.</li> <li>2. Workshop/Seminar reports.</li> <li>• Task team(s) reports.</li> </ol>	<p>As above.</p>

NARRATIVE SUMMARY	INDICATORS AND TARGETS	DATA SOURCES	IMPORTANT ASSUMPTIONS
<p>among executives, politicians and the legal sector personnel for the purpose of sensitizing them on the principle of separation of powers.</p> <p>4. Specify and elaborate the framework for observance of the separation of powers, and disciplinary measures or sanctions for non-compliance.</p> <p>5. Improve/update existing ethical rules and regulations within the legal sector, and publicize a code of conduct for judicial and legal officers.</p> <p>6. Define and implement measures for improved supervision and disciplinary machinery with regard to the code of conduct.</p> <p>7. Review judicial processes and procedures to identify opportunities to simplify and enhance transparency for the general public.</p> <p>8. Strengthen the Permanent Commission of Enquiry/support the establishment of CHIRAJ as recommended by the legal sector task force:</p> <ul style="list-style-type: none"> <li>• Establishment of Zonal offices For PCE/CHIRAJ.</li> <li>• Improved staffing and training for PCE/CHIRAJ.</li> <li>• Provision of Equipment to PCE/CHIRAJ.</li> </ul>	<p>4. Task team mobilized to:</p> <p>(a) Specify framework by July 2000;</p> <p>(b) Work on code of ethics; and.</p> <p>(c) Review judicial processes and procedures.</p> <p>5. Vehicles and equipment procured, and staff trained to strengthen PCE/establish CHIRAJ.</p>		

Table 6.1: COSTS ESTIMATES AND BUDGET-ENHANCING INDEPENDENCE OF JUDICIARY AND INTEGRITY

(AMOUNT IN US\$ 000s)

ACTIVITIES	YEARS					TOTAL
	1	2	3	4	5	
1 Executive Seminars/Training	100.00	100.00	100.00	100.00	100.00	500.00
2 Change of Rules and Regulations and Disiplinary Arrangements	50.00	100.00	50.00	40.00	20.00	260.00
3 Establishment of Independent Secretariat for the Judicial Service Commission	200.00	500.00	500.00	20.00	20.00	1,240.00
4 Strenghtening the PCE/ CHRAJ (including equipment)	200.00	500.00	500.00	100.00	50.00	1,350.00
<b>Total</b>	<b>550.00</b>	<b>1,200.00</b>	<b>1,150.00</b>	<b>260.00</b>	<b>190.00</b>	<b>3,350.00</b>

## 7. IMPROVING PRE-SERVICE TRAINING IN THE COUNTRY

### Overview of Problems and Issues

7.1 At the time of the Legal Sector Task Force there was concern that the supply of graduates in the country was low. Since then however, the output from local institutions has more than doubled, following the doubling of intake at the Faculty of Law, University of Dar es Salaam (UDSM) and the introduction of a law degree course by the open university. Also, at least two of the new local private universities are in the process of introducing such courses. In addition, the newly established Institute of Judicial Administration (IJA) at Lushoto will be training diplomates for careers as primary court magistrates or administrators in the judiciary. Therefore, the problems and issues that the sector reform needs to address concern the quality aspects of in-country pre-service training.

7.2 The shortcomings and problems of the pre-service training of legal professionals at the local universities and the Institute of Development Management (IDM – Mzumbe) were extensively and well documented by the Legal Sector Task Force. The situation which has changed little over the years is that these institutions have outdated curriculum, cannot ensure the competence and morale of their teaching staff, and do not have properly stocked law libraries. Consequently, the quality of the graduates from these institutions has been on a downward trend for more than a decade. With the current dismal performance of the premier national institution, i.e., the Law Faculty of UDSM, prospects may be low for developing and sustaining excellence in training of lawyers at the new open university and private universities.

7.3 Further, again as documented by the Task Force, the current internship programme for preparing fresh university graduate for admission to the Roll of Advocates, which marks the attainment of professional status, “has lost the confidence of all participants”. According to the Task Force, Tanzania has never had an effective national system for preparing law graduates for professional status.

7.4 The Task Force also observed that syllabuses for the degree courses in the country had not been generally reviewed since mid 1970s. Consequently, the training institutions are failing to impact their graduates with the knowledge required of legal professionals in the new social, political, economic and technological environment. There are few legal professionals who are competent in modern commercial law.

7.5 In spite of the urgency for curricula review expressed by the Task Force, the Law Faculty at UDSM has not yet accomplished this, and it is doubtful that the other new and tertiary institutions have done better. This is, therefore, the priority action in this component of the reform programme.

7.6 It is noteworthy that in 1995 the Task Force was of the view that “the maximum intake of Bachelor of Law degree (LL.B) at the University of Dar es Salaam (UDSM) could not be raised beyond 70 with the then existing facilities.” Since then, however, although facilities have not expanded by public demand and political pressure, the intake has more

than doubled. This has negatively impacted on the quality of teaching. There is therefore urgency to improve the quality of teaching by enhancing facilities at the university.

### **Medium Term Strategy and Action Plan**

7.7 As it is the case for other components, the Legal Sector Task Force envisaged a more comprehensive intervention than what is reflected in the medium term strategy because of resource constraints. The logical framework for the strategy and action plan to improve the quality of in country pre-service training of lawyers and other judiciary officers is presented in **Chart 7.1**. The key outputs in this strategy and action plan are:

- (a) revised curricula for the training programmes. The Legal Sector Task Force focused on the LL.B syllabus. However, considering all the changes that have been taking place in the country, it is important to review the curricula for the different pre-service training programmes.
- (b) an interim vocational training programme for university law graduates (as recommended by the Legal Sector Task Force). This will be a post LL.B training for law graduates to replace the current the internship programme, pending the establishment of the Law School. The programme will be hosted by the Law Faculty of UDSM. When the Law school is established, this vocational training programme at UDSM will cater for continuing legal education, especially for law graduates who, in recent years, have not benefited from the internship programme at the Judiciary, AGC, TLC and other Government legal offices.
- (c) a Law School of Tanzania will be established in Dar es Salaam, where there is most concentration of private and private legal chambers. The chambers will support the school by making available experienced teaching staff and opportunities for students apprenticeship.
- (d) improved teaching and learning facilities at the Faculty of Law of the UDSM, the IDM and the IJA. Priority items to be procured and installed will be computers, teaching aids and library books.
- (e) improved quality of teaching staff at the above training institutions. It is proposed to organise a scholarship programme to be completed for by the staff in all the training institutions. Training will emphasise acquisition of knowledge and skills in specialist areas of legal theory and practice.

7.8 In **Table 7.1**, the costs estimates and budget for this component are presented. The total costs are estimated at US\$5,200,000.



**CHART 7.1: IMPROVING PRE-SERVICE TRAINING OF LEGAL PROFESSIONALS IN THE COUNTRY**

NARRATIVE SUMMARY	INDICATORS & TARGETS	DATA SOURCES (MEANS OF VERIFICATION)	IMPORTANT ASSUMPTIONS
<p><b>DEVELOPMENT OBJECTIVE:</b></p> <p>To improve pre-service training of legal and judicial officers in the country .</p>	<ol style="list-style-type: none"> <li>1. Sustained demand for graduates of the local training institutions by private sector employers.</li> <li>2. A high (at least 90%) rate of admission to the roll of advocates for graduates within two (2) years of graduation.</li> <li>3. Improved performance by fresh judicial and legal officers.</li> </ol>	<ul style="list-style-type: none"> <li>◆ Surveys of views of employers and service judiciary officers</li> <li>◆ Faculty of law of UDSM records of enquiries by employers.</li> <li>◆ Official reports on supervision of judicial and legal officers.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Objectivity of employers in assessing the quality of graduates under the new curricula</li> <li>◆ No employer discrimination against graduates from local institutions.</li> </ul>
<p><b>OUTPUT:</b></p> <ol style="list-style-type: none"> <li>1. Revised national curricula for all pre-service training of judicial and legal personnel in the country.</li> <li>2. Interim vocational training programme (internship) for law graduates.</li> <li>3. Tanzania Law School established.</li> <li>4. Improved teaching facilities at the law faculties of the key local training institutions (USDAM, Open University, IDM and IJA).</li> <li>5. Improved quality of teaching staff at the above local training institutions.</li> </ol>	<ol style="list-style-type: none"> <li>1. A new diversified curricula agreed to between the key stakeholders by September 2000 and implementation to commence in 2001 academic year. The new curriculum to be fully operational by 2003.</li> <li>2. The interim vocational training programme to commence with year 2000 university graduates.</li> <li>3. Graduates of the interim vocational training programme (internship) admitted to the Roll of Advocates.</li> <li>4. The Law School operational by July 2002.</li> <li>5. Staff and students at the training institutions making use of new facilities.</li> <li>6. Staff at the law faculties of the key training institutions have been trained in all aspects of the revised curricula by July 2004.</li> </ol>	<ul style="list-style-type: none"> <li>◆ Programme implementation reports.</li> <li>◆ Prospectus from universities and other training institutions.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Achieving consensus among the training institutions on the new curriculum.</li> <li>◆ Universities and Government will commit resources for the operationalisation of the new curriculum in the training institutions</li> </ul>

NARRATIVE SUMMARY	INDICATORS & TARGETS	DATA SOURCES (MEANS OF VERIFICATION)	IMPORTANT ASSUMPTIONS
<p><b>ACTIVITIES</b></p> <ol style="list-style-type: none"> <li>1. Workshops/ seminars for the revision of the curriculum.</li> <li>2. Workshops/ seminars to define the interim vocational training (internship) programme</li> <li>3. Procuring facilities and engaging staff for the internship programme.</li> <li>4. Preparation for the launch of a law school, involving: <ul style="list-style-type: none"> <li>◆ Appoint future principal to spearhead the development;</li> <li>◆ identify and construct or refurbish and furnish temporary premises for the law school; and</li> <li>◆ recruit staff for the school</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>1. Participation by representatives of all key stakeholders in the workshops/seminars for revision of curriculum and development of the internship programme.</li> <li>2. Principal of the law school appointed by the Attorney General by July 2000.</li> <li>3. Premises/location for the law school confirmed by July 2000.</li> <li>4. Equipment books and other learning materials purchased for the training institutions.</li> <li>5. Numbers of teaching staff available for post-graduate scholarships for specialist courses in each of the years (at least 2 from each of the key training institutions in each of the successive years). A total of 50 staff to benefit by 2005.</li> <li>6. Funds budgeted and expended on the proposed activities.</li> </ol>	<ul style="list-style-type: none"> <li>◆ Programme implementation reports.</li> <li>◆ Government printed estimates (budget).</li> <li>◆ Publications/ reports by the training institutions.</li> <li>◆ Government gazette.</li> </ul>	<ul style="list-style-type: none"> <li>◆ As above.</li> </ul>
<ol style="list-style-type: none"> <li>7. Legislation to operationalise the law school.</li> <li>8. Secure Ministry of Finance commitment of funds to run the Law School.</li> <li>9. Provide essential teaching equipment and materials for the key legal sector training institutions, including the proper stocking of the libraries.</li> <li>10. Set up and operate a scholarship programme to facilitate overseas post-graduate training of staff in specialist areas of law.</li> </ol>			

**Table 7.1: COSTS ESTIMATES AND BUDGET: IMPROVING PRE-SERVICE TRAINING  
(US\$ 000s)**

INSTITUTION/DEPARTMENT	YEARS					TOTAL
	1	2	3	4	5	
<b>(a) Curricula Review and Staff Development</b>						
Curricula Review	250.00	-	-	-	-	250.00
Post LLB: Interim Vocational Training	250.00	300.00	-	-	-	550.00
Staff Training/Scholarships	100.00	100.00	100.00	100.00	100.00	500.00
Provision of Materials and Modern Equipment	-	200.00	300.00	-	-	500.00
<b>Sub-Total</b>	<b>600.00</b>	<b>600.00</b>	<b>400.00</b>	<b>100.00</b>	<b>100.00</b>	<b>1,800.00</b>
<b>(b) Proposed Law School</b>						
Preparatory and Setting up of the Law School	150.00	-	-	-	-	150.00
Staff Training	-	100.00	50.00	50.00	50.00	250.00
Construction /Procurement/Rehabilitation of Premises	-	1,000.00	-	-	-	1,000.00
Provision of Modern Technical Equipment	-	100.00	100.00	50.00	50.00	300.00
<b>Sub-Total</b>	<b>150.00</b>	<b>1,200.00</b>	<b>150.00</b>	<b>100.00</b>	<b>100.00</b>	<b>1,700.00</b>
<b>(c) Institute of Development Management (IDM)</b>						
Curriculum Review (ODL and CL)	100.00	-	-	-	-	100.00
Computerisation	-	50.00	50.00	-	-	100.00
Staff Training (including materials)	-	50.00	50.00	50.00	50.00	200.00
<b>Sub-Total</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>	<b>50.00</b>	<b>50.00</b>	<b>400.00</b>
<b>(d) Institute of Judicial Administration, Lushoto</b>						
Provision of Equipment	100.00	100.00	-	-	100.00	300.00
Minor Civil Works	-	250.00	500.00	-	-	750.00
Staff Training	-	100.00	50.00	50.00	50.00	250.00
<b>Sub-Total</b>	<b>100.00</b>	<b>450.00</b>	<b>650.00</b>	<b>60.00</b>	<b>150.00</b>	<b>1,300.00</b>
<b>TOTAL</b>	<b>950.00</b>	<b>2,350.00</b>	<b>1,200.00</b>	<b>300.00</b>	<b>400.00</b>	<b>5,200.00</b>

## 8. IMPROVING ACCESS TO JUSTICE FOR THE POOR AND THE DISADVANTAGED

### Overview of Problems and Issues

8.1 The Legal Sector Task Force was concerned that for the vast majority of Tanzanians, particularly those in rural areas who have little or no access to legal assistance or advice, the new constitutional and legal dispensation in Tanzania would be meaningless unless remedial measures are taken. The Task Force, furthermore, was of the view that with access to legal services severely constrained by an acute shortage of lawyers and limited financial resources for the bulk of the population, the establishment of an effective system of legal aid is critical to effective administration of justice.

8.2 Constraints of access to legal services are exacerbated by ignorance of basic rights and the law by the majority. This ignorance is sustained by two important factors. First, the law can often contradict long-held traditional culture. Second, all the important laws are in English but the vast majority of the population have zero or very limited literacy in the language.

### Medium Term Strategy and Action Plan

8.3 Resource constraints do not permit the launch in the medium term of a legal aid programme as comprehensive as what was recommended by the Legal Sector Task Force. Therefore, it is proposed to launch a modest programme that builds on the current legal aid services at the UDSM, the Tanganyika Law Society (TLS), the Tanzania Women Lawyers Association (TAWLA), the Women Legal Aid Centre (WLAC) and other NGOs.

8.4 A major feature of the new initiative will be an information, education and communication (IEC) programme to be run by NGOs with limited grants from Government and donors. This programme was in fact specified by Task Force.

8.5 The programme will also support the on-going DANIDA sponsored initiative to establish a Legal Aid and Human Rights Network. The project implementation will, inter-alia:

- ◆ Provide facilities and staff for the Network Secretariat;
- ◆ Define a Code of Conduct for the members of the Network; and
- ◆ Establish a database and documentation centre.

8.6 The strategy and action plan to achieve the strategic objective of this component is presented in **Chart 8.1**. The total costs for the implementation of the action plan are estimated at US\$ 2,406,00 as itemised in **Table 8.1**.

**Chart 8.1: IMPROVED ACCESS TO JUSTICE FOR THE POOR AND DISADVANTAGED GROUPS**

NARRATIVE SUMMARY	INDICATORS AND TARGETS	DATA SOURCES	IMPORTANT ASSUMPTIONS
<p><b>DEVELOPMENT OBJECTIVE:</b></p> <p>Improve access to justice for the poor and disadvantaged groups.</p>	<ol style="list-style-type: none"> <li>1. Growth in numbers of those citizens who are accessing legal aid.</li> <li>2. Improved awareness of basic human and legal rights in the society.</li> </ol>	<ol style="list-style-type: none"> <li>1. Annual reports of the NGOs in the sector.</li> <li>2. Courts reports.</li> <li>3. Periodic surveys on human rights and access to justice.</li> </ol>	<ul style="list-style-type: none"> <li>• Collaboration among the sector institutions (TLS, TLR, TAWLA, TAMWA, WLAC, Judiciary, AGCs, etc) and mass media institutions to support a low cost national programme of legal aid.</li> </ul>
<p><b>OUTPUTS</b></p> <ol style="list-style-type: none"> <li>1. Legal aid groups and centers established in the districts.</li> <li>2. Legal aid network established.</li> <li>3. Legal aid information, education and communication (IEC) packages disseminated on televisions, radios and newspapers.</li> <li>4. Trained paralegal teachers including. Law clerks, retired public prosecutors, magistrates, judges and public officers, ward tribunals employees, religious leaders, cooperatives and trade unions, etc</li> </ol>	<ol style="list-style-type: none"> <li>1. Number of functioning legal aid offices established.</li> <li>2. A legal aid group established in every district center by 2005.</li> <li>3. At least 10% growth in the frequency of legal aid IEC messages disseminated by various mass media channels.</li> <li>4. Sustained growth in the level of awareness of basic human and legal rights among the public.</li> <li>5. Legal aid programmes conducted regions and in districts.</li> <li>6. Numbers of paralegal training graduates.</li> </ol>	<ol style="list-style-type: none"> <li>1. As above.</li> <li>2. Programme progress reports.</li> </ol>	<ul style="list-style-type: none"> <li>• Significant number of lawyers and voluntary organizations will across the country volunteer to support legal aid programmes.</li> <li>• Mass media will avail <i>gratis</i> the opportunities to disseminate legal aid IEC packages.</li> </ul>

NARRATIVE SUMMARY	INDICATORS AND TARGETS	DATA SOURCES	IMPORTANT ASSUMPTIONS
<p><b>INPUTS</b></p> <ol style="list-style-type: none"> <li>1. Grants to strengthen and facilitate the Tanganyika Law Society, University Legal Aid and NGOs to establish legal aid groups and centres.</li> <li>2. Grants to NGOs to facilitate the legal aid activities</li> <li>3. Resources to establish Legal Aid Network to be provided by DANIDA and NGOs.</li> <li>4. Assess the efficacy to introduce legal subjects in the school curriculum in primary and secondary schools.</li> <li>5. Training of paralegals by NGOs.</li> </ol>	<ul style="list-style-type: none"> <li>•</li> </ul> <ol style="list-style-type: none"> <li>1. Numbers of legal aid groups and centres established.</li> <li>2. Amounts of grants disbursed to NGOs.</li> <li>3. Numbers and growth in the frequency of legal aid IEC messages disseminator by various mass media channels.</li> <li>4. An assessment of the efficacy of introducing legal subjects in schools presented to Ministry of Justice and Ministry of Education.</li> <li>5. Numbers of students enrolled for paralegal training.</li> </ol>	<ul style="list-style-type: none"> <li>• As above</li> </ul>	<ul style="list-style-type: none"> <li>• As above</li> </ul>

: COSTS ESTIMATES AND BUDGET-IMPROVING ACCESS TO JUSTICE FOR THE POOR AND THE DISADVANTAGED

(AMOUNT IN US\$ 000s)

ACTIVITY	YEAR 1 US\$	YEAR 2 US\$	YEAR 3 US\$	YEAR 4 US\$	YEAR 5 US\$	TOTAL US\$
1 Administrative Support to NGOs (including legal aid network)	350.00	150.00	150.00	150.00	150.00	950.00
2 Preparation of Legal Education Programme						
a. Production of 1000 Paralegal Training Textbooks	10.00	6.00	6.00	6.00	6.00	34.00
b. Production of 1000 Handbooks in Tanzanian Law	46.00	-	-	32.00	30.00	108.00
c. International Lecturers / Courses & Consultancy	10.00	10.00	10.00	10.00	10.00	50.00
d. External Paralegal Teachers course on cooperation with II	-	40.00	40.00	40.00	40.00	160.00
e. 1 week course (280 paralegals)	-	8.00	8.00	8.00	8.00	32.00
f. International Study Tours	10.00	10.00	10.00	10.00	10.00	50.00
g. Production of 100,000 & 500,000 Bks for Pri & Sec .Sch	-	100.00	60.00	60.00	60.00	280.00
h. Children's plays & books experiments	-	6.00	10.00	10.00	10.00	36.00
I. Training of Journalist Editors	-	2.00	-	-	-	2.00
j. Purchase of 36,000 Books of Tanzanian Law in Kiswahili	4.00	-	-	-	-	4.00
3 Preparation of Legal Information Programme						
a. Posters	2.00	2.00	2.00	2.00	2.00	10.00
b. Advertisement Costs	2.00	6.00	8.00	8.00	8.00	32.00
c. TV-Programmes/Videos (with ZLSC and TAMWA)	-	2.00	4.00	4.00	4.00	14.00
d. Support to private publishers	-	6.00	2.00	-	6.00	14.00
e. Support to Seminars by private Legal Aid Gps	-	6.00	10.00	12.00	12.00	40.00
f. Publication of Periodical legal aid issues	-	40.00	40.00	40.00	40.00	160.00
g. Production of 1 hr/wk radio programme	-	-	10.00	10.00	10.00	30.00
h. 4 legal aid camps with Private Legal Aid Groups	-	100.00	100.00	100.00	100.00	400.00
<b>Total</b>	<b>434.00</b>	<b>494.00</b>	<b>470.00</b>	<b>502.00</b>	<b>506.00</b>	<b>2,406.00</b>

## 9. DEVELOPMENT AND MAINTENANCE OF PRIORITY PHYSICAL FACILITIES

### Overview of Problems and Issues

9.1 The inadequacy of office accommodation at all levels of the Judiciary and the Attorney-General Chambers, and the dilapidated state of most of the courts throughout the country is readily evident. A large investment is needed to upgrade the existing physical infrastructure and to construct court houses where there are none, including a Court of Appeal building. The Legal Sector Task force estimated the total costs of these investments at US\$ 220 million.

9.2 As elaborated by the Task Force, the current pathetic state of physical facilities in the main reflects gross under funding of both development and recurrent expenditure requirements of the Judiciary by the Government over the years. It is also significant that most external donors have not shown much interest in supporting public investments in the legal sector, notwithstanding the fact that the sector's performance is critical to good governance.

### Medium Term Strategy and Action Plan

9.3 Indications are that in the medium term, neither the Government nor the donors are likely to make available funds in the order of magnitude anticipated by the Task Force. Therefore, the development and rehabilitation of the physical facilities to the desired status will be a long term undertaking. The total budget for the medium term is limited to US\$ 14,350,000 (see **Table 9.1**).

9.4 There will be no major civil construction works in the medium term (e.g., the construction of the Court of Appeal building). It is however, planned that:

- ◆ to eliminate current congestion in the Court of Appeal and High Court, a building in Dar es Salaam will be identified and rehabilitated for use by the Court of Appeal (as an interim arrangement).
- ◆ there will be rehabilitation and improved furnishing and equipping of buildings also to improve office accommodation for judges, magistrates regional courts, and the regional offices of state attorneys.
- ◆ an incentive (grants-based) scheme to encourage local authorities and communities to build district and primary courts will be launched. There is precedent for this in that Government in the past provided roofing materials for courts to be constructed by communities.

9.5 Another important activity under this component will be the modernisation of the recording system in the Court of Appeal and the High Court (see **Chart 9.1**)



**CHART 9.1: DEVELOPMENT AND MAINTENANCE OF ESSENTIAL PHYSICAL FACILITIES**

<b>NARRATIVE SUMMARY</b>	<b>INDICATORS AND TARGETS</b>	<b>DATA SOURCES (MEANS OF REGIGATION)</b>	<b>IMPORTANT ASSUMPTIONS</b>
<p><b>DEVELOPMENT OBJECTIVE:</b></p> <p>Ensure availability and maintenance of physical environment conducive for the dispensation of justice.</p>	<ol style="list-style-type: none"> <li>1. Reduction in numbers of courts with inappropriate buildings (visiting stations).</li> <li>2. No of existing primary courts rehabilitated by 2005.</li> <li>3. No of districts with sufficient number of court rooms.</li> <li>4. Reduction of congestion at the Court of Appeal and the High Court number of judges sharing chambers). DSM</li> </ol>	<ol style="list-style-type: none"> <li>1. Reform programme implementation reports.</li> <li>2. GOT budget and public expenditure reports.</li> </ol>	<ol style="list-style-type: none"> <li>4. MOF and donors will accord due importance to the development and maintenance of the basic infrastructure essential for effective functioning of the system of justice.</li> <li>5. Local governments and communities will contribute to the rehabilitation, development and maintenance of district and primary courts (through self help).</li> </ol>
<p><b>OUTPUTS</b></p> <ol style="list-style-type: none"> <li>1. Improved chambers and accommodation for judges at headquarters.</li> <li>2. Renovated and better equiped courts, chambers and offices at AGC's, zonal and regional centres.</li> <li>3. Improved district and primary courts buildings.</li> <li>4. Extension /rehabilitation of AG's Offices.</li> <li>5. Extension /rehabilitation of Registrar of Companies offices.</li> </ol>	<ol style="list-style-type: none"> <li>1. Numbers of Courts rehabilitated or built in each of the years 2001-2005.</li> <li>2. Court of Appeal migrates from the High Court building in July 2001.</li> </ol>	<p>As above.</p>	<p>As above.</p>
<p><b>ACTIVITIES</b></p> <ol style="list-style-type: none"> <li>1. Rehabilitate/renovate, furnish and equip a building as temporary home for Court of Appeal.</li> <li>2. Rehabilitation of buildings at the Judiciary HQs, AGC and Registrar of Companies.</li> </ol>	<ol style="list-style-type: none"> <li>1. Premises located/ acquired for the temporary home of the Court of Appeal by March 2000.</li> <li>2. Contract(s) awarded.</li> <li>3. Contract(s) awarded for rehabilitation of</li> </ol>	<ol style="list-style-type: none"> <li>1. Programme implementation progress reports.</li> <li>2. Government budget and accounts.</li> </ol>	<p>As above.</p>

NARRATIVE SUMMARY	INDICATORS AND TARGETS	DATA SOURCES (MEANS OF REGISTRATION)	IMPORTANT ASSUMPTIONS
<p>3. Rehabilitate of courts, and the offices of state attorneys in the zones and regions.</p> <p>4. Procure and install essential office equipment and furniture for public legal and judicial officers.</p> <p>5. Rehabilitate of primary courts involving cost-sharing by local governments and communities .</p>	<p>Judiciary HQs, AGC and Registrar of Companies by September 2001 and completed by June 2002.</p> <p>4. Contract(s) awarded by June 2001 to furnish and equip the courts and chambers of Judiciary HQs and the AGC offices. Contract(s) executed by December 2004.</p> <p>5. Contract(s) awarded for rehabilitation of courts, chambers and offices of in zones and regions, by March 2001 and executed by June 2005.</p> <p>6. Amounts budgeted and disbursed for community-based rehabilitation of district and primary courts.</p>		

Table 9.1: COSTS & BUDGET - DEVELOPMENT AND MAINTENANCE OF PRIORITY PHYSICAL FACILITIES						
AMOUNT IN US\$ 000s						
ITEM DESCRIPTION	YEARS					TOTAL
	1	2	3	4	5	
	COST	COST	COST	COST	COST	COST
<b><i>Court of Appeal</i></b>						
Rehabilitation of Buildings	500.00	1,000.00			-	1,500.00
Equipment & Furniture	-	300.00	100.00	-	-	400.00
<b>Sub-Total (Court of Appeal)</b>	<b>500.00</b>	<b>1,300.00</b>	<b>100.00</b>	<b>-</b>	<b>-</b>	<b>1,900.00</b>
<b><i>High Court of Tanzania</i></b>						
Rehabilitation & Alteration	-	100.00	250.00	250.00	100.00	700.00
Furniture and Equipment	-	-	100.00	100.00	100.00	300.00
<b>Sub-Total (High Court)</b>	<b>-</b>	<b>100.00</b>	<b>350.00</b>	<b>350.00</b>	<b>200.00</b>	<b>1,000.00</b>
<b><i>Regional Courts</i></b>						
Rehabilitation & Alteration	50.00	250.00	250.00	250.00	250.00	1,050.00
Furniture and Equipment	-	100.00	100.00	100.00	100.00	400.00
<b>Sub-Total (Regional Courts)</b>	<b>50.00</b>	<b>350.00</b>	<b>350.00</b>	<b>350.00</b>	<b>350.00</b>	<b>1,450.00</b>
<b><i>District Courts</i></b>						
Construction/Rehabilitation Grants Costs	-	500.00	500.00	1,000.00	1,000.00	3,000.00
<b>Sub-Total (District Courts)</b>	<b>-</b>	<b>500.00</b>	<b>500.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>3,000.00</b>
<b><i>Primary Courts</i></b>						
Construction/Rehabilitation Grants Costs	-	500.00	500.00	1,000.00	1,000.00	3,000.00
<b>Sub-Total</b>	<b>-</b>	<b>500.00</b>	<b>500.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>3,000.00</b>
<b><i>AG's Chambers/M:</i></b>						
Rehabilitation - HQs	-	-	500.00	500.00	-	1,000.00
- Regions/Zones	-	500.00	500.00	500.00	500.00	2,000.00
- Registrar of Companies	-	200.00	800.00	-	-	1,000.00
<b>Sub-Total</b>	<b>-</b>	<b>700.00</b>	<b>1,800.00</b>	<b>1,000.00</b>	<b>500.00</b>	<b>4,000.00</b>
<b>TOTAL</b>	<b>550.00</b>	<b>3,450.00</b>	<b>3,600.00</b>	<b>3,700.00</b>	<b>3,050.00</b>	<b>14,350.00</b>

## 10. COSTS, BUDGET AND FINANCING PROPOSALS

### Summary of Costs and Budget

10.1 The total costs and budget for the medium term strategy and action plan are planned at US\$ 44.3 million (see **Table 10**). This budget is less than 20 percent of the total costs for sector reform estimated by the Task Force. Still it is planned that this level of investment will support in the medium term, decisively transform the quality of legal services available to the people of Tanzania.

### Financing Proposals

10.2 The sector reform programme has been discussed with Ministry of Finance which has committed to:

- ◆ firstly, a substantial increase in the level of development and recurrent budget for legal sector institutions. Accordingly, it is anticipated that the Government will fund from domestic resources about 20 percent of the total costs of the medium term reform programme; and
- ◆ secondly, help to mobilise development partners to support to the sector reform programme.

10.3 The formal launch of the programme implementation will not await the availability of all the resources needed. Instead, this strategy entails moving ahead with programme implementation with whatever resources are available. In tandem there will be sustained efforts to mobilise resources from Government and donors.

**Table 10: SUMMARY OF COSTS AND BUDGET BY COMPONENT AND YEAR**

(AMOUNT IN US\$ 000s)

COMPONENT	YEARS					TOTAL
	1	2	3	4	5	
Updating & Harmonizing the Legal Framework	910.00	460.00	540.00	670.00	1,170.00	3,750.00
Strengthening Management and Coordination	350.00	1,900.00	1,850.00	2,150.00	2,550.00	8,800.00
Enhancing Competence and Motivation	715.00	1,585.00	1,725.00	1,225.00	1,225.00	6,475.00
Enhancing Independence of Judiciary and Integrity	550.00	1,200.00	1,150.00	260.00	190.00	3,350.00
Improving Pre-Service Training	950.00	2,350.00	1,200.00	300.00	400.00	5,200.00
Improving Access for Poor and Disadvantaged Groups	434.00	494.00	470.00	502.00	506.00	2,406.00
Developing and Maintaining Essential Physical Facilities	550.00	3,450.00	3,600.00	3,700.00	3,050.00	14,350.00
<b>Total</b>	<b>4,459.00</b>	<b>11,439.00</b>	<b>10,535.00</b>	<b>8,807.00</b>	<b>9,091.00</b>	<b>44,331.00</b>