

Document of  
The World Bank

**FOR OFFICIAL USE ONLY**

Report No: PAD1600

INTERNATIONAL DEVELOPMENT ASSOCIATION

PROJECT APPRAISAL DOCUMENT

ON A

PROPOSED CREDIT

IN THE AMOUNT OF SDR 47.1 MILLION

(US\$65 MILLION EQUIVALENT)

TO THE

UNITED REPUBLIC OF TANZANIA

FOR A

CITIZEN-CENTRIC JUDICIAL MODERNIZATION AND JUSTICE SERVICE DELIVERY  
PROJECT

March 16, 2016

Governance Global Practice  
Africa Region  
AFCE1

This document has a restricted distribution and may be used by recipients only in the performance of their official duties. Its contents may not otherwise be disclosed without World Bank authorization.

## CURRENCY EQUIVALENTS

(Exchange Rate Effective February 19, 2016)

Currency Unit = Tanzania Shillings (TZS)  
US\$1 = TZS2,184

## FISCAL YEAR

July 1 – June 30

## ABBREVIATIONS AND ACRONYMS

ADR	Alternative Dispute Resolution
ATIP	Accountability, Transparency, and Integrity Program
BoT	Bank of Tanzania
BEST	Business Environment Strengthening Program
BRN	Big Result Now
CAS	Country Assistance Strategy
CCJMJSDP	Citizen-centric Judicial Modernization and Justice Service Delivery Project
CEO	Chief Executive Officer
CEPEJ	Commission for the Efficiency of Justice
CIDA	Canadian International Development Agency
CSO	Civil Society Organization
DA	Designated Account
DANIDA	Danish International Development Agency
DfID	Development Finance for International Development
DB	Doing Business
DPP	Director of Public Prosecutions
ESMF	Environmental and Social Management Framework
ESIAs	Environmental and Social Impact Assessment
ESMPs	Environmental and Social Management Plans
EU	European Union
FM	Financial Management
GoT	Government of Tanzania
GRS	Grievance Redress Service
IC	Investment Climate
ICT	Information and Communication Technology
IFMIS	Integrated Financial Management Information System
IFR	Interim Financial Report
IJA	Institute of Judicial Administration
IFC	International Finance Corporation
IJC	Integrated Justice Center
ICB	International Competitive Bidding
ISM	Implementation Support Mission
IPF	Investment Project Financing
IT	Information Technology
JF	Judiciary Fund

JoT	Judiciary of Tanzania
JRT	Judiciary Reform Team
JSC	Judiciary Steering Committee
JSDS	Judiciary Statistical Dashboard System
LCS	Least-Cost Selection
LRC	Law Reform Commission
LAS	Legal Aid Secretariat
LHRC	Legal and Human Rights Center
LSRP	Legal Sector Reform Program
M&E	Monitoring and Evaluation
MOCLA	Ministry of Constitutional and Legal Affairs
NGO	Nongovernmental Organization
NPV	Net Present Value
PA	Project Advance
PAD	Project Appraisal Document
PDO	Project Development Objective
PFMRP	Public Financial Management Reform Program
PMU	Procurement Management Unit
PO	Procurement Officer
PPA	Public Procurement Act
PPRA	Public Procurement Regulatory Authority
PCCB	Prevention and Combating of Corruption Bureau
QCBS	Quality- and Cost-Based Selection
REPOA	Research on Poverty Alleviation (an NGO)
SDG	Sustainable Development Goal
SME	Small and Medium Enterprises
TPF	Tanzania Police Force
TLS	Tanganyika Law Society
TTL	Task Team Leader
TAWJA	Tanzania Women Judges Association
TAWLA	Tanzania Women Lawyers Association
TI	Transparency International
TZS	Tanzania Shillings
UNICEF	United Nations Children’s Fund
UNDB	United Nations Development Business
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
WLAC	Women Legal Aid Center

Regional Vice President:	Makhtar Diop
Country Director:	Bella Bird
Senior Global Practice Director:	James A. Brumby/Samia Msadek
Practice Manager:	George Addo Larbi
Task Team Leader:	Waleed Haider Malik
Co-Task Team Leader:	Denis Biseko



**CITIZEN-CENTRIC JUDICIAL MODERNIZATION AND JUSTICE SERVICE  
DELIVERY PROJECT**

**TABLE OF CONTENTS**

	Page
I. STRATEGIC CONTEXT .....	1
A. COUNTRY CONTEXT .....	1
B. SECTORAL AND INSTITUTIONAL CONTEXT .....	2
C. HIGHER LEVEL OBJECTIVES TO WHICH THE PROJECT CONTRIBUTES .....	10
II. PROJECT DEVELOPMENT OBJECTIVES.....	11
A. PDO .....	11
B. PROJECT BENEFICIARIES .....	12
C. PDO LEVEL RESULTS INDICATORS .....	13
III. PROJECT DESCRIPTION.....	14
A. PROJECT COMPONENTS .....	14
B. PROJECT FINANCING .....	19
C. PROJECT COST AND FINANCING .....	20
D. LESSONS LEARNED AND REFLECTED IN THE PROJECT DESIGN.....	21
IV. IMPLEMENTATION.....	22
A. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS.....	22
B. RESULTS MONITORING AND EVALUATION .....	23
C. SUSTAINABILITY.....	24
V. KEY RISKS.....	25
OVERALL RISK RATING AND EXPLANATION OF KEY RISKS.....	25
VI. APPRAISAL SUMMARY .....	27
A. ECONOMIC ANALYSIS .....	27
B. TECHNICAL.....	27
C. FINANCIAL MANAGEMENT.....	28
D. PROCUREMENT.....	28
E. ENVIRONMENT AND SOCIAL (INCLUDING SAFEGUARDS).....	29
F. SAFEGUARD INSTRUMENTS .....	29
G. WORLD BANK GRIEVANCE REDRESS .....	31

<b>ANNEX 1: RESULTS FRAMEWORK AND MONITORING .....</b>	<b>32</b>
<b>ANNEX 2: DETAILED PROJECT DESCRIPTION.....</b>	<b>39</b>
<b>ANNEX 3: IMPLEMENTATION ARRANGEMENTS.....</b>	<b>59</b>
<b>ANNEX 4: IMPLEMENTATION SUPPORT PLAN .....</b>	<b>76</b>
<b>ANNEX 5: COURT USER SURVEY 2015 - BASELINE SUMMARY .....</b>	<b>80</b>
<b>ANNEX 6: THE JUSTICE SECTOR PROFILE, CHALLENGES, AND THE JUDICIARY STRATEGIC PLAN 2015–20 TOWARD MEETING INTERNATIONAL STANDARDS .....</b>	<b>86</b>
<b>ANNEX 7: CIVIL SOCIETY, GENDER EQUALITY, AND LEGAL AID INSTITUTIONS.....</b>	<b>110</b>
<b>ANNEX 8: LIST OF PERSONS CONSULTED FOR THE JUDICIARY STRATEGIC PLAN AND THE PROPOSED PROJECT (PARTIAL) .....</b>	<b>112</b>
<b>ANNEX 9: COST BENEFIT ANALYSIS .....</b>	<b>116</b>
<b>ANNEX 10: PROJECT INFOGRAPHICS .....</b>	<b>124</b>
<b>ANNEX 11: MAP.....</b>	<b>125</b>

## **FIGURES**

Figure 1. Drop in Tanzania’s Global Institutional Ranking.....	1
Figure 2. Tanzania’s Declining Trend in Rule of Law and Safety Performance.....	2
Figure 3: Structure of the Judiciary .....	4
Figure 4: User Interface for Justice Service Delivery.....	5
Figure 5: Court File Record Room .....	5
Figure 6: Reasons for not Taking Case to Court.....	7
Figure 7: Pillars of the Judiciary Strategic Plan 2015-20 .....	10
Figure 8: Project Beneficiaries and Improvement Yardsticks .....	12
Figure 9: Tanzania Citizen Centric Judicial Modernization and Justice Service Delivery .....	15
Figure 10: Project Oversight, Monitoring and Implementation Arrangements .....	23
Figure 2.1: Tanzania’s Vision 2025 – People-Centered Justice Service Delivery .....	39
Figure 2.2: Tanzania’s Judicial System: Distribution of Judges, Court Brokers, Lawyers, and Cases and Target Areas .....	41
Figure 2.3: Citizen-Centric Judicial Modernization and Justice Service Delivery Project .....	42
Figure 2.4: Tanzania Judicial Modernization Integrated Justice Service Delivery Center for People-Centric Services .....	53
Figure 2.5: E-justice Framework (JSDS++) .....	53
Figure 2.6: E-justice Network Schematic .....	54

Figure 2.7: Typical Floor Plan with Judges Chambers, Registries and Court Rooms.....	54
Figure 2.8: Typical Floor Plan with Citizen and Stakeholder Services .....	55
Figure 2.9: Typical Floor Plan with Training Center and Administration Office .....	55
Figure 2.10: Integrated Justice Center and Mobile Court– Typical Rendering .....	56
Figure 3.1: Funds Flow Arrangements .....	65
Figure 5.1: Top Improvement Priorities Per User Type .....	85
Figure 6.1: Number of Lawyers per 100,000 Inhabitants.....	88
Figure 6.2: Human Resource Structure 2015.....	96
Figure 6.3: Judicial Modernization Integrated Approach.....	103
Figure 6.4: Achieving Successful Judiciary-led Reforms.....	106
Figure 6.5: Tanzania’s Vision 2025: People-centric Justice Service Delivery Meeting International Standards.....	107

## TABLES

Table 1. Summary of Allocations .....	20
Table 2. SORT Summary Table.....	25
Table 2.1. Indicative List of Training and Education Courses by Target Group.....	57
Table 3.1. Risks and Mitigation Measures.....	61
Table 3.2. Procurement Risks and Proposed Mitigation Measures .....	70
Table 3.3. Prior Review Threshold Works and Goods .....	71
Table 3.4. Procurement Packages with Methods and Time Schedule .....	71
Table 3.5. Prior Review Threshold Consulting Services .....	72
Table 3.6. Consultancy Assignments with Selection Methods and Time Schedule .....	73
Table 4.1. Implementation Support Plan .....	78
Table 4.2. Implementation Staffing .....	78
Table 5.1. User Satisfaction Ranking in Relation to Court Services .....	81
Table 5.2. Defendants who were Contacted Before their Appearance .....	81
Table 5.3. Clients’ Experiences .....	81
Table 5.4. Court Physical Environment and Facilities .....	84
Table 5.5. Effectiveness of Execution of Court Decrees .....	84
Table 6.1. Typology of Legal Needs of Different Types of Users .....	88
Table 6.2. The Jurisdiction of Courts in Tanzania.....	93
Table 6.3. Budget and Actual Expenditure and Legal Institutions .....	94
Table 9.1. Estimated Value of Claims Pending in Higher Level Courts and Tribunals .....	118
Table 9.2. Cost-Benefit Analysis of the Proposed Project.....	122
Table 9.3. Sensitivity Analysis of Benefits with Decline in Efficiency .....	123
Table 9.4. Sensitivity Analysis of Benefits with Decline in Returns on Non-Tax Claims.....	123

## BOXES

Box 2.1: IJC (One-stop Court Complex) for Consolidated Citizen-Centric Services Conceptual Framework, Design Features and Deployment Plan.....	51
Box 6.1: Reform of the Prosecution System: A Brief Sketch of the Impacts of Transformation on Court Performance, Citizen Trust, and the Fight Against Corruption.....	96
Box 6.2: Commercial Court: Progress, Opportunities, and Needs .....	100
Box 6.3: Women’s Access to Justice in Tanzania .....	101
Box 6.4: The Judiciary Strategic Plan 2015–2020 – Outline “Toward People-centric Justice Service Delivery” .....	103
Box 6.5: Legal Barriers to Women’s Economic Opportunities in Tanzania .....	108



# PAD DATA SHEET

*Tanzania*

*Citizen-Centric Judicial Modernization and Justice Service Delivery (P155759)*

## PROJECT APPRAISAL DOCUMENT

*AFRICA*

*GG019*

Report No.: PAD1600

Basic Information			
Project ID P155759	EA Category B - Partial Assessment	Team Leader(s) Waleed Haider Malik (TTL) Denis Biseko (Co-TTL)	
Lending Instrument Investment Project Financing	Fragile and/or Capacity Constraints [ ]		
	Financial Intermediaries [ ]		
	Series of Projects [ ]		
Project Implementation Start Date April 6, 2016	Project Implementation End Date June 30, 2021		
Expected Effectiveness Date July 1, 2016	Expected Closing Date December 31, 2021		
Joint IFC No			
Practice Manager/Manager George Addo Larbi	Senior Global Practice Director James A. Brumby/Samia Msadek	Country Director Bella Bird	Regional Vice President Makhtar Diop
Borrower: Ministry of Finance and Planning, the United Republic of Tanzania			
Responsible Agency: Judiciary			
Contact:	Mr. Hussein A. Kattanga	Title:	Chief Court Administrator
Telephone No.:	+255 222 123897 Mobile: +255 784 308631	Email:	cca@judiciary.go.tz

Project Financing Data (in US\$, millions)									
<input type="checkbox"/>	Loan	<input type="checkbox"/>	IDA Grant	<input type="checkbox"/>	Guarantee				
<input checked="" type="checkbox"/>	Credit	<input type="checkbox"/>	Grant	<input type="checkbox"/>	Other				
Total Project Cost:		65.00			Total Bank Financing:			65.00	
Financing Gap:		0.00							
Financing Source					Amount				
BORROWER/RECIPIENT					0.00				
International Development Association (IDA)					65.00				
Total					65.00				
Expected Disbursements (in US\$, millions)									
Fiscal Year	2016	2017	2018	2019	2020	2021			
Annual	1.00	10.00	12.00	12.00	12.00	18.00			
Cumulative	1.00	11.00	23.00	35.00	47.00	65.00			
Institutional Data									
<b>Practice Area (Lead)</b>									
Governance									
<b>Contributing Practice Areas</b>									
Trade & Competitiveness, Macroeconomics and Fiscal Management, and Social, Urban, Rural and Resilience Global Practice									
<b>Cross Cutting Topics</b>									
<input type="checkbox"/>	Climate Change								
<input type="checkbox"/>	Fragile, Conflict & Violence								
<input checked="" type="checkbox"/>	Gender								
<input type="checkbox"/>	Jobs								
<input type="checkbox"/>	Public Private Partnership								
<b>Sectors / Climate Change</b>									
Sector (Maximum 5 and total % must equal 100)									
Major Sector			Sector		%		Adaptation Co-benefits %		Mitigation Co-benefits %
Public Administration, Law,			Law and justice		30				

and Justice				
Public Administration, Law, and Justice	General public administration sector	30		
Information and communications	Information technology	20		
Public Administration, Law, and Justice	Public administration-Industry and trade	20		
Total		100		

I certify that there is no Adaptation and Mitigation Climate Change Co-benefits information applicable to this project.

**Themes**

Theme (Maximum 5 and total % must equal 100)

Major theme	Theme	%
Rule of law	Access to law and justice	40
Public Sector Governance	Other public sector governance	40
Financial and private sector development	Other private sector development	10
Social dev/gender/inclusion	Participation and civic engagement	10
Total		100

**Proposed Development Objective(s)**

The project development objective is to improve the efficiency and transparency of, and access to, selected citizen-centric justice services.

**Components**

Component Name	Cost (US\$, millions)
Governance, Organization, and Systems Development	18.00
Skills Development, Inspection, and Performance Management	10.00
Access to Justice and Public Trust	37.00
Total:	65.00

<b>Systematic Operations Risk- Rating Tool (SORT)</b>		
<b>Risk Category</b>	<b>Rating</b>	
1. Political and Governance	Moderate	
2. Macroeconomic	Substantial	
3. Sector Strategies and Policies	Substantial	
4. Technical Design of Project or Program	Moderate	
5. Institutional Capacity for Implementation and Sustainability	Substantial	
6. Fiduciary	Substantial	
7. Environment and Social	Moderate	
8. Stakeholders	High	
9. Other		
<b>OVERALL</b>	Substantial	
<b>Compliance</b>		
<b>Policy</b>		
Does the project depart from the CAS in content or in other significant respects?	Yes [ ]	No [x]
Does the project require any waivers of Bank policies?	Yes [ ]	No [x]
Have these been approved by Bank management?	Yes [ ]	No [ ]
Is approval for any policy waiver sought from the Board?	Yes [ ]	No [x]
Does the project meet the Regional criteria for readiness for implementation?	Yes [x]	No [ ]
<b>Safeguard Policies Triggered by the Project</b>	<b>Yes</b>	<b>No</b>
Environmental Assessment OP/BP 4.01	<b>X</b>	
Natural Habitats OP/BP 4.04		<b>X</b>
Forests OP/BP 4.36		<b>X</b>
Pest Management OP 4.09		<b>X</b>
Physical Cultural Resources OP/BP 4.11		<b>X</b>
Indigenous Peoples OP/BP 4.10		<b>X</b>
Involuntary Resettlement OP/BP 4.12		<b>X</b>
Safety of Dams OP/BP 4.37		<b>X</b>
Projects on International Waterways OP/BP 7.50		<b>X</b>

Projects in Disputed Areas OP/BP 7.60				<b>X</b>
<b>Legal Covenants</b>				
<b>Name</b>	<b>Recurrent</b>	<b>Due Date</b>	<b>Frequency</b>	
Project Operational Manual	No	Within 3 months of the effectiveness date		
<p>The Recipient shall, within three months of the Effectiveness Date: (a) prepare, under terms of reference satisfactory to the Association, and furnish to the Association a Project operational manual containing detailed guidelines and procedures for the implementation of the Project, including in the areas of monitoring and evaluation, procurement, coordination, social and environmental safeguards, financial, administrative and accounting procedures, corruption and fraud mitigation measures and such other arrangements and procedures as shall be required for the Project, including describing in detail the roles, responsibilities, and accountability arrangements for the Judiciary Reform Team, providing an indicative list of Project results indicators, and court construction locations based on eligibility criteria outlined in the manual, as well as the collaboration arrangements with stakeholders; and (b) thereafter adopt and carry out the Project in accordance with such Project operational manual as shall have been approved by the Association (Project Operational Manual and POM)</p>				
<b>Conditions</b>				
<b>Source Of Fund</b>	<b>Name</b>		<b>Type</b>	
<b>Description of Condition: None</b>				
<b>Bank Staff Composition</b>				
<b>Name</b>	<b>Role</b>	<b>Title</b>	<b>Specialization</b>	<b>Unit</b>
<b>Advisory</b>				
Preeti Arora	Country Program Coordinator	Country Program Coordinator	Country Program Coordinator	AFCTZ
Yutaka Yoshino	Program Leader	Program Leader	Senior Economist	GMFDR
Chiara Bronchi	Governance Focal Point	Lead Public Sector Specialist	Public Sector	GGODR
Hassane Cisse	Director	Director	Governance	GGODR
Philippe Dongier	Former Country Director	Senior Regional Advisor	Former Country Director	SARVP
Sajjad Shah	Former Country Program Coordinator	Manager	Former Country Program Coordinator	MNADE

Rob Boone	Practice Manager	Practice Manager	Justice Sector	GGODR
Guenther Heidenhof	Practice Manager	Practice Manager	Public Sector	GGODR
Albert Zeufack	Practice Manager	Practice Manager	Macro and Fiscal Management	GMF07
Catherine Masinde	Practice Manager	Practice Manager	Trade and Competitiveness	GTCDR
<b>Team</b>				
Denis Biseko	Sr. Public Sector Specialist/ co-TTL	Senior Public Sector Specialist	Public Sector	GGODR
Mahjabeen Haji	Peer Reviewer	Economist	Cost Benefit Analysis	GMFDR
John Wearing	Peer Reviewer	Economist	Cost Benefit Analysis	GMFDR
Samuel Iyasu Zerom	Operations Officer	Operations Officer	Operations Officer	AFMRW
Roberto Panzardi	Team Member	Sr. Public sector Spec.	Public sector and Justice	GGODR
Jean Lubega-Kyazze	Team Member	Program Manager	Investment Climate	GTCDR
Helene Grandvoinet	Peer Reviewer	Lead Governance Specialist	Governance	GGODR
Amitabha Mukherjee	Peer Reviewer	Lead Public Sector Specialist	Public Sector and Justice	GGODR
Klaus Decker	Peer Reviewer	Senior Public Sector Specialist	Public Sector and Justice	GGODR
Kobina Egyir Daniel	Peer Reviewer – IFC	Senior Operations Officer	Investment Climate – IFC	GTCDR
Zoe Kolovou	Lead Counsel	Lead Counsel	Lead Counsel	LEGAM
Anna Autio	Team Member	Sr. Program Officer	Public Sector	GGODR
Yoko Kagawa	Senior Operations Officer	Senior Operations Officer	Monitoring and Evaluation	GGODR
Christiaan Johannes Nieuwoudt	Finance Officer	Finance Officer	Finance Officer	WFALA
Winter M. Chinamale	Procurement Specialist	Sr. Procurement Specialist	Procurement	GGODR
Chloe Fevre	Team Member	Sr. Social Development	Social Development	GSU04

Raymond Joseph Mbishi	Procurement Specialist	Procurement Specialist	Procurement	GGODR
Anjani Kumar	Sr. Procurement Specialist	Hub Coordinator	Procurement	GGODR
Patrick Piker Umah Tete	Financial Management Specialist	Sr. Financial Management Specialist	Financial Management	GGODR
Alexandra C. Bezeredi	Safeguards Advisor	Lead Social Dev. Specialist	Safeguards	GSURR
Lilit Petrosyan	Team Member	Consultant	Gender and NGO	GGODR
Amir Munir	Team Member	Senior IT Officer	Technology	ITSCR
Jane A. N. Kibbassa	Safeguards Specialist	Sr. Environment Specialist	Environmental Specialist	GENDR
Johanna van Tilburg	Safeguards Advisor	Sr. Social Development Specialist	Safeguards Advisor	OPSPF
Julia Mauser	Team Member	Consultant	Infrastructure	GGODR
Lisa Bhansali	Peer Reviewer	Adviser	Peer Reviewed	GGODR
Love Ghunney	Team Member	JPA	Economist	GGODR
Mary C.K. Bitekerezo	Safeguards Specialist	Senior Social Development Specialist	Social Development Specialist	GSURR
Alvin Etang Ndip	Team Member	Economist	Statistics	GPOV1
Melat Assefa Asfaw	Team Member	Consultant	Infrastructure	GPVDR
Milena Joksimovic	Team Member	Consultant	Institutional and Civil Society	GGODR
Syed Adeel Abbas	Team Member	ET Consultant	Climate Change	GCCKN
Immaculata Yanga	Sr. Executive Assistant	Sr. Executive Assistant	Sr. Executive Assistant	AFCE1
Amelody Lee	Team Member	Communications Associate	Communications	AFREC
Gandolf Mallya	Temporary	Temporary	Temporary	AFCE1
Rita Obioma Itoro-Godfrey	Team Member	Program Assistant	Program Assistant	GGODR
Mary-Anne Mwakangale	Team Member	Program Assistant	Program Assistant	GGODR
Sahr John Kpundeh	Team Member	Country Manager	Public Sector	AFMJB

Michael Okuny	Team Member	Sr. FM Spec.	Financial Mgmt	GGODR
Izzah Akram	Team Member	Public Sector Specialist -ETC	Spatial Analysis and GIS systems	GGODR
Emmanuel Hanai	Environmental Specialist	Consultant	Environmental Specialist	GGODR
Waleed Haider Malik	Task Team Leader (TTL)	Senior Public Sector Management Specialist	Governance and Justice Sector	GGO19

**Extended Team**

<b>Name</b>	<b>Title</b>	<b>Office Phone</b>	<b>Location</b>
-------------	--------------	---------------------	-----------------



**Locations**

<b>Country</b>		<b>Location</b>	<b>Planned</b>	<b>Actual</b>	<b>Comments</b>
Canada	Judge Adele Kent (Executive Director) and Ms. Brenda Cupper (Director International Programs) NJI Canada	Ottawa			
Ethiopia, UK, Ireland, Austria	Dr. Menbere Tadesse (Judge COMESA Court), DFID (TBD), Emma Dwyer (Ireland Rule of Law International), Lindy Muzila (UNODC)	Addis Ababa, London, Dublin, Vienna			



**Consultants (Will be disclosed in the Monthly Operational Summary)**

--

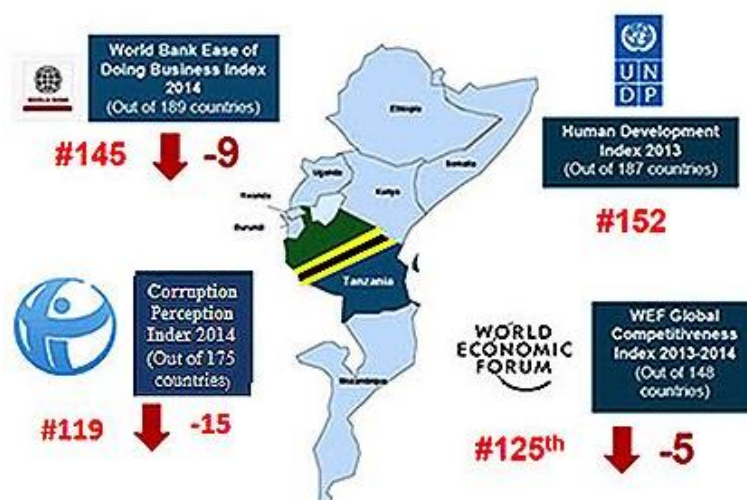


## I. STRATEGIC CONTEXT

### A. Country Context

1. **For over two decades, Tanzania has witnessed strong and stable economic growth, which, in recent years, has started to translate into poverty reduction.** After a long period of stagnation, poverty rates declined from 34.3 percent in 2007 to 28.2 percent in 2011–12, while extreme poverty declined to 9.8 percent, 2 percentage points lower than in 2007.<sup>1</sup> The pace of poverty reduction has accelerated in recent years due to rapid urbanization and better access to services and asset ownership, both in urban and rural areas.<sup>2</sup> However, poverty remains widespread as there are still approximately 12 million households living under the national poverty level—which is about the same level as in 2001—and almost half of the population is still below the well-accepted international poverty line of US\$1.25 per day. A large proportion of the population is, therefore, vulnerable and at risk of falling back into poverty. In addition, the inequality gap between urban and rural populations is widening, mostly due to fewer employment opportunities, limited access to services, and unsatisfactory service delivery outcomes in rural areas.

Figure 1. Drop in Tanzania’s Global Institutional Ranking



2. **Key service delivery rankings and citizen satisfaction with public services have been deteriorating, and trust in public institutions seems to be eroding<sup>3</sup>** (see figure 1). This illustrates persistent challenges in the effectiveness of Tanzania’s development policies as well as underlying governance and institutional issues. According to Transparency International (TI), in 2014 Tanzania ranked 119 out of 175 countries scored for their citizens’ perception of corruption. Corruption, accountability, and urban crime are affecting the country’s national reputation and its ease and costs of doing business. According to Afrobarometer, about 390,000 households reported that they had faced serious crimes such as robbery, burglary, hijacking, or assault in 2010–11. Only 34.9 percent of firms in Tanzania believe that the court system is fair, impartial, and uncorrupted, compared to 46.3 percent for Sub-Saharan Africa.<sup>4</sup> In addition, on the Mo Ibrahim African Governance’s Index,

<sup>1</sup> Tanzania, Household Budget Survey, 2014.

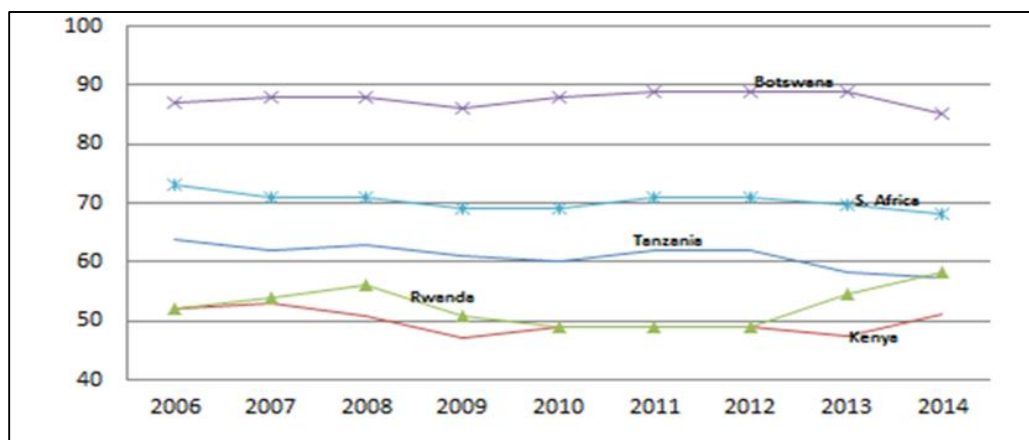
<sup>2</sup> Asset ownership including items such as mobile phones, radio, and television sets has increased.

<sup>3</sup> Afrobarometer (2012) and Citizens Making Things Happen, TWAVEZA Brief No. 15, September 2014.

<sup>4</sup> Tanzania Country Profile 2013; Enterprise Survey. World Bank, International Finance Corporation (IFC).

Tanzania’s overall rule of law and safety scores have steadily declined over the last decade (a score of 64 in 2006 compared with 57 in 2014, or a decline of about 10 percent) (see figure 2).

**Figure 2. Tanzania’s Declining Trend in Rule of Law and Safety Performance**



*Source: The Mo Ibrahim African Governance Index*

3. **In response, the government adopted a results delivery model, known in Tanzania as Big Results Now (BRN).**<sup>5</sup> This initiative places a strong focus on results, with accountability and performance management at the core of implementation, and targets eight priority sectors, including enabling the business environment. The objective of BRN is to ensure that government plans and programs are implemented on time with a focus on the citizens’ needs and that the latter can participate in monitoring progress and providing feedback on successes and setbacks. During the first year of BRN implementation (2013–14), the main performance indicator for all key results areas averaged 72 percent. This does not include the key result area on business environment, which is a new area launched in 2014.

4. **Moreover, the new administration that took office in November 2015—has called upon everyone for expeditious improvements in accountability and transparency to achieve better public service delivery to citizens.** Combating corruption, public embezzlement, tax fraud, red tape, poor management, waste of public resources, procurement loopholes, and other economic and administrative wrongdoings requires concerted efforts. The new president has called upon his cabinet, the parliament, and the judiciary to support him in this effort.<sup>6</sup>

## B. Sectoral and Institutional Context

5. **Tanzania’s Development Vision 2025 and BRN Initiative calls on the judiciary and other justice sector institutions to modernize to international standards so that they can improve the enabling environment for business and investment and strengthen contract enforcement.** Ranked 64 globally in enforcing contracts in Doing Business (DB) 2016, Tanzania is ahead of its regional peers such as South Africa (ranked 128) and Kenya (ranked 105), but lags

<sup>5</sup> The BRN program was initiated in 2013 and continues under the new administration, which took office in November 2015.

<sup>6</sup> The “Government will respect and sustain the good tradition built in the country of respecting the pillars of the state. We will do that by ensuring that our pillars of parliament and the judiciary are given adequate funds to run their affairs freely through Constituent Development Fund and the Judiciary Fund (JF). ... On the part of the judiciary, we will give priority to the issue of the reforms of the judicial system by bringing services closer to the citizens, increase the pace of delivery of justice and the improvement of the remunerations of the staff at our courts.” Address of the president at the opening of the parliament in Dodoma (Nov 2015).

behind global benchmarks.<sup>7</sup> For example, in Tanzania it takes 515 days to resolve a commercial dispute, while in Singapore it takes only 150 days. Disputes go through 38 procedures and costing 14.3 percent of the total claim in Tanzania.<sup>8</sup> These inefficiencies are due to cumbersome rules of procedures, administrative inefficiencies, poor case management, large case backlogs, and minimal use of alternative dispute mechanisms. Contract enforcement delays are also partly due to weak oversight and shortage of court brokers; there are only 45 court brokers for a population of 49 million.<sup>9</sup> Limited information sharing within the judiciary and with the public, as well as deficiencies in skills and performance measurement, are negatively affecting transparency and quality. Uneven geographic distribution of courts, high fees for court users, and institutional challenges are further hindrances to the access to justice for business enterprises.

6. **Tanzania is blessed with abundant natural resources, including minerals and gas reserves that have contributed to rapid economic growth.** These high growth sectors are expected to lead to increased revenues for the government that could enable increased investments in infrastructure and social services. However, various institutional shortcomings prevent most businesses and individuals from taking advantage of this growth and opportunity. Moreover, the gap between the rich and the poor, large and small businesses, and local governments and citizens has widened, leading to conflict around labor, land, and water rights—at times with tragic consequences. The 2014 Index of Economic Freedom ranks Tanzania 109 out of 178 in the world due to the weak protection and poor definition of private property rights, which deter private investment. Resolving such conflicts and discrepancies is the primary focus of the judicial system—more people are coming to courts for adjudication, putting new demand and expectations on Tanzania’s legal and judicial system.

7. **Tanzania’s law and justice sector comprises many institutions with clearly mandated functions that span across the different branches of government and interact in a complex manner.** These include the judiciary, which adjudicates disputes between citizens, public and private institutions, and economic entities such as businesses (see figure 3).<sup>10</sup> The judiciary also interprets the constitution, protects human rights, and provides the essential governance checks and balances between the different arms of the state and within society. The judiciary has a host of auxiliary judicial organs that help perform its functions. These include experts, custodians, auditors, auctioneers, court brokers, and others. The other major agency is the Ministry of Constitutional and Legal Affairs (MOCLA), an executive branch agency, which is the principal policy advisor to the government on legal and constitutional matters; the Office of the Attorney General is the principal legal advisor to the government, which drafts bills to parliament for all sectors of the economy (for example, mining, fisheries, roads, and natural gas), and the Office of the Director of Public Prosecutions (DPP), which prosecutes crimes according to the Penal Code, Health Code, Tax Code, and agricultural laws, in collaboration with the police and municipal authorities. In addition

---

<sup>7</sup> The 2016 DB Survey also includes the quality of judicial processes index. Tanzania is rated 6 out of 18, which is lower compared to South Africa (6.5) and Kenya (9).

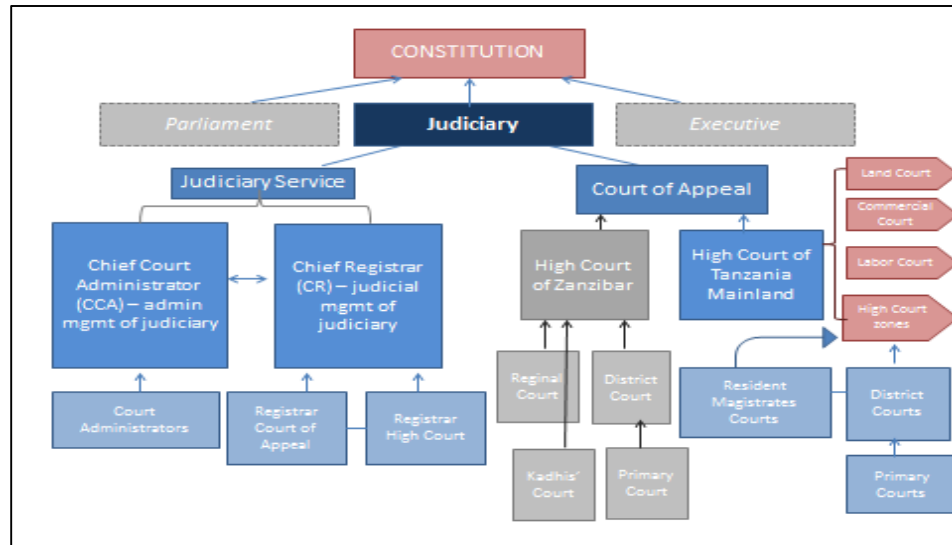
<sup>8</sup> There is a national aspiration to be in the top 25 globally by 2025 by reducing average time taken to resolve a commercial dispute to 250 days, reducing the number of procedures to 21, and reducing costs to 10 percent of the claim value. See Vision 2025 Business Environment Lab Report, Law and Order Contract Enforcement, March 2014.

<sup>9</sup> Court orders of civil nature are executed by court brokers. Presently they reside in 10 regions: Arusha, Dodoma, Shinyanga, Iringa, Mbeya, Mara, Pwani, Dar es Salaam, Lindi, and Mwanza. The remaining 15 regions have no court brokers. The jurisdiction of a court broker is limited to a region for which the person is appointed. Registered court brokers mostly execute orders of the high courts, Resident Magistrate’s Courts, and district courts. Orders of primary courts are executed by ward executive officers belonging to the local government authorities.

<sup>10</sup> Jurisdiction (subject matter and amount in dispute) of each level of court is described in table 6.2 in annex 6. For example, the jurisdiction of the primary court in civil matters is up to TZS10 million (estimated US\$4,600), and criminal matters is up to 12 months imprisonment.

to the formal system of justice, traditional or customary justice institutions operate in Tanzania, especially in rural areas, to resolve communal and other customary grievances. In practice, the user interface and the interplay of different justice sector stakeholders (for example, judiciary, government, and auxiliary organs) described above is complex and causes delays in the delivery of justice services (see figure 4). (Also, see annex 6 on the justice sector for a detailed description of various institutions and their interplay in the overall law and justice sector and for a description of how well they deliver services in different geographic areas and for different population groups).

**Figure 3: Structure of the Judiciary**



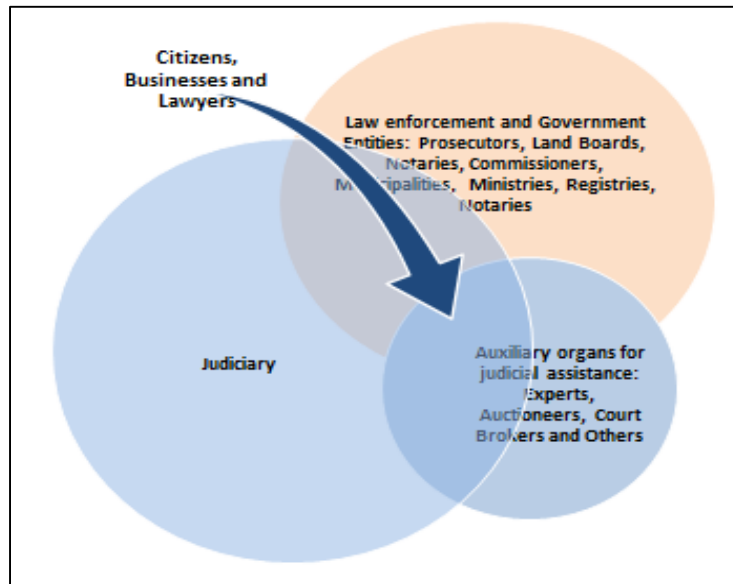
8. **According to the United Republic of Tanzania’s Constitution of 1977 and the Judiciary Administration Act of 2011,<sup>11</sup> the judiciary has the final say in the administration of courts and policies that govern court and case management efficiency.** It has a five-tier court structure as follows (see figure 3): the Court of Appeal, the high court and its four divisions, the Resident Magistrate Courts, the District Magistrates Courts, and the primary courts. In the court system, there are about 100 judges, 45 registrars and 1,000 magistrates, 40 court administrators, and 5,000 court clerks and support staff. Its overall annual budget is about US\$118 million (2014) (see annex 6 for budget details of the judiciary and other justice sector entities). The court system receives about 200,000 cases (both filed and pending) per year in all types and levels of courts, of which about 120,000 are disposed of annually (that is, a disposal rate of about 60 percent), thereby causing perpetual increase in backlogs and compounding delays. Manual event-based systems and processes result in inefficient case management. For example, more than 50 percent of cases take 30–90 days from filing to preliminary objection, and two-thirds take 90–1,000 days to progress from pretrial hearing to trial, and two-thirds take 150–1,000 days from trial to decision.<sup>12</sup> Court administrators have been appointed recently in high courts and other major courts to enhance efficiency by separating judicial and non-judicial functions—and this has enabled introduction

<sup>11</sup> The Bank’s Accountability, Transparency and Integrity (ATI) Program (2005) provided technical assistance for the drafting of this act. This act has led to major improvement in the organizational setup of the judiciary. The court administration and judicial functions have now been separated in the courts, whereby judges can now more fully dedicate themselves to adjudication and other judicial responsibilities without worrying about administrative matters. Typically, about 20 percent of the judges’ daily routine time was spent on administration matters before the introduction of these reforms.

<sup>12</sup> Keenan Report 2011.

of modern management systems—and to bring e-justice for effective service provision.<sup>13</sup> Most records and case management systems in high courts, Resident Magistrate Courts, district courts, and primary courts are manual and susceptible to theft and alteration and require streamlining (see figure 5).

**Figure 4: User Interface for Justice Service Delivery**



**Figure 5: Court File Record Room**



9. **Skills and professional management are key weaknesses of the judiciary, undermining its performance, integrity, transparency, and credibility among citizens.** Staff evaluation is done for non-judicial staff, but no official mechanism is in place for assessing the performance of judicial staff. Productivity benchmarks for judges to handle about 220 typical cases per year have been set, but the lack of a robust monitoring and evaluating performance (M&E) system and the absence of a strong skills training program for judges, magistrates, court clerks, and staff has undermined policy implementation.<sup>14</sup> The ineffectiveness of complaint handling systems for judges, lawyers, and court brokers also affect

<sup>13</sup> Modelled on international good practices, the judiciary plans to expand the judiciary statistical dashboard system (JSDS) into an e-justice portal by expanding its coverage and introducing new features such as decision publication, decision enforcement module, e-filing, registry operation, judge and magistrate decision support, a staff word-processing module, videoconferencing, e-records and document management, court recording and transcription, and other features. Judiciary's Strategic Plan 2015–20.

<sup>14</sup> Internationally judiciaries use many indicators for efficiency, quality, and accessibility of justice. Vera Institute of Justice. 2003. *Measuring Progress Towards Safety and Justice: A Global Guide to the Design of Performance Indicators Across the Justice Sector*. New York: Vera Institute of Justice.

public perceptions, integrity, and quality of the judiciary. The Chief Justice has set up a committee to develop performance standards, conduct inspection of courts, and promote an ethical code among stakeholders.

**10. Access to justice and service delivery for user groups such as women, small businesses, and rural poor are severely constrained among other users, due to socioeconomic, cultural, political, infrastructure, and governance factors.** Women’s access is constrained due to procedural difficulties as well as delays in settling probate matters, in which they are usually disproportionately affected due to social challenges (see annex 6, box 5, on Women’s Access to Justice in Tanzania).<sup>15</sup> There are no small claims procedures to provide effective services to small and medium enterprises (SME) in the commercial court or Resident Magistrate and district courts. There is a severe shortage of lawyers in rural areas. Many paralegals operate without adequate supervision or certification, providing suboptimal services and causing other legal and social problems.<sup>16</sup> Alternative dispute resolution (ADR) mechanisms, whether court-annexed or conducted by private entities are not well developed nor fully understood by large segments of the stakeholders (for example, in the commercial court, mediation accounted for only 13 percent of all disposed cases in 2013 and in family matters, mediation is sparingly used). Some of the court fee rules are outdated. Advocates’ fees are not adequately regulated and monitored. Court brokers’ execution fees are high (about 22 percent of the value of the claim), there is limited monitoring of the execution of court decisions by the court, and an ineffective licensing and supervision system exists. Legal aid is provided by nongovernmental organizations (NGOs) and the schools of law, but coverage and resources are limited.

**11. Physical space constrains access and quality of services -many courts have shortage of trial rooms and offer fragmented services, which negatively affect the image of courts among citizens.** Often this causes, for example, the numerous court stenographers and other staff responsible for recording court proceedings to sit in multiple, dispersed locations. The court staff also operates in dilapidated conditions, forcing magistrates to hold court proceeding in their offices; this limits citizen access to justice and puts at risk their due process and fair, open trial rights. Many judges work in crowded offices and lack information technology (IT) resources and together these disrupt the judges’ ability to write their decisions uninterruptedly and timely.

**12. Due to the poor geographic distribution of courts, 21 million people (equal to 47 percent of the total population) do not have easy access to high court services.** All 25 administrative regions have a functional Resident Magistrate Court; furthermore, three specialized Resident Magistrate Courts deal with juvenile issues as well as municipal and traffic issues. District courts exist in 110 out of 133 districts, while there are only 960 functional primary courts countrywide, with the number of wards currently standing at 3,990 (and many far from a primary court).<sup>17</sup> In

---

<sup>15</sup> Gender-based legal differences constrain women’s ability to make economic decisions in a variety of ways and can have far-reaching consequences on women’s access to justice. ‘Women, Business and the Law 2016: Getting to Equal’ finds that Tanzania has comparatively good laws on an overall regional basis. For example, Article 66 of the constitution provides for a 30 percent quota for women in national parliament, allowing women’s interests and needs to be better represented. Tanzania has no restrictions on the types of jobs women can do or the hours they can work relative to men. However, Tanzania still has significant legal gender differences, particularly in women’s access to assets that negatively affect women’s entrepreneurship and employment, which in turn affect justice access issues.

<sup>16</sup> However, policymakers perceive that paralegals are an important bridge between the formal law and justice institutions and the customary justice mechanisms due to their familiarity with local customs, communities, and social and political power dynamics. Access to justice improvements could gain momentum and scale if paralegals are leveraged, trained, and certified to bring services to the people—especially the poor and vulnerable.

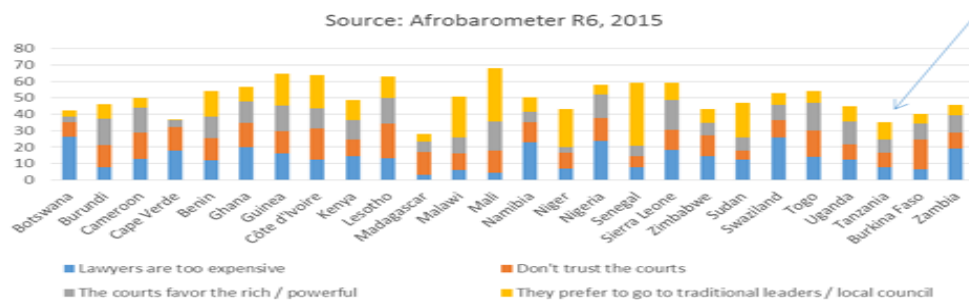
<sup>17</sup> The medium term target of the judiciary is to have a primary court not more than 50 kilometers from a ward in rural areas (current average distance in more than 150 kilometers).

addition to the poor geographic coverage, sheer infrastructure gaps force citizens to travel long distances and incur high costs to gain access to justice. All in all, these deficiencies cause numerous operational and security problems and negatively affect the image of the judiciary among citizens.<sup>18</sup>

13. **The lack of public information, slow publication of court decisions, and perception of corruption in service delivery aggravate the problem of access to justice and highlight other operational deficiencies, according to the Court User Survey (2015)** (see annex 5 for details). Citizens and businesses do not have adequate access to basic information on filing claims or on obtaining records, paying court fees, or about who does what in the justice sector. There are no court user guides. Court proceedings and information are in English, whereas many people who appear in court only understand Swahili. About 60 percent of ordinary users say that court websites do not meet their information needs. Direct users mostly rely on notice boards in the court premises, whose coverage and quality are deficient. While all high court branches and the Court of Appeal have notice boards, only 70 percent of district and Resident Magistrate’s Courts and only 31 percent of primary courts do. The publication of court decisions is slow, and publications are difficult to obtain. About 80 percent of respondents consistently said that they “never had to pay bribes for any instance during their interaction with the court system.”

14. However, about 13 percent claimed to pay bribes to “obtain a copy of a court document,” and about 12 percent claimed to pay bribes to “process bail”. Yet when the user responses are broken down more granularly to assess their experiences with different court tiers, the ratings vary considerably. For example, when responding to the question regarding the level of satisfaction in the way they were treated by court staff, 67 percent of respondents at the primary court level indicated satisfaction with the way they were treated, compared to just 50 percent at the high court level. For the questions regarding the overall service quality by court, 42 percent of respondents at the primary court level indicated satisfaction with the way they were treated, compared to just 20 percent at the high court level. There is also a large gap (22 percent) between the perceptions of those who are in direct contact with the court (current litigants) and the general public (past and future court users) on whether court staff adhere to ethical principles: 62 percent versus 40 percent, respectively. All these factors point to an urgent need to educate citizens on the role and functions of the justice system, provide basic information and assistance in local languages, and address citizens’ specific access needs.

**Figure 6: Reasons for not Taking Case to Court**



15. **Although Tanzania compares well regionally, the need to build trust and offer legal aid are important for access to justice.** According to the Afrobarometer Survey 2015, even when people think

<sup>18</sup> According to the Business Environment Lab Report 2014, court services at all levels (High court, Resident Magistrate Court, and district and primary courts) are unevenly spread across the country. There are more court delays in Dar es Salaam and Bukoba as compared to other regions. Most businesses file their cases in these locations as there is a shortage of lawyers, judges, and court services in other regional towns and rural areas mainly due to insufficient infrastructure and weak incentives for professionals to relocate in these underserved areas.

“they have a legitimate complaint and deserve justice,” 35 percent of respondents in Tanzania say that they do not take cases to formal courts and give these reasons: they do not trust the courts (10 percent); believe that lawyers are too expensive (9 percent); prefer to go to traditional leaders (9 percent); and think that courts favor the rich and powerful (7 percent). This compares, unfavorably with Madagascar (28 percent) and favorably with Ghana (58 percent), Cote d Ivoire (63 percent), and many other Sub-Saharan African countries (see figure 6).

**16. Tanzania has been engaged in justice reforms for about a decade but much more still needs to be done to extract lessons and to plan interventions that strengthen the performance of a wide range of justice sector institutions and services.** The long-term process has yielded mixed results and involved several leading institutions and inter-entity coordination arrangements. Previous efforts were mostly ‘law reform’ oriented and led by executive branch agencies (primarily the MOCLA , which invariably has included the Attorney General’s Chambers and the Director of Public Prosecution, and the Police) with donor assistance (such as the European Union [EU], Canadian International Development Agency [CIDA], United States Agency for International Development [USAID], Development Finance for International Development [DfID], United Nations Development Programme [UNDP], and the United Nations Children’s Fund [UNICEF]). The World Bank also supported some institutional judicial improvement efforts through the components of three projects, namely (a) the Financial Institutions and Legal Management Upgrading Project, which closed in December 1998;<sup>19</sup>(b) the Accountability, Transparency, and Integrity Program (ATIP);<sup>20</sup> and (c) the Business Environment Strengthening Program (BEST),<sup>21</sup> of which the latter two closed in 2011. Others include the Quick Start Project (2001–04) and the DfID program Support to Tackling Corruption in Service Delivery. The MOCLA mainly led these projects. Although the judiciary was part of the reform process, it generally remained in the backseat when it came to prioritizing or benefiting from investments or setting reform priorities. In view of this, the judiciary’s ownership of those earlier initiatives was not well developed, and many reforms did not take root and were somewhat unsuccessful. Stocktaking of past reforms indicates that there is a need to modernize police and prosecutor operations in court proceedings to cut

---

<sup>19</sup> The Financial Institutions and Legal Management Upgrading Project was prepared to lay the groundwork for comprehensive reform programs on financial management (FM) and legal and judicial sector. Its objective, among others, was to improve the legal and regulatory framework and the administration of justice. These broad objectives were to be achieved by strengthening the Attorney General’s Chambers, the Law Reform Commission, the judiciary, and the Registrar of Companies. With respect to the judiciary, the focus was on improving commercial law and streamlining procedures to ensure speedy disposition of cases, including through the use of ADR; upgrading of the library of the high court, by training library assistants and retooling; and acquisition of typewriters and computers for busy courts and publishing of law reports.

<sup>20</sup> The primary objective of ATIP (US\$40 million IDA) was to support the implementation of Tanzania’s strategic framework for good governance. The ATIP aimed at improving outcomes and impacts of development programs on the poor by enhancing the quality of governance. The project had four main components, namely (a) Strengthening the legal and judicial system; (b) Enhancing public financial accountability; (c) Strengthening oversight and watchdog institutions; and (d) Program management and coordination. The project provided support under Component (a) through a basket fund arrangement for the LSRP with other development partners to assist the MOCLA to update laws and regulations, fund the construction of a law school and other legal sector buildings, and set up a legal aid secretariat and programs run by NGOs, among others. In the case of the judiciary, a review of court administration training and the purchase of equipment and vehicles were supported. The plan to construct a Court of Appeal building did not materialize due to planning and inter-institutional coordination problems.

<sup>21</sup> The BEST was designed to improve the investment climate in Tanzania by reducing the regulatory and administrative constraints on private sector operations and by improving the delivery of government services to the private sector. The program was funded jointly by Danish International Development Agency (DANIDA), DfID, the Royal Netherlands Embassy, and the Swedish International Development Cooperation Agency together with financing received from the Bank under the Private Sector Competitiveness Project (Credit No. 416-TA Project ID No. P085009). Studies of court cases and other research were supported under the project.



delays.<sup>22</sup> Collaboration and inter-institutional coordination as well as lessons-learning support are needed to help plan further justice and rule of law reforms.

### *The Way Forward*

**17. Recent judiciary-led reform measures have resulted in initial improvements in case management and better resource allocation and have had some positive impacts on court performance, which needs to be strengthened under the proposed project.** In the last two years, the judiciary has established a new cadre of court administrators to relieve judicial officers from administrative and financial responsibility. This has given judicial officers more time to concentrate on judiciary work and improve performance. The clearance rate of district magistrate courts has increased from about 52 percent to about 73 percent, and the primary courts are now recording a clearance rate of about 80 percent, which also reduces backlogs.<sup>23</sup> Congestion of cases at the appeal court level has been reduced (clearance rate from 21 percent in 2008 to 58 percent in 2012, and cases heard increased from 552 to 1043 during the same period). The performance of the high courts has also shown improvement. The commercial court has deployed technology successfully to improve public information through a kiosk and website and has plans to upgrade its information and communication technologies (ICT) and case management systems.<sup>24</sup> The commercial court will also serve as a model for other courts to introduce technology and deploy e-justice. The case backlog in the high court has reduced by 50 percent, from 6,887 cases in 2012 to 3,632 in 2014. Also, 52 out of 59 major government project cases (for example, regional roads and pipelines), which were at the high court land division, have been finalized.

**18. The judiciary enjoys the full support of the new president and executive and legislative branches and has adopted a participatory and inclusive approach for institutional modernization to meet global standards in service provision, transparency, and citizen engagement.** It has initiated a broad participatory and consultative process within the judiciary and among its stakeholders to assess needs and prioritize investments. This process has led to the development of the Judiciary Strategic Plan 2015–20 which has three pillars, namely (a) governance, accountability, and management of resources; (b) access to justice and expeditiousness in service delivery; and (c) public trust and stakeholder engagement<sup>25</sup> (see figure 7). Also, based on international good practice, a Judiciary Reform Team (JRT) has been set up to plan and carry out implementation of modernization initiatives. At the national level, a High Level Judiciary Reform Steering Committee has been set up to provide policy oversight and monitor implementation.<sup>26</sup> The Judiciary efforts to reform has high level support, which was affirmed at the Law Day on February 4, 2015 by the former president who lauded the judiciary's efforts. The Judiciary leadership, including the Chief Justice is continually promoting close consultation with all stakeholders to ensure buy-in (for example, from judges, staff, civil society, and members of the bar) and harnessing international good practices. Modernization measures are being deployed gradually. Progress reviews are being completed in a systematic manner, and results have been disseminated during public events such as Law Day. Development partners such as DANIDA, DfID, CIDA, UNDP, EU, UNICEF,

---

<sup>22</sup> The transformation process was started in 2008; see box 3 in annex 6 for details.

<sup>23</sup> The Resident Magistrate Courts have a backlog of about 25,000 cases.

<sup>24</sup> See box 6.2 in annex 6 for details about the modernization of the commercial court.

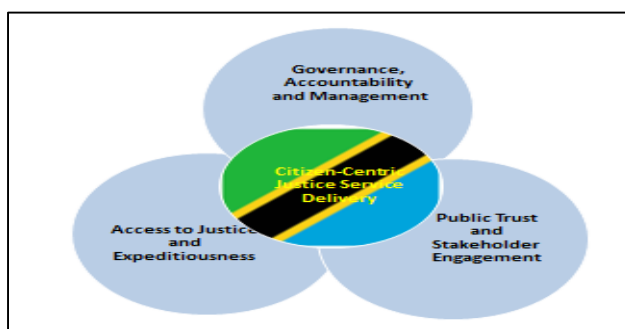
<sup>25</sup> For details, see box 6.2 on the Judiciary's Strategic Plan 2015–20, in annex 6.

<sup>26</sup> The composition of this committee is as follows: (a) Chief Justice - Chairperson; (b) Minister of Constitutional and Legal Affairs - Co-Chairperson; (c) Principal Judge – Member; (d) Chairperson - Law Reform Commission (LRC) - Member; (e) Attorney General - Member; (f) Chief Court Administrator - Member; (g) Chief Registrar - Member; (h) Permanent Secretary, Finance - Member; (i) Permanent Secretary, Prime Minister's Office - Regional Administration and Local Government - Member; (j) Executive Director, Tanzania National Business Council - Member; (k) Director General, Tanzania Private Sector Foundation - Member; (l) Executive Director - Tanzania Investment Center - Member; and (m) President, Tanganyika Law Society (TLS) - Member. *Source:* Judiciary.

and others that have supported law and justice initiatives are encouraged to provide direct support around the new priorities. For example, in collaboration with the Bank, CIDA and USAID are being encouraged to build partnerships among the Institute of Judicial Administration of Tanzania (IJA), the Canadian National Judicial Institute, and the U.S. Federal Judicial Center to address judges' skills training needs.<sup>27</sup>

19. **The Chief Justice and the Ministry of Finance and the president have invited the World Bank Group to support Tanzania's justice transformation process by sharing global knowledge, offering advice, and providing financial resources for priority justice service delivery, anticorruption, and citizen engagement investments.** Being a 'Solutions Bank', the Bank is uniquely placed to marshal the vast reserves of evidence and experiential knowledge on judicial development from across the world and help apply them to solve local problems in the Tanzanian judiciary. Ongoing judiciary-led efforts will gain added stimulus and direction through the direct participation of the Bank and other partners. The Bank's support to the judiciary and justice entities will help enhance their institutional capacity to demonstrate results to citizens. Tanzania's overall purpose is to build a modern judiciary that delivers efficient and transparent justice by 2025.

**Figure 7: Pillars of the Judiciary Strategic Plan 2015-20**



### C. Higher Level Objectives to which the Project Contributes

20. **The proposed support for citizen-centric justice service delivery directly responds to the recently approved Sustainable Development Goals (SDGs).** SDG No. 16 is dedicated to “the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels.”

21. **Furthermore, the project directly responds to Tanzania's Country Assistance Strategy (CAS) priorities, dated May 9, 2011.** The CAS (page I, paragraph v) stresses the need to “improve the business environment ... to fight corruption [and] transparency and accountability across all sectors,” to address Tanzania's development challenges. Support to the judiciary and an effective judicial operation in Tanzania would enable efficient dispute resolution and less perceived business risk. Robust application of the rule of law and enforcement of judicial decisions will help promote transparency, governance, and accountability in society at large. The citizens' right to justice would be improved with expanded avenues for access and human rights protection. These CAS priorities are also consistent with the Systematic Country Diagnostic and Policy notes that have been prepared by the Bank for the new administration.

22. **Less trust between the state and citizens remains a key impediment to social sustainability in Tanzania.** Bank support for effective service delivery and robust citizen engagement will help improve people's lives and achieve the twin goals: ending extreme poverty by 2030 and boosting shared

<sup>27</sup> An indicative list of training and education courses is provided in annex 2, table 2.1.

prosperity of the poorest 40 percent of the population in developing countries. The poor segments of the population will benefit from affordable access to justice through mobile courts offering services in areas where they live. Bank support for cost effective dispute resolution services for small business will help lower their transaction costs and improve business returns. Given that resistance to change always poses challenges to institutional reform when new work methods are introduced, the Bank's involvement will also help strengthen the judiciary's dialogue with stakeholders who believe in the status quo. Institutional collaboration with the Tanzanian authorities should also strengthen the Bank's dialogue on transparency, test the Tanzanian government's commitment to institutional changes, and pave the way for further governance reforms (for example, governance development policy operations) that are crucial to promoting growth, timely contract enforcement, and investment in the country that can help improve peoples' lives.

23. **The proposed project directly responds to Tanzania's Development Vision 2025, a national strategy focused on poverty reduction, the Judiciary Strategic Plan 2015–2020, and the Court User Survey 2015.** These government efforts seek to improve peoples' lives through reforms that enhance the enabling environment for business and investment, strengthen growth, and cut poverty. The official poverty figures announced by the government in November 2013 reveal that the national strategy on poverty reduction has begun to facilitate positive change; between 2007 and 2011–12, basic needs poverty declined from 34.4 percent to 28.2 percent, and extreme poverty declined from 11.7 percent to 9.7 percent. The Judiciary Strategic Plan and the accompanying Court User Survey conforms to national priorities and strives to meet international standards in service delivery and access to justice, to facilitate social and economic development. In the global rankings of DB 2016, Tanzania is ranked 64 for its enforcement of contracts, and through its modernization efforts, will strive to be among the top 25 countries over the medium term.

## **II. PROJECT DEVELOPMENT OBJECTIVES**

### **A. PDO**

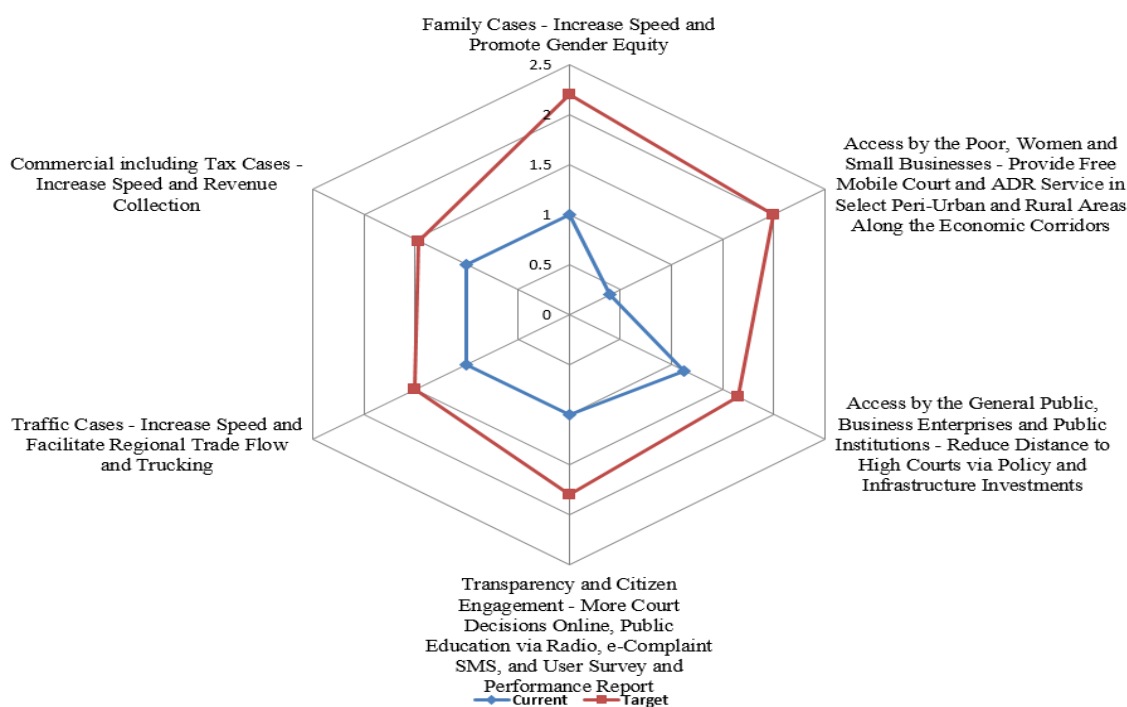
24. **The project development objective (PDO) is to improve the efficiency and transparency of, and access to, selected citizen-centric justice services.** In urban and rural areas, justice services will be brought closer to the people through the modernization of governance, inspection, and court administration systems; the upgrade of skills and performance of judges, magistrates, and staff; and the construction of court infrastructure and deployment of innovations to improve justice accessibility in select locations. A robust program of change management will accompany the implementation.

25. Although the project will be national in scope, capacity development activities will take a targeted and integrated approach, whereby, the infrastructural upgrade and construction of courts will mainly take place in large cities (for example, Dar es Salaam, Mwanza, Arusha, Mara, Morogoro, Kigoma, Singida and Mtwara) and along economic corridors, where innovations in access to justice and e-justice will be promoted. Furthermore, a Justice-on-Wheels (mobile courts) Program will be piloted to empower vulnerable groups (for example, women, youth, and small business) by providing quick and affordable justice services where they live and work. Selection of court locations and jurisdictions for Justice-on-Wheels will be done on the basis of criteria to be specified in the Project Operational Manual. (See figure 8, figure 2.2 in annex 2 and project infographics in annex 10.)

## B. Project Beneficiaries

26. **Citizens (both men and women), including vulnerable groups like women; rural poor and informal traders; and businesses (micro, small, medium, and large commercial enterprises, investors, and banks) operating in the United Republic of Tanzania will be the core beneficiaries of the project<sup>28</sup> (see figure 8 and project infographics in annex 10).** The setup of integrated justice service delivery centers in the aforementioned cities will directly help vulnerable groups, especially women who are engaged in family-related disputes through the timely provision of all services (for example, access to court decisions) in one location. The opportunity to upgrade skills and knowledge will benefit judges, staff, and other justice sector stakeholders in their provision of citizen-centric justice services while also helping with their career progression and their level of satisfaction with their job performance. (See figures 2.2 in annex 2)

**Figure 8: Project Beneficiaries and Improvement Yardsticks**



27. **Public education through community radio and mobile courts will benefit the poor in rural and peri-urban areas.** In select urban and rural areas, an improved work environment in courthouses and the modernization of justice facilities should boost the morale of human resources and add to the judiciary's *esprit de corps*. It will also improve citizens' day-to-day interactions with court service access and their ability to exercise their rights. When delays are cut and costs related to access are reduced, businesses, banks, and other commercial entities should all benefit from a lower risk profile and from lower transaction costs.

28. **Since Tanzania is a key partner in regional trade due to its geographic location (whereby it serves as a trade route for landlocked neighboring countries via the Dar es**

<sup>28</sup> According to the World Bank's 2014 Tanzania Country Economic Memorandum, approximately 11 million businesses operate in Tanzania (5 million nonfarm businesses and 6 million farm based). About 90 percent of firms are micro enterprises with one employee (self-employed), and about 6 percent of firms have more than 10 employees.

**Salaam port), improved contract enforcement and judicial predictability will promote regional integration.** Government authorities in all branches of the state will benefit from better citizen confidence in the provision of justice services and the enhancement of the enabling environment for investment and national development, thereby meeting the requirements of Vision 2025, BRN initiatives, and the aspirations of the new administration. In addition, regional integration will benefit and help advance Tanzania’s contribution to Agenda 2063 of the African Union, which calls for collective action to improve peoples’ lives in Africa.

### **C. PDO Level Results Indicators**

**29. Project performance indicators and approach.** The project has been designed to support the implementation of activities drawn from the strategic pillars of the Judiciary’s Strategic Plan 2015–2020, as described above. The type of improvements the project plans to support would make justice service delivery faster, quicker, and more accessible in selected locations to appropriately guide ambition and encourage success. Learning from Bank experience in Europe and Central Asia and Latin America and the Caribbean, an indicative list of measurement indicators would be provided in the Project Operational Manual and updated as the implementation progresses. In addition, capacity-building support on M&E and data production would be provided to improve availability and quality of data generated by the judiciary. Furthermore, project interventions are carefully targeted and ring-fenced to bring justice services closer to poorer segments of society and small businesses and avoid the potential of an elite capture of benefits. The following results indicators would be used initially for select locations (see annex 1 for details).

(a) **Citizen-engagement:**

- (i) Results of Court User Survey reflected in the Performance Report (Scorecard). [Baseline: Court User Survey 2015; End of Project (EOP): Action taken for achieving and improving trend in citizen-centric justice service delivery in selected urban and rural areas for poorer and other segments of the society]

(b) **Efficiency:**

- (i) Percentage reduction in the number of cases older than three years in the court system [Baseline: 5,000 in higher-level courts; EOP: 45 percent reduction]
- (ii) Average time it takes from the date of filing to the determination of a case, for (a) Commercial cases [Baseline: 515; EOP: 350]; (b) Family cases [Baseline: 1,650; EOP: 750]; (c) Traffic cases [Baseline: 350; EOP: 250]

(c) **Transparency/Access:**

- (i) Court decisions published online in courts with requisite infrastructure [Baseline: Less than 1 percent; EOP: More than 10 percent]

(d) **Access:**

- (i) Number of beneficiaries of mobile court and ADR services (for example, adjudication of small claims, mediation, conciliation, counseling, information provision, and so on) in selected areas [Baseline: 0; EOP: Target 1,000 per year,

number disaggregated by gender and or type of business and women entrepreneurs and poverty level of area served]

- (ii) Percentage of citizens with closer access to high courts [Baseline 53; EOP: 65 percent]

### III. PROJECT DESCRIPTION

#### A. Project Components (figure 9)

##### Component 1: Governance, Organization, and Systems Development (US\$18 million)

30. **The component aims to improve court efficiency and modernize court administration.** Inefficiencies, delays, backlogs, and administrative bottlenecks will be addressed by strengthening planning, human resources, simplifying governing rules, modernizing record keeping, improving staff productivity, deconcentrating functions, and leveraging technology for the introduction of e-justice services and the production of statistics and information to citizens and businesses. This component will support the achievement of PDO level and intermediate results indicators outlined in annex 1.

##### *Subcomponent 1.1: Strengthen Court Administration and Support Project Management*

31. **This subcomponent aims to improve the judiciary's institutional management and provide support for the implementation and oversight of the proposed project.** The project will, therefore, finance the following activities: (i) provision of capacity support to the Office of the Chief Justice, the Office of the Principal Judge, the Office of the Chief Court Administrator, and the Office of the Chief Registrar for the implementation of the Judiciary Administration Act of 2011, with respect to the new court administration systems including for planning, human resource recruitment, administrative inspection, communication, statistics, budgeting, and inter- and intra-institutional coordination; and (ii) provision of support to the Judiciary Reform Team (JRT), including its delivery unit, and for undertaking day-to-day Project implementation activities and performing reporting functions to the Judiciary Steering Committee (JSC) responsible for the oversight and monitoring of the Project.<sup>29</sup>

##### *Subcomponent 1.2: Simplify Rules and Procedures for Court Cases*

32. This subcomponent aims at mainstreaming the work of the judiciary's Rules Committee and other chief justice's committees to simplify bottlenecks in case processing, especially for commercial matters. The project will, therefore, support the following activities: (i) regularly taking stock of procedural rules, and submitting amendments and recommendations to the Chief Justice for approval to address procedural gaps, while identifying those recommendations that do not require legislative approval; and (ii) disseminating the new rules, and training judges, magistrates, staff, and other stakeholders.

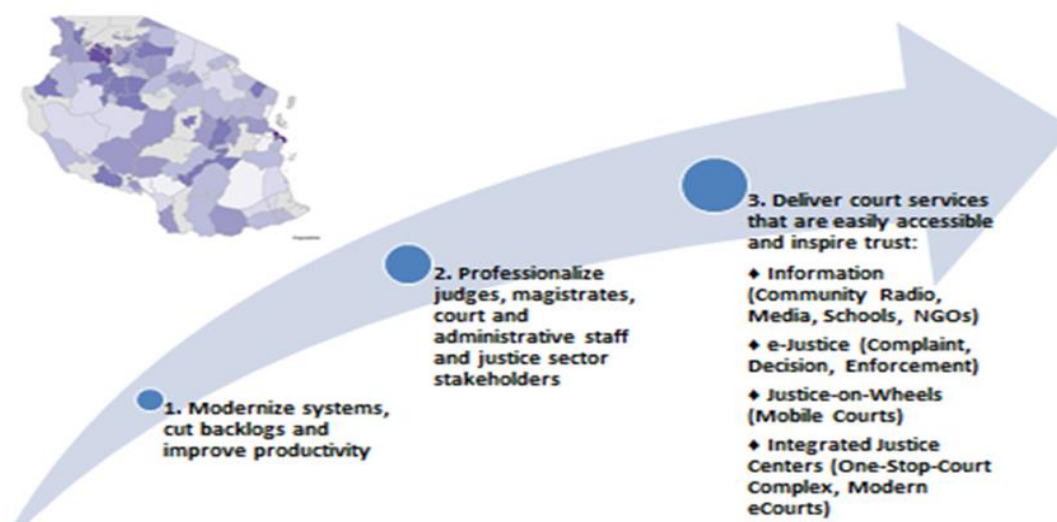
---

<sup>29</sup> Capacity support will include assistance for the fulfillment of the Environmental and Social Management Framework (ESMF), M&E, technical, operational, procurement, and FM requirements. It will also include the provision of experts for the deployment of change management strategies that address the 'how to', as well as the problems related to the status quo and the resistance to change. Also included will be support for stakeholder engagement through existing groups (such as case management and bench-bar committees) at various court levels to empower staff, promote leadership from within, and facilitate change.

### *Subcomponent 1.3: Clear Backlogs in High Courts and Subordinate Courts in All Jurisdictions*

33. **This subcomponent aims at reducing the number of pending cases.** The project will, therefore, support the following activities: (i) supporting the design of a backlog clearance program by identifying relevant case files for inclusion, estimating human and financial requirements, and compiling and publishing cause lists; (ii) conducting bench-bar and case-flow management strategic meetings, engaging judges and magistrates with extended jurisdiction, and carrying out relevant training; (iii) implementing a backlog clearance program by improving communication system to parties and stakeholders, promoting ADR, conducting consecutive hearings, delivering judgments immediately after trials, evaluating progress, and disseminating results.

**Figure 9: Tanzania Citizen Centric Judicial Modernization and Justice Service Delivery**



### *Subcomponent 1.4: Modernize Court Records and Introduce e-Case Management*

34. **This subcomponent aims to improve the integrity of court records, the efficiency of case processing, and the availability of judicial information by leveraging technology and new work methods.** The positive ICT modernization experience of the commercial court and the JSDS-IT system in use for statistical data collection will be leveraged to design the e-justice program for deployment in select courts. The project will, therefore, finance the following activities: (i) the streamlining and reorganization of record keeping in all courts; (ii) the refining of time standards and the establishment of sanctions to ensure compliance with court orders; (iii) the implementation of an integrated e-justice system for case management and tracking (including e-filing, e-fees, e-notification, e-records, e-recording of evidence, e-decision publication, e-feedback, and e-performance), including the setting up of a judiciary data center and video conferencing facilities, and the further modernization of the commercial court ICT systems; (iv) the setting of standards and outlining of mechanisms for handling high profile cases and large economic investment disputes in order to manage institutional risks and to communicate to the public; (v) the establishment of a records management system for completed cases and setting of - schedules and implementation program for archival and disposal of cases and non-related case records; and (vi) the development of a change management program for judges, staff, advocates, and other stakeholders to improve timeliness in case processing.

## **Component 2: Skills Development, Inspection, and Performance Management (US\$10 million)**

35. **The component aims to strengthen training and skills of the judiciary and its stakeholders and will operationalize the work of the Directorate of Inspections by implementing a system of judicial performance monitoring and promoting a robust mechanism for obtaining citizen feedback on court services.** Skills and knowledge gaps of the judiciary and stakeholder officials will be addressed through continuing education programs, using adult learning principles, and an experiential, skills-based approach (see annex 2 for details). This component will also build the capacity of the judiciary to conduct court inspections and the institutional supervision of lawyers and court brokers in an effective manner and provide an easy and workable mechanism for obtaining citizen feedback on court performance. This component will support the achievement of PDO level and intermediate results indicators outlined in annex 1.

### *Subcomponent 2.1: Skills Training and Knowledge*

36. **This subcomponent aims at upgrading the skills of judges, staff, and stakeholders for effective service delivery.** The project will, therefore, finance the following activities: (i) conducting systematic training for judicial and non-judicial staff and justice sector stakeholders by reviewing the curriculum of existing programs offered by the Institute for Judicial Administration (IJA), adding new continuing education courses, providing physical infrastructure (including e-learning) for the delivery of training in the Integrated Justice Centers to be built in Selected Cities (for example, Dar es Salaam, Mwanza, Mara, Arusha, and Morogoro), and formalizing partnership agreements with local universities and international judicial training institutions (for example, the National Judicial Institute of Canada, the National Judicial Academy of Turkey, and the Federal Judicial Center of the United States of America) for at-scale delivery. An indicative list of training and education courses is provided in table 2.1 in annex 2; and (ii) the carrying-out of training impact assessments.

### *Subcomponent 2.2: Judicial Inspection, Supervision and Performance Evaluation of Judicial and Non-Judicial Functions*

37. **This subcomponent aims to strengthen the performance evaluation and inspection of judicial officials and the institutional supervision of court officers, in coordination with stakeholders.** The project will, therefore, support the following activities: (i) rolling out a performance evaluation system for judges, court managers and court officials (except for the Court of Appeal) including an e-feedback (for example, complaints) portal for the Directorate of Inspections; (ii) establishing a unit in the judiciary that deals with the day-to-day work of Advocates and Court Brokers, recruits resources, offers training, and prepares a Short Message Service (SMS) feedback system; (iii) increasing the number of Court Brokers serving urban and rural areas in court decision enforcement; (iv) providing support to the Tanganyika Law Society (TLS) and the Court Brokers Association to strengthen their professional oversight and operations, in line with the provisions of the Judiciary Administration Act of 2011 and applicable norms; and (v) strengthening the judiciary's departments through capacity building, skills development, working tools and facilities for systematic monitoring and evaluation of activities and programs.

## **Component 3: Access to Justice and Public Trust (US\$37 million)**



38. As noted above, socioeconomic factors, lack of information, language, time, cost, distance, corruption, and poor infrastructure are major bottlenecks of access to justice and cause weak citizen trust of the judiciary.

39. **This component will aim to address these challenges by expanding the current avenues of accessing justice and building citizen trust by promoting innovations that bring justice services closer to the people.** Since access to justice and justice reform is a long-term process, this component also seeks to facilitate the development of complementary programs in collaboration with other development partners. This component will support the achievement of PDO level and intermediate results indicators outlined in annex 1.

*Subcomponent 3.1: Public Education and Accountability*

40. **The aim of this subcomponent is to improve the availability of court information to citizens and businesses and to provide them with mechanisms for offering feedback.** The project will, therefore, finance these activities: (i) designing and implementing court user information campaigns in Swahili and English, targeting the general public, tourists, truckers, and SMEs, especially through community radio stations, television, and mobile courts (see Subcomponent 3.2) and in partnership with civil society and SME business associations, the Tanganyika Law Society, and justice sector institutions; (ii) designing and implementing a student education module in Swahili and English on the role of courts in development, as part of the secondary school civics curriculum in partnership with the Ministry of Education and justice sector entities; (iii) disseminating court of record decisions, court user guides, court statistics, court schedules, and court calendars through the judiciary's website, media, mobile text message campaigns, and other outlets (for example, mobile phones, municipalities, NGOs, and universities), and also through the citizen court information offices to be set up by the judiciary; (iv) launching an e-complaint system for user feedback on law and justice sector operations (for example, via mobile phones) which will be linked to the judiciary's Directorate of Inspection (see Subcomponent 2.2) so that monitoring can be regularly carried out; (v) conduct court user surveys; and (vi) publish the Judiciary Balanced Scorecard (Court Performance Report) every year.

*Subcomponent 3.2: Justice-on-Wheels Program (Mobile Courts and ADR)*

41. **The subcomponent aims to empower vulnerable groups (for example, women, youth, and small businesses) by providing quick and affordable justice services where they live and work.** The subcomponent will also help assess citizen demand for the location of physical court structures for a phased infrastructure expansion program described under Subcomponent 3.3. The project will, therefore, finance the following activities: (i) establishing the ceiling of eligibility (for example, US\$1,500) for free mediation and free small claims adjudication in civil, family, and labor matters, and developing mobile court procedures (for example, Guatemala, Honduras, Philippines, Pakistan, and Brazil); (ii) designing and procuring specialized buses, minivans and other vehicles for use as mobile courts in urban and rural areas in a way that facilitates safe and effective access and their use by all target beneficiaries; (iii) recruiting and training magistrates, staff, and other stakeholders, and putting into operation the justice-on-wheels program while conducting periodic evaluations; and (iv) conducting citizen communication and awareness raising activities via radio and other media in collaboration with trade and women associations and with municipal and ward authorities. The mobile courts will be designed and operated in a way that facilitates safe and effective access and use by all target beneficiaries. Particular attention will be paid to minimizing factors that contribute to increased risk of violence against women and to

creating awareness among Justice-on-Wheels staff on strategies and practical steps to ensure the safe use of the facilities by women.

### *Subcomponent 3.3: Integrated Justice Center for Consolidated Citizen-Centric Service Provision*

42. **The aim of this subcomponent is to begin to offer court services in a modern, integrated, efficient, transparent, and easily accessible manner by designing and building justice centers (with multiple courts and services) in large cities while starting to address the huge court infrastructure challenge that exists and needs to be addressed over the medium and long term.** These court centers will consolidate the functions of different justice institutions in one location (One-stop Court Complex); promote economies of scale and the good management of resources; offer state-of-the-art tools and dignified facilities that meet international standards of justice operation (for example, for judges, staff, prosecutors, police, forensics, advocates, and the general public); provide a good working environment for staff operations (for example, modern record keeping and training rooms); and ensure user needs of due process and quality service.<sup>30</sup> The project will, therefore, finance the following construction activities:<sup>31</sup> (i) designing, constructing, furnishing, and operationalizing about five new Integrated Justice Centers with multiple courts and services in selected cities<sup>32</sup>, and their periodic evaluation; (ii) in a phased manner, remodeling, constructing, furnishing, and operationalizing small (primary) courthouses in selected locations with solar panels for e-justice services and prefabricated storage units along the North, Central, and South-Western economic corridors, and retrofitting courthouses to accommodate IT investments and to enable the overnight parking of mobile courts; and (iii) developing a long-term court infrastructure master plan to extend court infrastructure to priority socio-economic and unserved geographical areas.

### *Subcomponent 3.4: Support for Justice Sector Stakeholder Participation and Future Reform Development*

43. **The aim of this subcomponent is to provide research and capacity support to pave the way for complementary access to justice improvement efforts such as legal aid through partnerships with civil society, justice sector entities, and development assistance agencies.** There is a need to incorporate flexibility to adjust to changes in reality during implementation; inform evidence-based decision making; and promote synergies with other justice sector entities, NGOs, and other development institutions (for example, the EU, DfID, United Nations Office on Drugs and Crime [UNODC]) so that complementary programs are promoted for the benefit of the court users. The subcomponent will therefore fund: (i) capacity support for the review and finalization of the legal aid policy of the Recipient, by strengthening the legal aid unit of the Ministry of Constitutional and Legal Affairs (MOCLA); (ii) support for research and capacity development on priority topics (for example, the promotion of measures to fight corruption in the public sector where law and justice institutions have an important role through the setting up of

---

<sup>30</sup> See annex 2 for details.

<sup>31</sup> The ESMF has been prepared and disclosed on the Bank's InfoShop and the judiciary's website. Construction work of courts will be of modest size and only on sites owned by the judiciary and free of any resettlement requirements and meeting all applicable environmental and safeguard standards. The Project Operational Manual will specify the ESMF implementation requirements and provide necessary guidelines. The project also includes technical assistance under Subcomponent 1.1 for the implementation of the ESMF and other fiduciary requirements.

<sup>32</sup> Where about 40 percent of the national population of 50.1 lives and where 60 percent of the judicial caseload is located; see figure 2.2 in annex 2. Cities identified on the criteria of population level, economic activity, judicial workload, and the Judiciary Strategic Plan's (2015–20) priorities, include Dar es Salaam, Mwanza, Mara, Arusha, Kigoma, Singida and Morogoro.

anticorruption courts and establishment of special prosecution and investigation units. The new president has called for a fight against graft and misuse of public resources and has assigned top priority to the introduction of special anti-graft courts and prosecution mechanisms to fight economic crimes. International good practices and experiences need to be shared to inform this policy-setting process; (iii) the review of the prosecution and investigation system to better assess the negative impacts of performance on justice service delivery (prosecution system reform was started in 2008; see annex 6, box 6.1 for details).<sup>33</sup>; and (iv) support for information sharing among key stakeholders including judiciary, department of public prosecution, prison service, and Government Chemists (forensics) Agency. These capacity-building activities will be executed by the concerned justice institutions, development partners, and NGOs.

## **B. Project Financing**

44. **IDA credit of US\$65 million will be provided in the form of Investment Project Financing (IPF).** The IPF is suggested as the most appropriate and realistic instrument for meeting government needs for the modernization of court administration and infrastructure; the upgrade of performance management and skills of judges, magistrates, and staff; and the promotion of access to justice initiatives that bring services closer to the people. The potential of using a Program-for-Results instrument was considered but found unsuitable due to capacity constraints in the judiciary and preference of the borrower who is learning to use this instrument for other sectors. IPF will be a strong tool to complement the currently ongoing governance DPO to facilitate citizen engagement, improve transparency, and enhance institutional integrity and capacity of public institutions. Additionally, the Bank plans to consider additional financing to support the justice sector as the project advances and begins to deliver concrete results.

45. **Moreover, the IPF will greatly complement other development partner assistance to the broader law and justice sector.** In the last decade, many donors have provided resources (for example, the EU, CIDA, UNDP, DfID Deutsche Gesellschaft für Internationale Zusammenarbeit) to the Tanzanian institutions as part of an overall program of assistance for legal sector reforms. This program ended a few years back and now the development partners are engaged in bilateral efforts to plan and assist criminal justice institutions (for example, the police) and some BRN-related investment improvement efforts. Since the proposed Bank support mainly seeks to enhance the institutional capacity of the courts to deliver better court services in select areas and includes modest assistance for stakeholder engagement including with the development partners (under Subcomponent 3.4), the project is well positioned to be complementary as well as offer an avenue for partnership with donor institutions on areas that need assistance but are beyond the purview of the Bank's mandate, such as direct support for police reforms.

46. **The overall financing needs of a comprehensive justice and rule of law improvement program of Tanzania—with medium- to long-term needs estimated broadly at about US\$400 million—are much larger than the IDA support being provided under the proposed project and the ongoing donor assistance efforts.** Hence, as a complement to this project, which mainly assists the court system, a parallel effort will be made to encourage development partners to provide complementary assistance to the broader justice sector. At this time, DFID is funding an £11 million anti-corruption assistance program —“Strengthening Tanzania’s Anti-Corruption

---

<sup>33</sup> The review will only take stock and collect data, that is, the carrying out of a diagnostic analysis of the investigation and prosecution system, to contribute to the project's objectives of improved justice service delivery to citizens. The diagnostic will only be carried out when country ownership is clear and broad consultation with justice sector entities, including the police and non-state stakeholders, has been conducted.

Action” (STACA)—to government and law and justice institutions (2012-16). Ireland Rule of Law International (IRLI) is engaged in providing training assistance for judges. USAID is strengthening public sector systems through a US\$65 million program (2015-20) and working in several regions across the country. Denmark is developing a program of about US\$42 million to support citizen participation, human rights, and gender equality. Furthermore, EU and CIDA programs of assistance to the justice sector have been recently concluded. Other development partners that are engaged in governance, legislation, and human rights support include Sweden, Switzerland, and the UN.<sup>34</sup>

### C. Project Cost and Financing

47. **The estimated project cost is US\$65 million.** These costs pertain to technical assistance, equipment purchase, construction of physical infrastructure, skills enhancement, training, and citizen outreach. A summary of the estimate by component and financing source is provided in table 1.

**Table 1: Summary of Allocations**

<b>Project Components</b>	<b>Project Cost (US\$, millions)</b>	<b>% IDA Financing</b>
<b>1. Governance, Organization, and Systems Development</b>	<b>18.00</b>	<b>28</b>
1.1 Strengthen Court Administration and Project Management	3.00	
1.2 Simplify Rules and Procedures for Court Cases	3.00	
1.3 Clear Backlogs in High Courts and Subordinate Courts in All Jurisdictions	4.00	
1.4 Modernize Court Records and Introduce e-Case Management	8.00	
<b>2. Skills Development, Inspection, and Performance Management</b>	<b>10.00</b>	<b>15</b>
2.1 Skills Training and Knowledge	7.00	
2.2 Judiciary Inspection, Supervision and Performance Evaluation of Judicial and Non-Judicial Functions	3.00	
<b>3. Access to Justice and Public Trust</b>	<b>37.00</b>	<b>57</b>
3.1 Public Education and Accountability	4.00	
3.2 Justice-on-Wheels Program (Mobile Courts and ADR)	5.00	
3.3 Integrated Justice Center for Consolidated Citizen-Centric Service Provision	25.00	
3.4 Support for Justice Sector Stakeholder Participation and Future Reform Development	3.00	
Total Project Costs	<b>65.00</b>	100
<b>Total Financing Required</b>	<b>65.00</b>	

48. **An IDA advance has been provided to support project preparation and eligible expenditures will be retroactively financed from the proposed credit.** The PA in the amount of US\$4.5 million was signed on October 21, 2015. The designated account (DA) has been opened in the Bank of Tanzania (BOT). Payments made on or after October 21, 2015, for eligible expenditures not to exceed US\$1 million equivalent will be retroactively financed.

<sup>34</sup> The Governance Working Group (GWG) in Dar es Salaam that brings together development partners for information sharing and coordination is currently co-chaired by Sweden and Switzerland. The GWG includes Canada, Denmark, EU, France, Finland, Germany, Ireland, JICA, UK, UNDP and the World Bank

#### **D. Lessons Learned and Reflected in the Project Design**

49. **Creating incentives for executive and legislature buy-in for judiciary reform and for inter-institutional coordination matters.** The role and responsibilities of justice institutions are either provided for in the constitution or described in the various organic laws and regulations. Although entities operate under a set legal framework, informal practices also affect their operational relationships and work methods. The exercise of applying and enforcing laws requires institutions to work together at different levels while performing their mandated functions collaboratively but independently. Since justice institutions are part of the overall governance and public administration architecture of the state, they are also interdependent upon the support of other government entities (for example, budget and financial issues by the Treasury or ICT issues by the e-government entity). In the past, reforms lacked adequate clarity and availability of mechanisms to ensure ownership of implementation and preserve the independence of each entity, causing implementation failures and other problems. Effective performance of these institutions requires robust communication and inter- and intra-institutional coordination arrangements. Hence, the proposed project includes a high-level JSC to provide policy guidance and to monitor progress on a quarterly basis.

50. **Top-level capacity and commitment to lead change and set a strategic focus for implementation matters in project success.** Simply assuming that capacity to implement exists (that is, without verification) can lead to problems. Much of the implementation delays in previous programs were attributed to lamentably low implementation capacity and manifested themselves in lack of project direction, strategic planning, and leadership. The promotion of apex leadership, leadership in the lower echelons of implementation levels that typically involve stakeholders, and ownership ensure minimal delays in plans and schedules and lead to success. Change processes (how-to measures) that motivate institution building are the means to an end and are equally important as the technical recipe for improvement.

51. **Level of ambitiousness of targets and benchmarking matters.** Despite the research supporting the setting of more realistic goals in past interventions, in reality, that research did not prominently influence project design, and, consequently, overambitious targets were set functionally constraining real progress over several years. To avoid such mistakes in the future, it is important to review the large body of knowledge generated under initiatives such as the Africa Investment Climate Facility and the Private Sector Competitiveness and Legal Sector Reform Components of past projects (including the newly amended legislation of the Evidence Act, Arbitration Act, and Civil Procedure Code for magistrate courts, as well as the training of registry officials and many other technical tasks). Benchmarking with like-minded judiciaries and knowledge sharing with experts has helped Tanzania set realistic intermediate milestones and helped develop a sound road map for institutional transformation, namely, the Judiciary Strategic Plan 2015–20.

52. **In M&E, learning and decision making using good and open data matters.** Institutional learning is critical for successful decision making, which requires an upgrade to statistical skills and capabilities across the sector. Therefore, measures that enrich the production and dissemination of administrative data, such as user surveys conducted by statistical teams and agencies, will be supported in the early stages of project implementation and made key drivers of knowledge exchange and implementation.

53. **Capacity of the procurement function matters.** In the past, despite resources provided for construction of law school and primary court buildings, the weaknesses in the procurement capabilities

within the law and justice sector institutions (including the judiciary) and other issues (such as a lack of inter-institutional coordination, lack of staff incentives for people to move to new locations, and the less-than-leading role of the judiciary in making decisions) caused undue delays, planning ambiguities, and cancellation of tasks. This resulted in the gap between what was initially visualized around accessibility of justice improvements or the increase in demand for court services in the remote locations where the infrastructure was planned to be built and what actually was implemented in reality. Innovative contracting methods (for example, design-build, advance procurement, or other appropriate method) will be deployed to demonstrate quick delivery of investment activities. They will also help encourage further innovation in speedy service delivery while managing risks.

54. **It is important that strategic planning contemplates building procurement capacity as a prerequisite for infrastructure investments.** This strategic approach will help deploy investments in areas that are selected through a viable set of criteria (for example, workload of courts, extension of justice services in priority economic development areas, and the right-sizing of the formal justice service delivery apparatus in relation to the traditional justice mechanisms) rather than aiming for more higher-level access to justice objectives that are diffused and difficult to achieve. Hence, a phased investment support will be useful in implementing institutional reforms by adopting these criteria and yardsticks.

55. **When there are multiple actors, catering to a specific governing institutional setup of the judiciary matters.** The separation of powers and their respective relationships need to be considered when developing support programs. When the judiciary establishes ownership from within, this facilitates change and is a sine qua non for success. Ownership can be promoted through the active involvement of judges and staff in agenda setting and coordinating and demonstrating results while continually enhancing their independence of operations and promoting adequate mechanisms of accountability.

## IV. IMPLEMENTATION

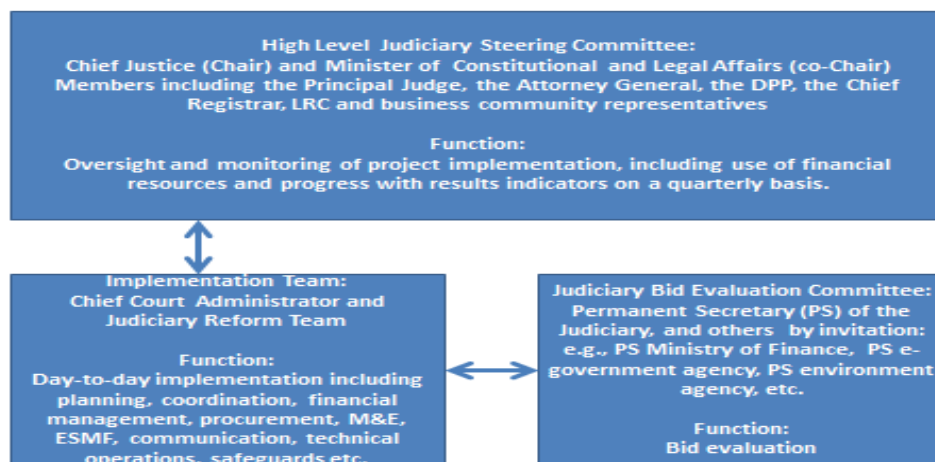
### A. Institutional and Implementation Arrangements

56. **A strategic and effective implementation arrangement is contemplated for this project that builds upon the existing structure and functions of the judiciary and participating justice sector stakeholders from various arms of the state, and it squarely responds to lessons learned.** The purpose of this arrangement is to promote synergetic and quick implementation while retaining the flexibility to maneuver by the participating entities as circumstances may warrant (see figure 2.4 and annex 3). As noted above, Tanzania has a well-organized and functioning high-level JSC for the advancement of business and contract enforcement reforms (BRN reforms). The JSC will be responsible for quarterly oversight, policy guidance, and monitoring of project implementation, including use of financial resources and progress with result indicators. The strategic and collaborative oversight will promote a sense of buy-in among state organs and lead to win-win solutions for the justice sector and its stakeholders. The proposed oversight and implementation arrangement for the project appropriately responds to the risks outlined in the Systematic Operations Risk-rating Tool table.

57. **Launch of project implementation will be a public event. It will promote national ownership of justice modernization and citizen-centric justice delivery in Tanzania and serve as a demonstration effect to all stakeholders.** Once the project is approved by the Bank's Board and after completion of legal formalities, the credit signing would be encouraged to be done at the highest level in government with the presence of the judiciary. Effort will also be made to see if the launch of the project could be officiated by the president of Tanzania. As the project preparation has been a collaborative

process, representatives of civil society, NGOs, the business community, and other opinion makers and local and international stakeholders would be invited to participate. Moreover, arrangements will be made for publicity of major components of the project.

**Figure 10: Project Oversight, Monitoring and Implementation Arrangements**



58. **Operational implementation for day-to-day and periodic planning and execution of activities and completion of fiduciary requirements will be the responsibility of the Chief Court Administrator.** The Judiciary Administration Act of 2011 decoupled court administration from the judicial function, led to the creation of the office of the Chief Court Administrator, and the office of the Chief Registrar. The Chief Court Administrator is now responsible for all court administration systems and related logistical arrangements while that of the Chief Registrar administers judicial functions. A JRT has been appointed to lead in the day-to-day implementation of the proposed project. Support for FM, procurement, M&E, technical IT, infrastructure and other experts, fiduciary controls, and operations will be provided to the judiciary reform team and its delivery unit to successfully shoulder implementation responsibilities. Judiciary’s bid evaluation committee will support procurement tasks. Its membership will vary depending upon expertise required details of which will be provided in the Project Operational Manual. The Project Operational Manual will also describe in detail the roles, responsibilities, and accountability arrangements for the JRT and its delivery unit. The POM will also include arrangements for the implementation of ESMF and related environmental, and safeguard policies. It will also provide an indicative list of project results indicators, and the court construction locations based on the eligibility criteria outlined in annex 2, as well as the collaboration arrangements with stakeholders, within three months of project effectiveness.

## **B. Results Monitoring and Evaluation**

59. **Key outcome indicators will be monitored on the basis of data gathered as part of regular court operations and institutional activities and data production capabilities will be improved.** The statistics on court cases will be obtained from the JSDS-IT system and different courts. Information on budget, court facilities, human resources, and payroll will be gathered from the Planning, Infrastructure, and Finance Departments of the judiciary. Information on stakeholder feedback will be obtained from the Judicial Inspection Department of the judiciary, which will be implementing an SMS-based e-complaint system for court users. Data on the use of IT systems will be obtained through the e-justice portal that will be established and existing web applications in use at the commercial court. NGOs will be engaged to conduct periodic court surveys. M&E experts will be hired to support the judiciary reform team implement the project. Data will also be

collected to advance the cost-benefit analysis of project tasks, expanding upon the framework and analysis that is already provided under annex 9, by mid-term. The Project Operational Manual will also outline data production and collection priorities for each year of implementation. M&E training will also be provided at all levels to improve outcomes and decision making.

### C. Sustainability

60. **Citizen-centric focus will encourage demand and help guide the institutionalization of innovations and ensure their sustainability.** The project is designed to build long-term capacity to bring justice closer to the people by demonstrating concrete results that inspire confidence and offer win-win solutions. Both demand-side and supply-side judicial modernization initiatives supported by the project will begin to demonstrate concrete results, whereby citizens and businesses who are clamoring for effective access to justice are able to see tangible improvements. At-scale public education on the rights of citizens, how to access and navigate the judicial system, and how to offer e-feedback will empower citizens, as will making this information publicly available through the community radio, NGOs, and court offices. Providing modern court administration tools and skill building will enhance the performance of judges, magistrates, administrators, and staff. Establishment of Justice-on-Wheels Initiatives, where mobile courts and mediation services will be taken directly to the most vulnerable populations, including women, small businesses, and the rural poor, will improve their access and give them a sense of inclusiveness in governance. Integrated justice service centers will offer consolidated services to citizens as one-stop centers in modern facilities, where judges, magistrates, prosecutors, police, forensic experts, probation officers, social workers, and others enjoy a dignified and efficient work environment for service delivery. All these efforts will lay the foundation for increase in citizen demand for more transparent services and for upgraded long-term service provision capacity, offering both supply and demand-side incentives for sustainable results. Furthermore, innovative measures (for example, mobile courts and ADR) will be implemented by judiciary staff (instead of consultants) after necessary training and skills building and tested, mainstreamed, and institutionalized based on citizen and staff feedback, so that the issue of sustainability (for example, operating procedures, replacement of vehicles, operating budget, and inter- and intra-institutional coordination arrangements) is appropriately dealt with, well before the end of the project.

61. **Capacity development is directly linked to national priorities that will strengthen financial sustainability: the Tanzania Vision 2025, the Judiciary Strategic Plan 2015–2020, the JF approved by parliament and the new administration’s priorities.** Tanzania’s Vision 2025 calls on the judiciary to modernize to international standards so that Tanzania can improve the enabling environment for businesses and investment and strengthen contract enforcement. The new administration has demanded improved performance accountability, transparency, and a fight against corruption for the improvement of peoples’ lives. It has also called on everyone to advance these efforts expediently. It has also committed to increasing the budget of the judiciary to improve staff remuneration and to meeting the JF obligations so that capital investments can be advanced. The Judiciary Strategic Plan 2015–2020 provides the vision and mission of the judiciary and lays out a road map for judicial modernization for a people-centered justice service delivery and for building public trust in partnership with stakeholders. The gradual and phased deployment of new work methods and, through pilot initiatives, capacity building, and investments will be closely aligned with these priorities. The capacity development efforts of the proposed project begin to address the capacity gaps that hamper the fulfilment of these national requirements toward a more effective, transparent, accountable, and accessible justice system. In view of this close alignment, the project is strategic and enjoys high-level support.



62. **A participatory change management approach has been adopted for the Judiciary Strategic Plan development and the project preparation and will be continued during implementation as it builds ownership and facilitates change among stakeholders for success.** A broad cross section of judges, magistrates, court staff, administrators and support staff, and justice sector stakeholders, including the TLS, MOCLA, DPP, the police, IJA and NGOs, the business community, the banking association, and media representatives, have participated in the participatory and consultative process for the development of the judiciary strategic plan. The consultative process has included national workshops, field visits, focus groups, and open fora for analysis and priority setting. The list of people who have participated in the participatory consultative process leading up to the Judiciary Strategic Plan and the proposed project is provided in the annex 8. This process would be continued and expanded to include structured team building and change management exercises based on the principles of empowerment, independence, integrity, and collaboration among various stakeholders.

63. **Project oversight, M&E, and implementation will be undertaken by existing structures rather than creating a separate Project Implementation Unit staffed by consultants.** The outlook for this approach is that the project will provide training and knowledge sharing on good practices in leadership, change management, communication, project M&E and data production, procurement, FM, and other technical areas such as e-justice, and thereby, capacity would be enhanced. It will also provide modern tools of court administration and introduction of performance standards that will improve the use of resources and their controls. It will offer a close link between those who plan capital investments for court infrastructure improvements and those engaged in the operationalization of the Judicial Fund. It will help improve programming of the use of the fund for maintenance of these new courthouses and facilitate medium- and long-term planning. Furthermore, the common problem of salary differences between full-time Project Implementation Unit personnel and government officials responsible for project management, which can lead to several perverse incentives, can be minimized. However, the experts (for example, for M&E and ICT) will be recruited on short and medium terms and on a need basis to support implementation.

## V. KEY RISKS

### Overall Risk Rating and Explanation of Key Risks

Table 2: SORT Summary Table

Risk Categories	Rating (H, S, M, L) Before Mitigation
Political and Governance	Moderate
Macroeconomic	Substantial
Sector Strategies and Policies	Substantial
Technical Design of Project or Program	Moderate
Institutional Capacity for Implementation and Sustainability	Substantial
Fiduciary	Substantial
Environment and Social	Moderate
Stakeholders	High
Overall	Substantial

64. **Macroeconomic risks (Substantial).** The budget allocation to the judiciary is dependent upon the fiscal situation of the government and therefore has risks to project sustainability. Among the exogenous external risks, the economy remains exposed to variations of the prices on the international market, notably for food, fuel, and gold. On the domestic front, the most important risks arise from fiscal policy,

including (a) shortfalls in revenue collection while facing increased public spending, particularly from the BRN initiative; (b) financial distress in the energy sector; (c) the accumulation of arrears, particularly in the pension sector and the contingent liabilities from public authorities and other bodies; and (d) level of debt, with increased non-concessional borrowing. The International Monetary Fund has a program and is in dialogue with the government on the short-term measures that need to be put in place to address the risks. The Bank on its part has strategically processed a series of development policy operations to address some of these risks from the medium-term perspective.<sup>35</sup>

65. **The Sector Strategies and Policies (Substantial).** The judiciary has prepared a strategic plan for judiciary modernization that forms the basis of this project. The Judiciary Strategic Plan 2015–20 was prepared through a collaborative process of consultations with justice sector stakeholders, including business associations and civil society organizations (CSOs), who offered useful feedback and suggestions that were incorporated into the plan. The Judiciary Administration Act of 2011 formalized the key changes that were introduced by the judiciary to improve its ability to deliver services effectively. The act provides for the separation of functions between two key branches: the adjudication part led by the Chief Court Registrar and the administrative part led by the Chief Court Administrator. The act also established a Judicial Fund that has in recent years been instrumental as a source of financing for development expenditures. With the passing of the Budget Act in 2015, the judiciary is funded directly from the consolidated fund; hence, it is ring-fenced. This funding mechanism, which becomes operational starting in July 2016, will further strengthen the independence of the judiciary.

66. **Institutional Capacity for Implementation and Sustainability (Substantial).** The judiciary has established a well-functioning reform team that includes staff from the Chief Registrar and the Chief Court Administrator who are well experienced in their respective work areas. The key risk faced by the project is to deepen the modernization program and change management activities at all levels of the judiciary. The reform team independently prepared the Judiciary Strategic Plan that forms the basis of this project, reflecting a mature team capable of implementing the project. The building of institutional capacity will require the deepening of the consensus for citizen-centric modernization of the judiciary at all court levels and with other stakeholders. Experts will also be provided on an as-need basis to help implementation.

67. **Fiduciary (Substantial).** The project will use country systems in FM and procurement. An assessment of the Judiciary of Tanzania (JoT), the project's implementing agency, concluded that there is an overall moderate risk of project funds being used inappropriately. With respect to procurement, there is a substantial risk, especially due to an inadequate record-keeping system, the low capacity of procurement staff, and the lack of a procurement champion who has a good understanding of Bank procurement methods. This is compounded by inadequate capacity-building opportunities for procurement staff. To mitigate the fiduciary risk, the Bank facilitated the training of six project staff on FM and procurement in Bank-financed projects. This has exposed the relevant staff to the Bank's standards and reporting requirements in financial and procurement management. With the project preparation advance, the project team is required to establish a record-keeping system for procurement activities. The judiciary has also committed to hire two experienced procurement professionals who will provide technical assistance and capacity building to the judiciary staff during project implementation.

---

<sup>35</sup> The Power and Gas Development Policy Operation, with the objective of closing the financial gap in Tanzania Electric Supply Company Limited and replacing costly fuels with less-expensive domestic natural gas, is a part of the strategy to mitigate the macro-fiscal risks. Another is the Pension Development Policy Operation that seeks to harmonize benefits across the various pension providers and address the risk of funding shortfalls.

68. **Stakeholders (High).** The project will face resistance from stakeholders who may perceive the project outcomes as negatively affecting their status quo. Efficiency improvements in the courts may lead to some lawyers perceiving a loss of revenue due to shorter trial times in courts. Stakeholders such as court brokers may be negatively affected by the increased regulation of their trade and the increased number of brokers in the market, leading to a decline in market share and profit margins. The reform team has consulted widely with stakeholders to obtain buy-in into the project. This will be an ongoing activity during implementation to mitigate any potential resistance to the project. Items related to new work methods, information provision, and the imposition of sanctions for adopting dilatory tactics and showing poor performance and other administrative inefficiencies should be of concern. Corrupt practices could also undermine results. The launch of e-complaint and online e-justice services as well as information channels for the general public, the private sector, and civil society would improve transparency. Improved working conditions for, and the professionalization of, judges and staff would also alleviate risks. Poor staff readiness to embrace the new e-justice and other modern systems could also undermine organizational reforms. Systematic training would be conducted to facilitate implementation.

## **VI. APPRAISAL SUMMARY**

### **A. Economic Analysis**

69. **The economic and financial analyses of public sector governance reform projects are generally limited due to the difficulties of attribution and the estimation of costs and benefits.** These challenges are particularly more pronounced in the judicial sector in Tanzania, which seems to have been bypassed by recent improvements in routine data systems. Even with well-established statistical systems, assessing and quantifying benefits of effective justice service provision is very difficult, as the benefits accrued such as positive impact on the enabling environment for investment, the strengthening of accountability systems, and the reducing of barriers of access to justice and court delays are higher-order goals with multiple causal factors which makes measurement complex. In view of these considerations, a simple cost-benefit analysis has been conducted for the proposed project<sup>36</sup>. Currently the estimated value of commercial, tax and land claims pending in the high courts and tribunals is US\$464.4 million. The initial stock of tax claims in the higher courts and tribunal is US\$89.2 million. Collectively these are the opportunity costs of the investment returns forgone, and thus represent the benefits that could accrue with the improved efficiency of the courts. Based on the cost-benefit analysis a positive Net Present Value of US\$12.7 has been estimated for the proposed project. (See annex 9 for details)

### **B. Technical**

70. **The proposed project is technically feasible and sound.** As noted above, the project was developed based on the Judiciary Strategic Plan 2015–20, the Court User Survey 2015, stakeholder consultations and analysis, and several analytical reports on governance, law, gender, justice sector reforms, court infrastructure, and court management. To gather information, the project preparation team also carried out field visits and conducted an infrastructure review, a training needs review, the mapping of NGOs, and an ESMF report. It has also relied upon data from Afrobarometer, the Tanzania Bureau of Statistics, TI, DB, and Mo Ibrahim indices. The proposed project has greatly benefitted from the lessons

---

<sup>36</sup> This approach will be refined to establish an appropriate measure of the overall benefits of the project at mid-term. The project will also finance data production and analysis so that the judiciary is able to build its capacity with the help of research institutions, and conduct these reviews for policy decision making.

of experience and the successes and failures of past Bank support in the legal sector and public sector management in Tanzania and elsewhere, by drawing on the difficulties of building ownership and attending to the notion of ‘success feeds success’ in orienting proposed project outcomes toward citizens.

71. **The design effort involved broad technical collaboration.** The project was developed with the active involvement of the JRT, the strategic engagement of Global Governance Practice management, and the sectoral expertise from Governance, Information Technology Solutions, Legal Department, Trade and Competitiveness, Social, Urban Rural and Resilience, Operations Policy and Country Services, International Finance Corporation, and others in the Bank. The technical merits of the project have been examined by Bank staff over the course of project preparation and are considered sound and in line with international standards and national priorities. The project’s technical design was also shared with development partners for feedback and information.

### C. Financial Management

72. **An FM assessment of the proposed project was carried out in accordance with the Financial Management Practices Manual issued by the Financial Management Sector Board in March 2010.** The objective of the assessment was to determine (a) whether the JoT has adequate FM arrangements to ensure that project funds will be used for purposes intended in an efficient and economical way; (b) that project financial reports will be prepared in an accurate, reliable, and timely manner; and (c) that the judiciary’s assets will be safeguarded. The FM assessment confirmed that there are adequate FM arrangements in the JoT that meet the objectives of the assessment. Though the judiciary has not directly implemented a Bank-supported project before, it has, nonetheless, implemented some projects as a sub recipient through the prime minister’s office. In that regard, it has some experience that can be built upon to implement this project. All of the project’s financial records will be maintained at the judiciary. The conclusion of the assessment was that the residual risk rating for the judiciary is Moderate. It was however, recommended that finance and internal audit staff need training on Bank FM and disbursement guidelines.

### D. Procurement

73. **A procurement capacity assessment of the judiciary to implement project procurement was carried out on July 15, 2015.** The assessment reviewed the organizational structure, functions, staff skills and experience, adequacy for implementing the project, record keeping, and the interaction between the project’s staff responsible for procurement processing. The assessment concluded that the judiciary is a procuring entity registered with the Public Procurement Regulatory Authority (PPRA). It noted that the Judiciary’s Procurement Management Unit (PMU) is responsible for procurement in all departments under the judiciary. The PMU is under the Office of the Chief Court Administrator and, in accordance with the Public Procurement Act (PPA) No. 7 of 2011, the judiciary has a tender board. The PMU is headed by a director, who is supported by six procurement officers (POs). The staff members mostly have experience with government procurement, the majority of them use framework agreements for common use items through the government procurement service agency, with few activities involving shopping or National Competitive Bidding (NCB) procedures. It observed that there are some challenges in the selection of consultants even using the national system. It was also noted that most of the staff have not undergone training in Bank procurement procedures. Considering that the PMU handles procurement for all of the departments for the judiciary, the PMU may need to be strengthened with one or two more staff, probably from within the judiciary or outside, to ensure efficient procurement for the new project and other parallel-funded donor projects that might come in future. Record keeping at the time of the

review was also found unsatisfactory, requiring a new system to be established in line with Bank requirements. The overall project procurement risk was assessed to be substantial, with mitigations put in place (see annex 3), and the residual risk was reduced to Moderate.

74. **All procurement to be financed under the project will be carried out in accordance with the Bank's guidelines**, namely the 'Guidelines: Procurement of Goods, Works, and Non-Consulting Services under IBRD Loans and IDA Credits', dated January 2011 (revised July 2014); 'Guidelines: Selection and Employment of Consultants under IBRD Loans and IDA Credits and Grants by World Bank Borrowers', dated January 2011 (revised July 2014); and the provisions stipulated in the Legal Agreement. The project also will carry out implementation in accordance with the 'Guidelines on Preventing and Combating Fraud and Corruption in Projects Financed by IBRD and IDA and Grants', dated October 15, 2006 and revised January 2011 (the Anticorruption Guidelines).

#### **E. Environment and Social (including Safeguards)**

75. **The proposed project, among its other activities, will involve the construction of modern courthouses, rehabilitation of court buildings, and extension of buildings to increase working spaces or offices.** The construction activities will take place in the existing court premises in areas that are owned by the judiciary. Most of the subprojects will take place in cities, municipalities, towns, and semi urban areas. Some of the proposed activities under the project, particularly the construction and rehabilitation of court buildings, are likely to have potential adverse impacts on the environment. These civil works will possibly generate negative impacts such as soil erosion and siltation from the sources of construction materials; dust emission during the transportation of materials and construction; and the generation of solid waste. Similarly, the likely construction-related social impacts include the influx of people in the location looking for employment, as well as their impact on the local area. On the other hand, the attention to inclusive service delivery is key and embedded in the project as it seeks to enhance the capacity of the judiciary to deliver efficient, transparent, and accessible citizen-centric justice services in select urban and rural areas; to vulnerable groups (including women, the rural poor, and informal traders); and to businesses. Therefore, inclusion is provided for in project activities. The project has been assigned Environmental Risk Assessment Category B and triggers one of the 10 safeguard policies, namely Environmental Assessment (OP/BP 4.01).

#### **F. Safeguard Instruments**

76. **Appropriate mitigation measures will be undertaken to address potential environmental impacts.** An ESMF has been prepared and disclosed to provide criteria and procedures for screening project investments, and to guide the preparation of site-specific safeguard instruments. The main objective of the ESMF is to establish environmental and social screening procedures for identifying, assessing, and mitigating potential environmental and social impacts of the subprojects. The screening process will determine whether Environmental and Social Impact Assessments (ESIAs) for specific project investments are required or not. The ESMF will therefore guide the level of assessments of environmental and social impacts of the investments; help determine whether simple environmental and social assessments should be applied by using an environmental checklist; and aid the preparation of Environmental and Social Management Plans (ESMPs) or detailed ESIs, in this case according to the Bank's Safeguards Policy (OP/BP 4.01) and to Tanzania's 'Environmental Impact Assessment and Audit Regulations of 2005'. Further, the inclusion of a number of initiatives, such as the promotion of innovative access to justice initiatives that bring justice services closer to the people, such as the Justice-on-Wheels Initiative (mobile courts), e-Justice Program, and e-complaint citizen feedback system, as well as the use of modern courthouses for effective service delivery and public education, reflect efforts

to achieve the inclusive service delivery social development outcome. Regular monitoring and reporting on this outcome will contribute to the achievement of the project objective, and where necessary and applicable, a project-wide assessment for this outcome may be made.

77. **The proposed project will be administered by the Chief Court Administrator assisted by the JRT.** The judiciary (including JRT and its delivery unit and other departments) requires training with regard to the implementation of safeguard policies and needs preliminary capacity to implement environmental and social safeguard instruments. To implement the ESMF appropriately, the judiciary will designate staff for its environmental and social management or hire a recognized environmental expert/consultant. In collaboration with the government’s environmental agency, the judiciary’s environmental expert/consultant will provide assistance to project staff from time to time while gradually developing the judiciary’s capacity and experience. She/he will enhance the judiciary’s capacity for the screening process, review, approval, monitoring, and control of feedback reporting during project implementation.

Safeguards Policies	Yes	Reasons for Triggers and Proposed Mitigation Measures	No
Environmental Assessment ( <a href="#">OP/BP 4.01</a> )	X	The project is envisioned to support investments related to new construction and rehabilitation of old court buildings, which are likely to generate negative impacts such as soil erosion, dust, noise, and solid waste. An ESMF has been prepared to address potential impacts. It has already been disclosed.  <a href="http://documents.worldbank.org/curated/en/2015/12/25671338/tanzania-citizen-centric-judicial-modernization-justice-service-delivery-project-environmental-assessment-environmental-social-management-framework">http://documents.worldbank.org/curated/en/2015/12/25671338/tanzania-citizen-centric-judicial-modernization-justice-service-delivery-project-environmental-assessment-environmental-social-management-framework</a> The ESMF includes screening procedures for identifying, assessing, and mitigating potential environmental and social impacts of project investments on time and in line with the requirements of OP/BP 4.01.	
Natural Habitats ( <a href="#">OP/BP 4.04</a> )		Not Applicable	X
Pest Management ( <a href="#">OP 4.09</a> )		Not Applicable	X
Physical Cultural Resources ( <a href="#">OP/BP 4.11</a> )		Not Applicable	X
Involuntary Resettlement ( <a href="#">OP/BP 4.12</a> )		Construction activities will take place in existing court premises in areas which are owned by the judiciary and will not involve acquisition of new land area. Most of the subprojects will take place in cities, municipalities, towns, and semiurban areas.	X
Indigenous Peoples ( <a href="#">OP/BP 4.10</a> )		Not Applicable	X
Forests ( <a href="#">OP/BP 4.36</a> )		Not Applicable	X
Safety of Dams ( <a href="#">OP/BP 4.37</a> )		Not Applicable	X
Projects in Disputed Areas ( <a href="#">OP/BP 7.60</a> )		Not Applicable	X
Projects on International Waterways ( <a href="#">OP/BP 7.50</a> )		Not Applicable	X

## G. World Bank Grievance Redress

78. **Communities and individuals who believe that they are adversely affected by a World Bank-supported project may submit complaints to existing project-level grievance redress mechanisms or the Bank's Grievance Redress Service (GRS).** The GRS ensures that complaints received are promptly reviewed to address project-related concerns. Project-affected communities and individuals may submit their complaint to the Bank's independent Inspection Panel, which determines whether harm occurred, or could occur, as a result of Bank noncompliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the Bank's attention and Bank management has been given an opportunity to respond. For information on how to submit complaints to the Bank's corporate GRS, visit <http://www.worldbank.org/GRS>. For information on how to submit complaints to the Bank's Inspection Panel, visit [www.inspectionpanel.org](http://www.inspectionpanel.org).

## Annex 1: Results Framework and Monitoring

### TANZANIA: Citizen-centric Judicial Modernization and Justice Service Delivery Project

#### RESULTS FRAMEWORK

<b>Project Development Objectives</b>	
PDO Statement	
The project development objective is to improve the efficiency and transparency of, and access to, selected citizen-centric justice services.	
<b>These results are at</b>	<b>Project Level</b>

#### Project Development Objective Indicators

Indicator Name	Core	Unit of Measure	Baseline	Cumulative Target Values					Frequency	Data Source Methodology	Responsibility for Data Collection
				2016	2017	2018/19	2020/21	End Target			
<b>Citizen Engagement:</b> Results of Court User Survey reflected in the Performance Report (Scorecard).		Action taken	Court user survey 2015	-	Action Identified	Action taken in selected areas	Action taken in selected areas	Action taken in selected areas	Annual	Court user surveys, Law Week participant surveys, NGO feedback, other meetings and studies	Judiciary



<b>Efficiency:</b> Percentage reduction in the number of cases older than three years in the court system	<input type="checkbox"/>	Percentage	5,000 cases	–	25	30	35	45	Annual	Reports across all courts levels	Reports across all court levels
<b>Efficiency:</b> Average time it takes from the date of filing to the determination of a case, for (a) Commercial cases [Baseline: 515; EOP: 350]; (b) Family cases [Baseline: 1,650; EOP: 750] (c) Traffic cases [Baseline: 350; EOP: 250]		Number of days	Commercial: 515 Family: 1,650 Traffic: 350	–	480 1,600 325	450 1,400 300	380 1,000 275	350 750 250	Annual	All court reports	All court reports
<b>Transparency/access:</b> Court decisions published online in courts with requisite infrastructure		Percentage	Less than 1 percent	–	2	3	5	More than 10	Annual	Judiciary's website	Judiciary
<b>Access:</b> Number of beneficiaries of mobile court and ADR services (for example, adjudication of small claims, mediation, counseling, information provision, and so on) in selected areas on a gender disaggregated basis and or type of business and women entrepreneurs and poverty level of area served.		Number	Zero	–	1,000	1,500	2,500	More than 4,000	Biannual	Biannual reports in select areas	Judiciary
<b>Access:</b> Percentage of citizens with closer access to high courts		Percentage	53	–	–	55	–	65	Annual	Judiciary reports	Judiciary

Intermediate Results Indicators											
Indicator Name	Core	Unit of Measure	Baseline	Cumulative Target Values					Frequency	Data Source/ Methodology	Responsibility for Data Collection
				2016	2017	2018/19	2020/21	End Target			
E-complaints system established and put to operation (for example, via SMS, WhatsApp, and so on)		Yes/No	No	–	Yes	Yes	Yes	Yes	Annual	Performance report	Judiciary
Number of court procedural steps reduced in commercial cases	<input type="checkbox"/>	Number	38	–	32	29	28	25	Annual	Reviews of laws, rules, and procedures	Judiciary
An inventory of backlog cases developed (all levels of court)		Yes/No	No	–	Yes	Yes	Yes	Yes	Annual	Reports across all court levels	Judiciary
Percentage of commercial cases resolved through the ADR system		Percent	10	–	12	15	17	20	Annual	Reports across all court levels	Judiciary
Percentage increase in case disposal rate (for example, commercial cases)		Percent	40	–	45	50	60	More than 60	Annual	Report across all court levels	Judiciary
An e-justice system for case management developed		Yes/No	No	–	Yes	Yes	Yes	Yes	Annual	Report across all court levels	Judiciary
Information on construction activities is publicly accessible (for example, IJCs)	<input type="checkbox"/>	Yes/No		–	Yes	Yes	Yes	–	Annual	Judiciary's website and Court Performance Reports	Judiciary
Number of IJCs constructed and made operational in select locations		Number	0	–	–	3	2	–	Annual	Annual project reports	Judiciary

Number of court buildings constructed in select locations	<input type="checkbox"/>	Number	–		5	10	More than 10	–	Annual	Annual project reports	Judiciary
Number of hits on the judiciary’s website (for example, by users accessing information on court user guide, court fees, court calendar, court cause list, court decisions, advocates, and court brokers, and legal aid NGOs)	<input type="checkbox"/>	Number of hits on the website	25,000	–	50,000	60,000	65,000	70,000	Annual	Information on the judiciary’s website	Judiciary
Number of citizen awareness programs on court information conducted in partnership with CSOs	<input type="checkbox"/>	Number	0	–	3	6	4	4	Annual	Annual Performance Reports	Judiciary
A judicial performance evaluation system operational		Yes/No	No	–	–	Yes	Yes	Yes	Annual	Periodic inspection and evaluation reports	Judiciary
The number of videoconference sessions for court proceedings and or training (for example, commercial court)		Number	0	–		System set up and tested	–	Increasing trend in usage	Annual	Court reports	Judiciary
Time taken to write court judgments in select courts (for example, primary court)		Number of days	180	–	150	120	90	90	Annual	Court reports	Judiciary
Increase in the number of court brokers (enforcement agents)		Number	45	–	–	100	–	More than 100	Annual	Court reports	Judiciary
Number of judicial, non-judicial, and stakeholder staff trained (for	<input type="checkbox"/>	Number	500	1,000	2,000	3,000	3,000	3,000	Annual	Training	Judiciary

example, in management, record keeping, customer relations, code of ethics, change management, e-justice, and in specialized fields disaggregated by gender and level of court, and stakeholder type)										reports	
Information on NGOs providing legal aid made available on judiciary's website		Yes/No	No	Yes	Yes	Yes	Yes	Yes	Annual	Judiciary's Website, Tanzania Legal Aid Program, and Ministry of Constitutional and Legal Affairs and others	Judiciary

## Results Framework – Descriptions and Definitions

### Project Development Objective Indicators

Indicator Name	Description (indicator definition)
<b>Citizen Engagement:</b> Results of the Court User Survey reflected in the Performance Report (Scorecard).	Actions taken in selected areas as a result of feedback analysis of user survey and reported in the Performance Report, which will be published on the judiciary's website. The user survey will include citizens' (men and women) perceptions on several institutional and stakeholder aspects such as their view on how they are treated by court staff, how good was the provision of information to them by the court, the amount of time they had to wait before receiving services, and the way hearing/trials are being handled and what was the role of the court in service delivery with respect to other justice sector entities such as the police, prosecutors, social workers, lawyers and court brokers.
<b>Efficiency:</b> Percentage reduction in the number of cases older than three years in the court system.	Refers to the number of cases older than three years in the higher courts divided by the number of pending cases in higher courts at the end of the given period
<b>Efficiency:</b> Average time from the date a case has been filed to its determination Average time it takes from the date of filing to the determination of a case for (a) Commercial cases [Baseline: 515; EOP: 350]; (b) Family cases [Baseline: 1,650; EOP: 750]	Refers to the period from when the case was filed to when the plaintiff obtained final satisfaction (that is, received what is stated in his/her decree)

(c) Traffic cases [Baseline: 350; EOP: 250 percent reduction]	
Transparency/access: Court decisions published online in courts with requisite infrastructure	This is designed to reduce the hurdles faced by citizens and businesses in obtaining copies of court orders and decisions.
<b>Access:</b> Number of beneficiaries of mobile court and ADR services (for example, adjudication of small claims, mediation, counseling, information provision, and so on) in selected areas on a gender disaggregated basis and or type of business and women entrepreneurs and poverty level of area served.	Refers to the number of beneficiaries (for example, women, men, businesses, government institutions) of mobile court and ADR services (for example, adjudication of small claims, mediation, conciliation, counselling, information provision, and so on) in select areas on a gender- disaggregated basis in a year. Effort will also be made to map the poverty level of the area served by these Justice-on-Wheels services, when poverty survey data is available for the different districts, hopefully starting 2017/2018.
<b>Access:</b> Percentage of citizens with closer access to high courts	This is designed to assess the increase in accessibility of high courts by users from their geographic area through the designing, building, and operationalizing of modern IJCs and courthouses.
<b>Intermediate Results Indicators</b>	
E-complaints system established and made operational (for example, via SMS, WhatsApp, and so on)	This refers to the design and testing of an IT-based citizen feedback system for courts nationwide with an appropriate link to policymakers and persons responsible for oversight and citizen services. The system would help monitor the number of complaints handled (received, classified, analyzed, resolved, and feedback provided), among other aspects of citizen engagement.
Number of court procedural steps reduced in commercial cases	Refers to the step-by-step laws and rules of procedures that parties must follow, from case filing to execution
Percentage increase in case disposal rate (for example, commercial cases)	Refers to the percentage of number of cases disposed to the total number of cases
Increase in the number of court brokers (internal and external enforcement agents)	This refers to the increase in number of court brokers and enforcement agents (for example, ward counsellor) that are external to the judiciary and operate in Dar es Salaam and in the other parts of the country, with special attention to urban (non-Dar es Salaam) and rural areas where the coverage is particularly deficient, based on market analysis which would also explore, among other factors, the alternative of strengthening in-house enforcement capabilities to cut cost of access to justice for small businesses and the general public.
Information on construction activities in select locations is publicly accessible	The project will finance the construction of the IJC and courthouse buildings, including high courts, Resident Magistrate Courts, district courts, and primary courts. This indicator discloses whether, for each construction location, there is biweekly uploading of construction site pictures on the publicly accessible parts of the judiciary's website.
Number of IJCs in select locations constructed and made operational	Refers to the design, construction, and operationalization of an IJC, which has a few courts with modern e-justice tools, training rooms and consolidated citizens' services, and space for justice sector stakeholders (for example, prosecutors, legal aid, police, lawyers, and social services)
Number of court buildings in select locations constructed and made operational	Refers to the construction of courthouse infrastructure in locations selected based on the criteria outlined in annex 2 and to be included in the Project Operational Manual, measured as the number of courts constructed, furnished, IT equipped, staffed, and cases filed.
Percentage of cases resolved through the ADR system	Refers to the percentage of commercial cases and other types of cases (for example, small claims)

	resolved through the ADR mechanism
Number of hits on the judiciary website (for example, by users accessing information on court user guide, court fees, court calendar, court cause list, court decisions, advocates, and court brokers, legal aid NGOs)	Refers to the number of Internet users accessing court information through the judiciary's website
Number of citizen awareness programs on court information conducted in partnership with CSOs	Refers to the number of awareness programs on court services and processes conducted annually on community radio and through other means, in partnership with civil society organizations
A judicial performance evaluation system operational	Refers to the inspection and evaluation reports that evaluate the performance of courts and individual judges against targets (for example, target for the primary court magistrate of 220 cases decided per year)
Number of judicial, non-judicial, and stakeholder staff trained	Refers to the number of judicial, non-judicial staff, and stakeholders (for example, prosecutors, police officials, social workers, forensic experts, parliamentary officials, law drafters, members of the legal fraternity, municipal authorities, government officials, academia, media, and others) who undergo training in the IJCs (in situ and through videoconference), in IJA, and other locations (locally and internationally) on priority areas including records management, code of ethics, customer relations, law reforms and e- justice.
Information on NGOs providing legal aid made available on the judiciary's website	Refers to making available on the judiciary's website and in public education programs (for example, on community radio) the list of NGOs registered by the government to provide legal aid

## Annex 2: Detailed Project Description

### TANZANIA: Citizen-centric Judicial Modernization and Justice Service Delivery Project

#### Introduction and Approach for the Selection of Citizen-centric Target Locations

1. **Tanzania’s Development Vision 2025 calls on the judiciary and other justice sector institutions to modernize to international, middle-income standards** so that they can improve the enabling environment for business and investment and the protection of peoples’ rights to access to justice, especially for women, the poor, and other vulnerable segments of the population (see figure 2.1).

Figure 2.1: Tanzania’s Vision 2025 – People-Centered Justice Service Delivery



2. **Capacity gaps, delays, weak access, poor infrastructure, deficiency in public trust, and corruption challenges affect the service delivery of justice and rule of law institutions in Tanzania.** As noted in the main body of the Project Appraisal Document (PAD) (figure 7) and annex 6 (box 6.4), the judiciary has prepared its Strategic Plan 2015–2020 to respond to these challenges over the medium term, in collaboration with other stakeholders. The plan highlights (a) the modernization of governance, accountability, and resource management systems; (b) the improvement of access to justice and expeditiousness; and (c) enhanced public trust and stakeholder engagement as the main pillars for the move toward a citizen-centric justice service delivery. Other justice sector institutions, such as the Department of Public Prosecution and police service, are also engaged in programs and initiatives to upgrade their performance to international standards, which are in various stages of planning and development.

3. **The move toward a people-centered justice service provision by the judiciary requires a phased approach to capacity building, court infrastructure, and modernization, due to several socioeconomic realities, user needs, and institutional policy factors.** Tanzania has a large population. A large proportion of this population cannot read or write, only speaks Swahili, and is poor (basic poverty rate is 28.1 percent). Tanzania’s large territory borders many countries, many of which are landlocked and reliant on Dar es Salaam Port as well as its various transportation routes that crisscross regions. The needs of court users in urban and rural areas are

similar but varied with regard to accessibility challenges, especially because a large proportion of the poor live in rural areas and need to travel long distances to seek justice. Small businesses dominate the business employment sector but are located in rural areas and small towns spread all across the country. Court infrastructure, although suboptimal, is more overstretched in urban centers than in other population areas. The large skills gaps and capacity needs of the courts' professionals and other staff (about 6,000 people) will require time and gradual upgrading to achieve the maximum value for money impact of investments. While the use of IT promises to make a large impact, its successful deployment requires intricate design and testing before its full rollout. Lawyers are eager to improve the sector, but their legal offices are not wired for IT use nor are many conversant with e-services. The government has established courts (for example, high courts) to serve business and investment developments, as well as in the small towns and rural areas close to the economic priority corridors where mining and natural gas investments are taking place. However, poor court infrastructure is affecting the operationalization of these policy decisions. The country's electricity infrastructure also calls for investments, particularly in locations where IT can be leveraged effectively and solar panels can be deployed to cater to these special circumstances.

4. **Tanzania's long-term justice sector capital investment needs are large (about US\$400 million) and resource availability is limited, calling for prioritization and sequencing of investments.** Furthermore, policymakers in all arms of the state, eager to improve service delivery in the justice sector and to fight corruption in the public sector, have been calling on justice entities to step up their efforts. However, due to their respective institutional responsibilities and legal mandates, the need to sequence and plan future efforts is essential. In the judiciary, modernization initiatives have to rely on a phased approach so that once deployed, well-tested solutions can ensure sustainability, inspire citizen trust, and permit further reforms.

5. **Recognizing the institutional imperative of how to bring the justice services closer to the people, the proposed project will begin a step-by-step process to address the judiciary's medium-term capacity, court infrastructure, and modernization requirements, in collaboration with stakeholders.** The project will include support for the engagement of stakeholders to facilitate change and assistance for the planning of future initiatives. Given the broad agenda of the Judiciary Strategic Plan, capital investment assistance will focus on courts in large cities and those along the economic corridor areas. Public education, transparency, court oversight, and skills upgrading would however be promoted nationally. The core beneficiaries will be citizens (men and women), vulnerable groups such as women and informal traders, and businesses, banks, and commercial enterprises. Improvements will be achieved through the modernization of governance, inspection, and court administration systems; skills upgrading of judges, magistrates, courts and administrative staff, and justice sector stakeholders; and deployment of innovations in access to justice and court information, which are collectively expected to reduce delays, improve accessibility, increase transparency and build public trust.

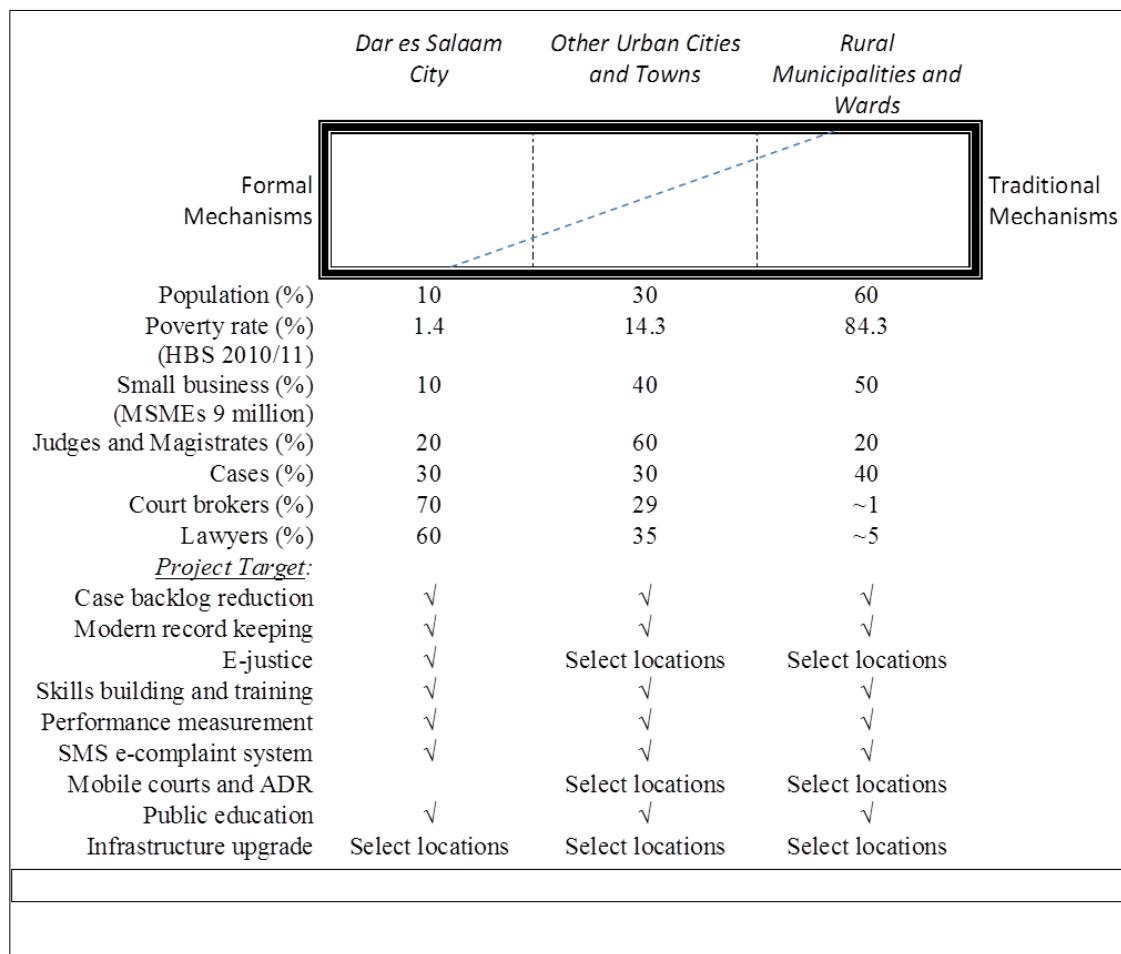
6. **More specifically, the judiciary's capacity enhancement, citizen outreach, skills building, court infrastructure, and modernization will adopt an integrated and targeted approach of demonstrating results (see figure 2.2).** E-justice will be offered to courts handling high volumes and important areas. Modern record keeping, IT tools, and skills enhancement will be provided to all courts. IJCs will be built to offer consolidated services for all types of users in all large urban areas (about 40 percent of the national population of 50.1 million in 2016). These



centers will also serve to offer training courses to judges, magistrates, staff, and stakeholders. Information to citizens and their capacity to offer feedback (e-complaints) will be improved in all jurisdictions, courts, and operational areas. Justice-on-Wheels (mobile courts) will be introduced to take services to the poor, women, and other vulnerable groups, and services will be offered free of charge.

7. **To facilitate change and ensure leadership, the judicial modernization process has so far been participatory.** This approach will need to be continued, whereby performance improvements across efficiency, transparency, accountability, and accessibility dimensions are implemented with the active involvement of stakeholders. The judiciary reform team that has been set up to oversee the reform effort is multidisciplinary and charged with a clear mandate to plan and execute initiatives that show results and to periodically inform and obtain guidance from the judiciary’s senior leadership and other policymakers in the justice sector and government on progress made.

**Figure 2.2: Tanzania’s Judicial System: Distribution of Judges, Court Brokers, Lawyers, and Cases and Target Areas**

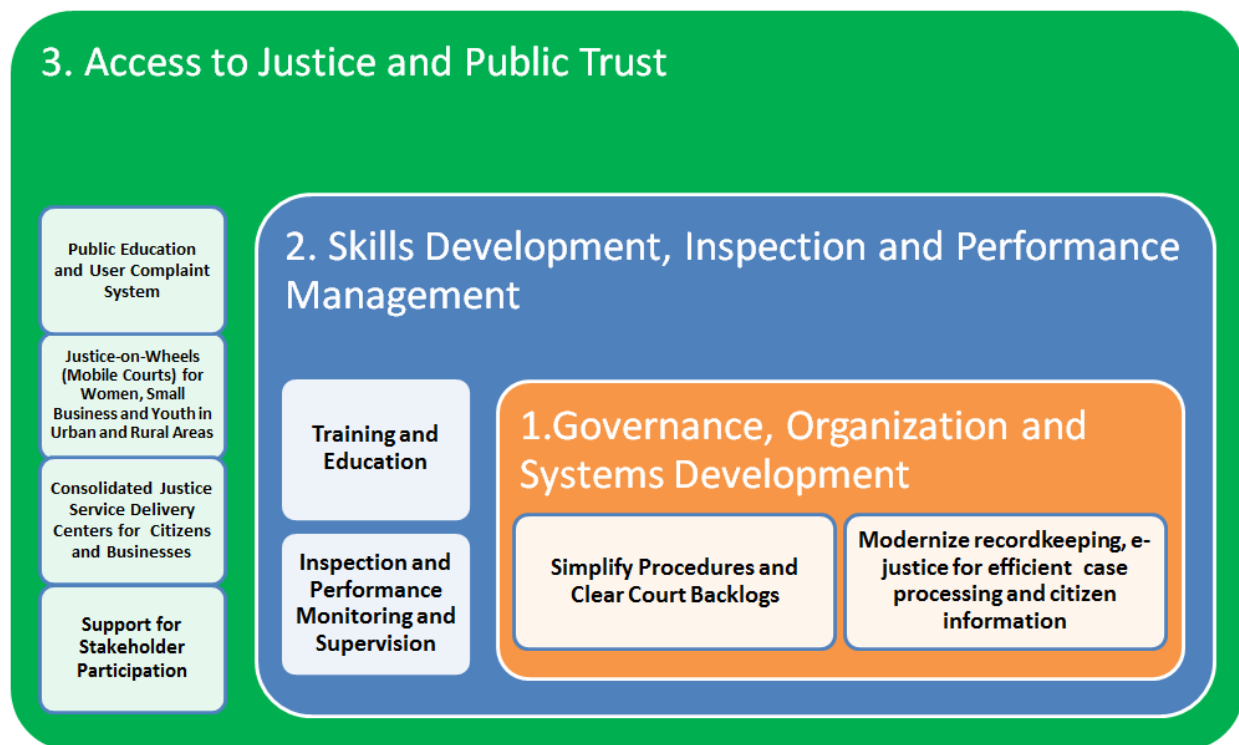


Note: MSME = Micro, Small, and Medium Enterprises; HBS = Household Budget Survey

## Detailed Project Description

8. **The project has three interrelated components.** The project components are designed to support the implementation of activities drawn from the strategic pillars of the Judiciary’s Strategic Plan 2015–2020. The project’s design takes into account the lessons of past programs and ongoing assistance provided by other development partners. These components are depicted in figure 2.4.

Figure 2.3: Citizen-Centric Judicial Modernization and Justice Service Delivery Project



### Component 1: Governance, Organization, and Systems Development (US\$18 million)

9. **Despite recent improvements, courts are slowed by cumbersome rules, poor record keeping, administrative shortcomings, and the absence of modern systems.** The Judiciary Act 2011, which separates administrative and judicial functions, has significantly upgraded the organization of the judiciary, but its implementation is yet to be completed. Court administrators have been appointed in many courts, but training and work methods are yet to be completed. Cumbersome court rules are causing delays and adjournments. The availability of information to citizens and their access to court decisions are major concerns, according to the Court User Survey 2015. Absence of record-keeping systems, modern e-justice tools, and the lack of technology to assist the work of judges, magistrates, and court staff cause significant delays and backlogs and are also responsible for other suspect human resource practices (for example, when court documents are reported missing, sometimes staff ask for informal payments to look for them). Findings also indicate that users are not always treated professionally, and in many courts, service delivery and ethical standards are not appropriately followed. At the institutional level, court management practices have gaps, as there are no robust mechanisms for tracking high-profile cases (for example, large investment project cases) or communication with the public. Although the

existing JSDS-IT system collects statistics, it is not fully integrated nor comprehensive enough to track, monitor, and generate real-time statistical information for policy decision making.

10. **The component aims to improve court efficiency and modernize court administration.** Inefficiencies, delays, backlogs, and administrative bottlenecks will be addressed by strengthening planning, simplifying governing rules, modernizing record keeping, improving staff productivity, deconcentrating functions, and leveraging technology for the introduction of e-justice services and the production of statistics and information to citizens and businesses.

*Subcomponent 1.1: Strengthen Court Administration and Project Management*

11. **This subcomponent aims to improve the judiciary's institutional management and provide support for the implementation and oversight of the proposed project.** The project will, therefore, finance the following activities: (i) provision of capacity support to the Office of the Chief Justice, the Office of the Principal Judge, the Office of the Chief Court Administrator, and the Office of the Chief Registrar for the implementation of the Judiciary Administration Act of 2011, with respect to the new court administration systems including for planning, human resource recruitment, administrative inspection, communication, statistics, budgeting, and inter- and intra-institutional coordination; and (ii) provision of support to the Judiciary Reform Team (JRT), including its delivery unit, and for undertaking day-to-day Project implementation activities and performing reporting functions to the Judiciary Steering Committee (JSC) responsible for the oversight and monitoring of the Project. Capacity support will include assistance for the fulfillment of the ESMF, M&E, technical, operational, procurement, and FM requirements. It will also include the provision of experts for the deployment of change management strategies that address the 'how to', as well as the problems related to the status quo and the resistance to change. Also included will be support for stakeholder engagement through existing groups (such as case management and bench-bar committees) at various court levels to empower staff, promote leadership from within, and facilitate change.

*Subcomponent 1.2: Simplify Rules and Procedures for Court Cases*

12. **This subcomponent aims at mainstreaming the work of the judiciary's Rules Committee and other chief justice's committees to simplify bottlenecks in case processing, especially for commercial matters.** The project will, therefore, support the following activities: (i) regularly taking stock of procedural rules, and submitting amendments and recommendations to the Chief Justice for approval to address procedural gaps, while identifying those recommendations that do not require legislative approval; and (ii) disseminating the new rules, and training judges, magistrates, staff, and other stakeholders.

*Subcomponent 1.3: Clear Backlogs in High Courts and Subordinate Courts in All Jurisdictions*

13. **This subcomponent aims at reducing the number of pending cases.** The project will, therefore, support the following activities: (i) supporting the design of a backlog clearance program by identifying relevant case files for inclusion, estimating human and financial requirements, and compiling and publishing cause lists; (ii) conducting bench-bar and case-flow management strategic meetings, engaging judges and magistrates with extended jurisdiction, and carrying out relevant training; (iii) implementing a backlog clearance program by improving communication

system to parties and stakeholders, promoting ADR, conducting consecutive hearings, delivering judgments immediately after trials, evaluating progress, and disseminating results. The subcomponent will initiate measures in large cities and towns before embarking on programs in other locations. The backlog reduction program will give close attention to high-value sectors such as tax appeals, land, banking, large investment projects, and other strategic areas like the misuse of public resources, as well as high case docket areas such as family probate, persons awaiting criminal trials (for example, pretrial detention), and traffic cases in urban centers.

#### *Subcomponent 1.4: Modernize Court Records and Introduce e-Case Management*

14. **This subcomponent aims to improve the integrity of court records, the efficiency of case processing, and the availability of judicial information by leveraging technology and new work methods.** The positive ICT modernization experience of the commercial court and the JSDS-IT system in use for statistical data collection will be leveraged to design the e-justice program for deployment in select courts. The project will, therefore, finance the following activities: (i) the streamlining and reorganization of record keeping in all courts; (ii) the refining of time standards and the establishment of sanctions to ensure compliance with court orders; (iii) the implementation of an integrated e-justice system for case management and tracking (including e-filing, e-fees, e-notification, e-records, e-recording of evidence, e-decision publication, e-feedback, and e-performance), including the setting up of a judiciary data center and video conferencing facilities, and the further modernization of the commercial court ICT systems; (iv) the setting of standards and outlining of mechanisms for handling high profile cases and large economic investment disputes in order to manage institutional risks and to communicate to the public; (v) the establishment of a records management system for completed cases and setting of - schedules and implementation program for archival and disposal of cases and non-related case records; and (vi) the development of a change management program for judges, staff, advocates, and other stakeholders to improve timeliness in case processing.

15. **In collaboration with Tanzania's e-government agency, an e-justice program will be deployed in courts that are handling high-volume and important cases.** Modern record keeping, IT tools, and skills enhancement will be provided to all courts. IJCs (One-stop Court Complexes, under Subcomponent 3.3) will be built to offer comprehensive, consolidated e-justice services for all types of users in large urban areas and will include interfaces with the judiciary's web portal, lawyers, and other stakeholders. The subcomponent will also pilot (before scale-up) e-applications for case data and citizen information in courts located in remote areas (e-courts), to be housed in prefabricated structures and equipped with solar power units to address electricity challenges. These tests will be conducted in partnership with local governments, ward administrations, and other justice sector stakeholders.

#### **Component 2: Skills Development, Inspection, and Performance Management (US\$10 million)**

16. **The integrity of the court system is constrained by the absence of an objective system for assessing performance and conducting court inspections and the lack of a robust knowledge and skills development program for judges, magistrates, court staff, and other justice sector officials.** Complaints against judges, staff, advocates, and court brokers are not systematically handled by the judiciary, resulting in a loss of confidence among citizens and

businesses. Staff evaluations are only done for non-judicial staff, but the lack of reliable data undermines the system. Courts are not subject to thorough inspections by the senior judges. Although productivity targets for individual judges have been set (for example, 220 cases each year in primary courts) and the Resident Magistrate In-charge and the Judge In-charge of the high court are responsible for inspection, the lack of proper support, timely statistics, and organizational arrangements make them unable to perform effectively. The Directorate of Inspections has been recently set up, but it is not fully operational nor are its functions well understood by court personnel and other stakeholders. Under the new arrangement, there will be a dedicated arrangement for the supervision of lawyers and court brokers who perform their functions inside the courts. Presently, avenues for citizens and users to offer feedback on court performance, services provided by lawyers, and the operation of court brokers in court decision enforcement are at best limited, and they are not developed to build citizen trust.

**17. According to the training needs assessment and the Court User Survey 2015, remuneration and skills enhancement are viewed by staff as key priorities for their ability to provide effective citizen-centric justice services.** Continuing education courses on modern court work organization methods, ethical systems, legal reforms, social context, judgment writing, record keeping, change management, IT, and user services need to be offered to judges, magistrates, court administrators, technical and support staff, and other stakeholders who perform service delivery functions in courts, such as the police, prosecutors, social workers, probation officers, and court brokers. In the case of the commercial court judges and staff, training programs should focus on complex disputes arising from emerging areas of the law such as those covering competition, intellectual property, public-private partnerships, secured transactions, counterfeits, e-commerce, trade, investment, oil and gas, and mining. An indicative list of training and education courses is provided in table 2.1 at the end of annex 2.

**18. The training of judiciary personnel has experienced an uptick in recent years.** However, resources, opportunities for comprehensive skills development or judicial training, knowledge sharing, and the capacity to deliver continuing education courses at-scale are limited. The training of court and support staff (who constitute about 80 percent of the judiciary) is deficient and harms productivity and staff morale. The capacity of the IJA also needs to be strengthened to meet the future needs of judicial modernization.

**19. The component aims to strengthen training and skills of the judiciary and its stakeholders and will operationalize the work of the Directorate of Inspections by implementing a system of judicial performance monitoring and promoting a robust mechanism for obtaining citizen feedback on court services.** Skills and knowledge gaps of the judiciary and stakeholder officials will be addressed through continuing education programs, using adult learning principles, and an experiential, skills-based approach.<sup>37</sup> This component will also

---

<sup>37</sup> Training review conducted during project preparation, with the help of the National Judicial Institute of Canada, points to the need for this approach. Judges and court staff are adult learners, requiring a varied learning environment and the opportunity to share their experiences and knowledge. Judges also have particular attributes, concerns, and expectations that need to be taken into account in judicial education programs. Drawing on the work of David Kolb, course development will move around a ‘learning cycle’, starting with the concrete experiences of judges, encouraging reflective observation by them, including conceptual knowledge, and providing opportunities for experimentation or application to typical judicial activities. It will help participants enhance their cognitive (intellectual) skills, task-based skills, and awareness and responsiveness skills. The overall ‘retention of learning’ of

build the capacity of the judiciary to conduct court inspections and the institutional supervision of lawyers and court brokers in an effective manner and provide an easy and workable mechanism for obtaining citizen feedback on court performance.

#### *Subcomponent 2.1: Skills Training and Knowledge*

20. **This subcomponent aims at upgrading the skills of judges, staff, and stakeholders for effective service delivery.** The project will, therefore, finance the following activities: (i) conducting systematic training for judicial and non-judicial staff and justice sector stakeholders by reviewing the curriculum of existing programs offered by the Institute for Judicial Administration (IJA), adding new continuing education courses, providing physical infrastructure (including e-learning) for the delivery of training in the Integrated Justice Centers to be built in Selected Cities (for example, Dar es Salaam, Mwanza, Mara, Arusha, and Morogoro), and formalizing partnership agreements with local universities and international judicial training institutions (for example, the National Judicial Institute of Canada, the National Judicial Academy of Turkey, and the Federal Judicial Center of the United States of America) for at-scale delivery; and (ii) the carrying-out of training impact assessments.

#### *Subcomponent 2.2: Judicial Inspection, Supervision and Performance Evaluation of Judicial and Non-Judicial Functions*

21. **This subcomponent aims to strengthen the performance evaluation and inspection of judicial officials and the institutional supervision of court officers, in coordination with stakeholders.** The project will, therefore, support the following activities: (i) rolling out a performance evaluation system for judges, court managers and court officials (except for the Court of Appeal) including an e-feedback (for example, complaints) portal for the Directorate of Inspections; (ii) establishing a unit in the judiciary that deals with the day-to-day work of Advocates and Court Brokers, recruits resources, offers training, and prepares an SMS feedback system; (iii) increasing the number of Court Brokers serving urban and rural areas in court decision enforcement; (iv) providing support to the Tanganyika Law Society (TLS) and the Court Brokers Association to strengthen their professional oversight and operations, in line with the provisions of the Judiciary Administration Act of 2011 and applicable norms; and (v) strengthening the judiciary's departments through capacity building, skills development, working tools and facilities for systematic monitoring and evaluation of activities and programs.

### **Component 3: Access to Justice and Public Trust (US\$37 million)**

22. **Socioeconomic factors, lack of information, language, time, cost, distance, corruption, and poor infrastructure are major bottlenecks of access to justice and cause weak citizen trust of the judiciary.** According to the Court User Survey 2015, only 57 percent of the people are satisfied “with the performance of the justice system as a whole.” Lack of information is a major barrier.<sup>38</sup> Obtaining copies of court decisions and other information sometimes involves

---

this approach (discussion and doing) is considered among the highest, as compared to lecturing, which is considered the lowest in retention. For details, visit <https://www.nji-inm.ca/>.

<sup>38</sup> There is a critical need to increase the awareness of the public (and especially of women, the poor, and informal traders) regarding (a) their rights in accessing justice and to disseminate information on how to exercise those rights in a way that is effective, inclusive, and non-discriminatory; (b) on the role and function of the judiciary; (c) how to

paying bribes. Most people speak Swahili, while court information is mostly only available in English. Only 30 percent of the population can read and write, and fewer still speak English, which is the language of the court. Information provided by high courts on their notice boards is usually geared toward large business clients, whereas, most of the businesses are SMEs whose information needs are different and are not being addressed by the courts. There are no court-sponsored or annexed ADR centers where citizens and businesses can resolve disputes and settle differences using these cost-effective mechanisms, although the conciliation practices are used in communities and villages.

23. **There is also a lack of clarity on who does what in the justice sector.** Typically, the police are the most visible actors due to their law enforcement functions. Their role is even more magnified as the prosecution service is under reform, and many of the new changes have yet to be fully implemented, whereby police continue to perform some of the functions of the prosecution as a stopgap arrangement. According to magistrate court rules, litigants are not allowed to have legal representation in the primary courts. Such broad police practices (for example, police performing prosecution functions, arresting suspects, and bringing them to court) at times raise doubts about the fairness of the process, particularly in situations when people are charged with offences that carry prison sentences and they are not permitted to have legal representation in court. These ambiguities and anomalies cause court access issues because citizens avoid bringing matters to the court as they lack confidence in the police.<sup>39</sup>

24. **For serious criminal matters in Resident Magistrate Courts and all types of matters in high courts, lawyer fees are sufficiently high that the general public and small businesses have difficulty affording them.** Most lawyers are in main urban centers, while the bulk of the population and SMEs are in small towns and rural areas. Paralegals are attempting to fill the gap, but the absence of adequate regulations and the poor training of paralegals are resulting in citizens' complaints of poor service provision and ethical challenges. Legal aid NGOs and law school clinics operate to provide legal assistance and promote inclusive and nondiscriminatory practices, but their capacity and coverage is limited as their efforts are mostly in Dar es Salaam. Given the high poverty rate and low education levels, citizens (especially the vulnerable segments) are deprived of their rights when they cannot afford to bring matters before the courts.

25. **Women's access to justice is also seriously constrained due to normative and institutional challenges.** Sometimes, in probate matters, men are perceived to be favored by the courts. Inheritance, child custody, alimony, divorce, and marriage services in the courts are dispersed and uncoordinated, and users have to move from one office to another and experience long delays while incurring high costs. In land matters, the role and functions of the courts as compared to the land tribunals operating under the Ministry of Local Governments are not clear,

---

access the courts and obtain services such as legal aid, paralegals, and ADR; (d) how to obtain court decisions, apply for bail, and pay fees; (e) where to address their family law and probate matters; and (f) what roles land tribunals operated by the executive perform in resolving disputes, so that citizens can exercise their constitutional rights.

<sup>39</sup> Weak police and prosecution operations cause access to justice problems that on the one hand include procedural delays and on the other hand include the inadequate ability of the police to receive and process complaints from the public regarding investigations, collect evidence, arrest suspects, manage arrest warrants, handle bail applications, and transport the accused to and from detention facilities and prisons where 50 percent of those being transported are pretrial detainees. Delays in enforcement of civil justice decisions are also partially attributed to police deficiencies. Moreover, data by the Afrobarometer research network show that the lack of trust by citizens in the police is a key reason why a crime is not fully reported in Tanzania.

forcing litigants to spend too much time in the completion of land transfer formalities. Gender-based violence is on the rise, but adequate social support and the strict enforcement of laws is perceived as lacking among justice entities<sup>40</sup> and do not meet international good practices.<sup>41</sup> Laws that govern inheritance also need reform to be brought in line with international standards. (See annex 6, box 6.3, on women's access to justice in Tanzania.)

**26. Poor service orientation of court staff and gaps in the inter-institutional coordination of justice sector stakeholders, such as the prison service, prosecutors, and forensic and social experts, are key bottlenecks.** Courthouses' physical condition and space availability is mostly very poor, and many are not even purpose-built, forcing judges to hold trials in offices instead of open courts. This jeopardizes the safety of victims and records, as registries double as session rooms (and holding cells in some locations) and magistrates share offices and typing equipment, while many citizens wait outside in the open for long periods without appropriate shelter (especially for nursing women and the elderly). This lends a bad image to the judiciary and causes other inefficiencies. In addition, about 47 percent of the population does not live close to a high court, resulting in long travel times for those who seek access.

**27. This component aims to expand the current avenues of accessing justice and building citizen trust by promoting innovations that bring justice services closer to the people.** Since access to justice and justice reform is a long-term process, this component also seeks to facilitate the development of complementary programs, in collaboration with other development partners.

#### *Subcomponent 3.1: Public Education and Accountability*

**28. The aim of this subcomponent is to improve the availability of court information to citizens and businesses and to provide them with mechanisms for offering feedback.** The project will, therefore, finance these activities: (i) designing and implementing court user information campaigns in Swahili and English, targeting the general public, tourists, truckers, and SMEs, especially through community radio stations, television, and mobile courts (see Subcomponent 3.2) and in partnership with civil society and SME business associations, the Tanganyika Law Society, and justice sector institutions;<sup>42</sup> (ii) designing and implementing a student education module in Swahili and English on the role of courts in development, as part of the secondary school civics curriculum in partnership with the Ministry of Education and justice sector entities; (iii) disseminating court of record decisions, court user guides, court statistics, court schedules, and court calendars through the judiciary's website, media, mobile text message campaigns, and other outlets (for example, mobile phones, municipalities, NGOs, and universities), and also through the citizen court information offices to be set up by the judiciary; (iv) launching an e-complaint system for user feedback on law and justice sector operations (for example, via mobile phones) which will be linked to the judiciary's Directorate of Inspection (see

---

<sup>40</sup> Gender Assessment of Legal Sector Institutions in Tanzania, March 2012, describes in detail the challenges of access to justice faced by women.

<sup>41</sup> For some examples of good practice conceptual framework and empirical evidence, see <https://publications.iadb.org/bitstream/handle/11319/5684/Citizen%20Security-Conceptual%20Framework-Final.pdf?sequence=1>.

<sup>42</sup> There are about 90 national, regional, and district-level radio stations (for example, Radio One, TBC Taifa, Radio Kwizera, Radio Uhuru, ImaanFM, and Planet FM) that would be leveraged for these public education programs.



Subcomponent 2.2) so that monitoring can be regularly carried out; (v) conduct court user surveys; and (vi) publish the Judiciary Balanced Scorecard (Court Performance Report) every year.

### *Subcomponent 3.2 Justice-on-Wheels Program (Mobile Courts and ADR)*

29. **The subcomponent aims to empower vulnerable groups (for example, women, youth, and small businesses) by providing quick and affordable justice services where they live and work.** The subcomponent will also help assess citizen demand for the location of physical court structures for a phased infrastructure expansion program described ahead under Subcomponent 3.3. The project will, therefore, finance the following activities: (i) establishing the ceiling of eligibility (for example, US\$1,500) for free mediation and free small claims adjudication in civil, family, and labor matters, and developing mobile court procedures (for example, Guatemala, Honduras, Philippines, Pakistan, and Brazil<sup>43</sup>); (ii) designing and procuring specialized buses, minivans and other vehicles for use as mobile courts in urban and rural areas in a way that facilitates safe and effective access and their use by all target beneficiaries; (iii) recruiting and training magistrates, staff, and other stakeholders, and putting into operation the justice-on-wheels program while conducting periodic evaluations; and (iv) conducting citizen communication and awareness raising activities via radio and other media in collaboration with trade and women associations and with municipal and ward authorities.<sup>44</sup>

### *Subcomponent 3.3: Integrated Justice Center for Consolidated Citizen-Centric Service Provision*

30. **The aim of this subcomponent is to begin to offer court services in modern, integrated, efficient, transparent, and easily accessible manner by designing and building justice centers (with multiple courts and services) in large cities while starting to address the huge court infrastructure challenge that exists and needs to be addressed over the medium and long term.** These court centers will consolidate the functions of different jurisdictions in one location (One-stop Court Complex); promote economies of scale and the good management of resources; offer state-of-the-art tools and dignified facilities that meet international standards of justice operation (for example, for judges, staff, prosecutors, police, forensic experts, advocates, and the general public); provide a good working environment for staff operations (for example, modern record keeping and training rooms); and ensure user needs of due process and quality service.<sup>45</sup>

---

<sup>43</sup> See, for example, in Guatemala at [www.oj.gob.gt](http://www.oj.gob.gt) and Brazil at <http://www.tjdft.jus.br/institucional/imprensa/noticias/2015/abril/confira-o-calendario-de-atendimentos-do-juizado-itinerante-no-mes-de-abril>.

<sup>44</sup> Informational campaigns will be highlighting that the mobile service does not require the presence of a lawyer or any fees, and that mediation and court services (including such as public education, provision of basic information and assistance with filling of forms and so on) will also be offered in Swahili and inform citizens through radio, newspaper, and the judiciary's website that mobile services will be in their neighborhoods, towns, or villages during specific dates and times, and that these courts will be operating out of IJCs established by the judiciary in select cities.

<sup>45</sup> As indicated earlier, in the IJC (One-stop Court Complex), court and citizen services will include a citizen information office, legal aid office, mediation center, e-justice office, advocate-client consultation room, training room, courtroom for open trials, dedicated offices for judges, magistrates, court administrators, prosecutors, and other stakeholders, data room and IT-enabled registries, mobile court parking station, among other services. The facilities will be designed and operated in a way that facilitates safe and effective access and their use by all target beneficiaries. Special attention will be paid to the safe access and use by women. See box 2.1 and annex 2 for details.

The project will, therefore, finance the following construction and rehabilitation activities:<sup>46</sup> (a) design, construct, furnish, and operationalize about five new integrated justice (court) centers (with multiple courts and services) in main cities (where about 30 percent of the national population lives and where 50 percent of the judicial caseload is located), selected on the criteria of population level, economic activity, judicial workload, and the Judiciary Strategic Plan's (2015–20) priorities (for example, in Dar es Salaam, Mwanza, Mara, Arusha, Kigoma, Singida and Morogoro), and their periodic evaluation (see box 2.1 and its corresponding figures 2.5–2.9 and figure 2.1); (b) in a phased manner, remodel, construct, furnish, and operationalize small (primary) courthouses in select locations with solar panels (for e-justice services) and prefabricated storage units along the north, central, and south-western economic corridors, and retrofit courthouses to accommodate IT investments and to enable the overnight parking of mobile courts (see figure 2.1); and (c) develop a long-term court infrastructure master plan to extend court infrastructure to priority socioeconomic and unserved geographical areas, informed by a new judicial map of court buildings; the lessons learned from the mobile courts' operation; a manpower plan to recruit judges and staff; and a review of incentive systems for them to work and/or relocate to remote or new areas.

#### *Subcomponent 3.4: Support for Justice Sector Stakeholder Participation and Future Reform Development*

**31. The aim of this subcomponent is to provide research and capacity support to pave the way for complementary access to justice improvement efforts such as legal aid through partnerships with civil society, justice sector entities, and development assistance agencies.** There is a need to incorporate flexibility to adjust to changes in realities during implementation; inform evidence-based decision making; and promote synergies with other justice sector entities, NGOs, and other development institutions (for example, the EU, DfID, and UNODC) so that complementary programs are promoted for the benefit of the court users. The subcomponent will therefore fund (i) capacity support for the review and finalization of the legal aid policy of the government, by strengthening the legal aid unit of the Ministry of Constitutional and Legal Affairs (MOCLA); (ii) support for research and capacity development on priority topics (for example, the promotion of measures to fight corruption in the public sector where law and justice institutions have an important role through the setting up of anticorruption courts and establishment of special prosecution and investigation units. The new president has called for a fight against graft and misuse of public resources and has assigned top priority to the introduction of special anti-graft courts and prosecution mechanisms to fight economic crimes. International good practices and experiences need to be shared to inform this policy-setting process); (iii) the review of the prosecution and investigation system to better assess the negative impacts of performance on

---

<sup>46</sup> As noted earlier, the ESMF has been prepared and disclosed at the Bank's InfoShop and on the judiciary's website. Construction and rehabilitation of courts and/or justice centers will be of modest size and only on sites owned by the judiciary and free of any resettlement requirements and meeting all applicable environmental and safeguard standards. The judiciary has developed model architectural designs for various courts and locations. During project preparation, these designs and construction plans were reviewed in light of the Juditecture good practice framework for catalytic and modern courthouses and suggestions were made regarding their refinement. A review of per square meter construction and rehabilitation costs for various parts of the country has been also carried out. For the first phase of infrastructure expansion under this project, a criterion was developed for selecting priority locations within the judicial map so that new courthouses can be built to showcase service delivery improvements. The judiciary has prepared initial estimates of capital investments needs for the next ten years.

justice service delivery (prosecution system reform was started in 2008; see annex 6, box 6.1 for details); and (iv) support for information sharing among key stakeholders including judiciary, department of public prosecution, prison service, and Government Chemists (forensics) Agency.

**Box 2.1: IJC (One-stop Court Complex) for Consolidated Citizen-Centric Services Conceptual Framework, Design Features and Deployment Plan**

As noted, socioeconomic, organizational, administrative, physical, architectural, and technological deficiencies are affecting the provision of efficient, transparent, accountable, and accessible justice services to citizens and businesses while undermining the public trust and confidence in the justice system. Major capital investments are required to bring the justice system in line with top international standards, which calls for a phased approach to judicial modernization and capacity development for citizen-centric justice service provision.

Since the bulk of the judicial workload and the population are located in large urban centers, a phased program of designing and implementing new court facilities that are ‘purpose built’ for judicial operations—whereby modern management systems, technologies, new work methods, economies of scale, and other innovations can be successfully deployed without undue risks and challenges—can significantly affect judicial performance for citizens in a relatively cost-effective manner and over the medium term.

An IJC is where a court and other justice services are provided to citizens by a group of courts (about 7–15 judges/magistrates or so) in one geographic location or building, to allow users to receive quality services and justice sector stakeholders to pool resources and save costs. In a large city (for example, Dar es Salaam, Mwanza, Arusha), the IJC could be of two types: (a) whereby the high court, Resident Magistrate Court, district court, and primary courts (for at least one or two districts) could be the comprising elements of this justice center (that is, about 7 judges, 14 magistrates, associated police officials, prosecutors, social workers, legal aid NGOs, and about 300 staff who handle approximately 15,000 cases and serve a population of about 1–3 million) or (b) whereby all family-related cases (for example, in Dar es Salaam) from the primary courts up to the high court family registry are consolidated into one building as a one-stop family justice center and where family members come and resolve disputes and address probate, inheritance, child custody, alimony, divorce, gender-based violence, and other matters.

A typical IJC would measure about 1,500–4,000 m<sup>2</sup> in internal space (estimated at US\$2–5 million, based on a ‘design-build’ or other appropriate contracting method, complete with design, construction, IT, and capacity-building costs for supervision). It will have e-justice modules for court services, adequate space, and modern systems for quality court and administrative justice services. See figures 2.5 to 2.11.

The One-stop Court Complex will offer previously existing and new citizen-centric justice services in several functional areas, including a public information and education office for obtaining court decisions, receiving court information, and accessing e-justice services (for example, e-display boards) for free, including an e-complaint or feedback system (new service); a modern citizens’ waiting area (with a play area for children) (new service); a court-annexed mediation room for mediators and parties (new service); an adequate number of courtrooms for holding open proceedings, holding e-testimony sessions, e-recording, or e-lawyer services; separate judge and magistrate chambers with IT tools; a court library and legal reference materials; a court registry and operations room with e-justice tools and services; archive and exhibit rooms with scanning and modern storage tools; an ICT server room (new service); a training room with videoconference services (new service); a video link room (new service); a court administrator and operations multipurpose room for meetings and presentation of court performance/statistical reports (new service); an accountant’s office; an office with modern tools and equipment for the court clerk (and other court staff); a mobile court parking station, where Justice-on-Wheels buses and vehicles will be stationed and operated out of on a daily or weekly basis; a satellite office for a commercial bank to receive court fees; a few rooms where private attorneys can hold discussions with their clients; space for prosecutors with modern tools; space for a police officers’ and gender desk, space for handling gender-based violence cases; space for probation and social workers; a legal aid room (new service), to be staffed in collaboration with the TLS and NGOs); space for assessors and court broker coordination; space for court security officials; and other public and private areas, such as for parking, sanitation, cafeteria, and security services. Space will also be provided in the new facility to accommodate future demand requirements such as an increase in the number of judges/magistrates and staff, among other factors. Options of renting space for citizen services such as photocopying, NGO legal aid office, and food service would also be explored for cost recovery/ maintenance of these modern facilities.

Implementation could first commence in two or three cities so as to refine the organizational and conceptual design before its large-scale replication nationwide. This will help staff lead change, learn, and serve as trainers and mentors for other locations, as these are extended to other cities.

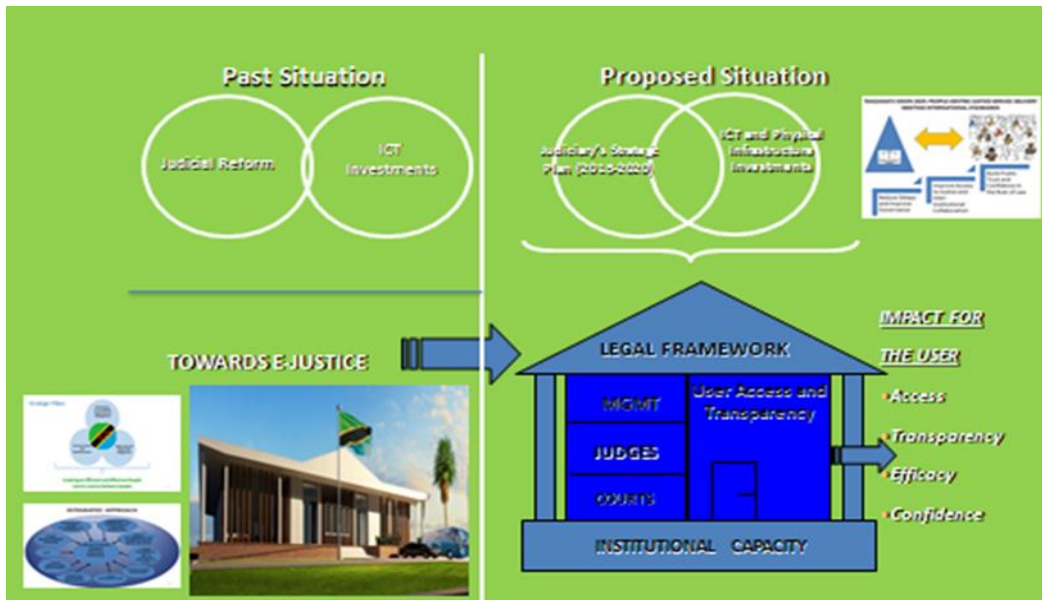
The locations for IJCs and other court infrastructure upgrade (e-courts, essentially primary courts with basic IT capability, and mobile court parking stations) have been selected by the judiciary. The criteria for their selection included factors such as population; workload; land ownership by the judiciary; economic and trade priorities (such as for cross-border trade routes in the north, central, south, and southwest in tourism, agricultural development, mining, transportation, shipping, land, commerce, and so on); and Judiciary Strategic Plan 2015–2020 priorities (such as for jurisdictional, e-justice, court administration, training, decentralization of services, resource management, and so on). The ESMF has been prepared and disclosed on the judiciary’s website and at the Bank’s InfoShop. The judiciary will continue to use this criteria and the ESMF and use the experience with IJCs to develop follow-on phases of the investment program.

An integrated court service investment effort will cut capital investment costs by about 20–30 percent, as compared to investments made on individual judges or on a court-by-court basis. It will also be a better interaction experience for citizens and help obtain improved service delivery and feedback management, which will have tangible impacts on performance. Regular exit interviews and surveys will be conducted to monitor impacts and results. Estimated improvement in the quality (efficiency) of court service delivery is expected to be about 30–40 percent, among other benefits.

The establishment of IJC will help the judiciary develop metrics for court productivity and resource management, which could after piloting be used as a baseline for the court system as a whole. Since the IJC will serve a specific population area and cover multiple jurisdictions, a wide set of indicators could be developed. These indicators and data generated will also help with the cost-benefit analysis for various components by midterm, according to annex 9. Based on the lessons of Bank experience in Europe and Central Asia and Latin America and the Caribbean, an indicative list which will be included in the Project Operational Manual would include the following:

- Total cases per 100,000 inhabitants - measuring the demand of justice services
- Number of users visiting the IJC - measuring the accessibility of justice services
- Clearance rate of courts by jurisdiction and subject matter (percent)— measuring productivity
- Enforcement time (days spent by private court brokers)—measuring productivity
- Number of judges and magistrates serving 100,000 inhabitants—measuring resource utilization
- Number of judicial/administrative staff per judge/magistrate—measuring resource utilization
- Cost per case processed in the IJC—measuring cost-effectiveness
- Expenditure of IJC as a percentage of total judiciary budget—measuring resource utilization
- Satisfaction of IJC service delivery (percentage)—measuring user perception

**Figure 2.4: Tanzania Judicial Modernization Integrated Justice Service Delivery Center for People-Centric Services**



**Figure 2.5: E-justice Framework (JSDS++)**

**Court Services from Filing to Decision to Enforcement  
Citizen Services from Information to Access to Feedback (e-Complaints/Comments)**

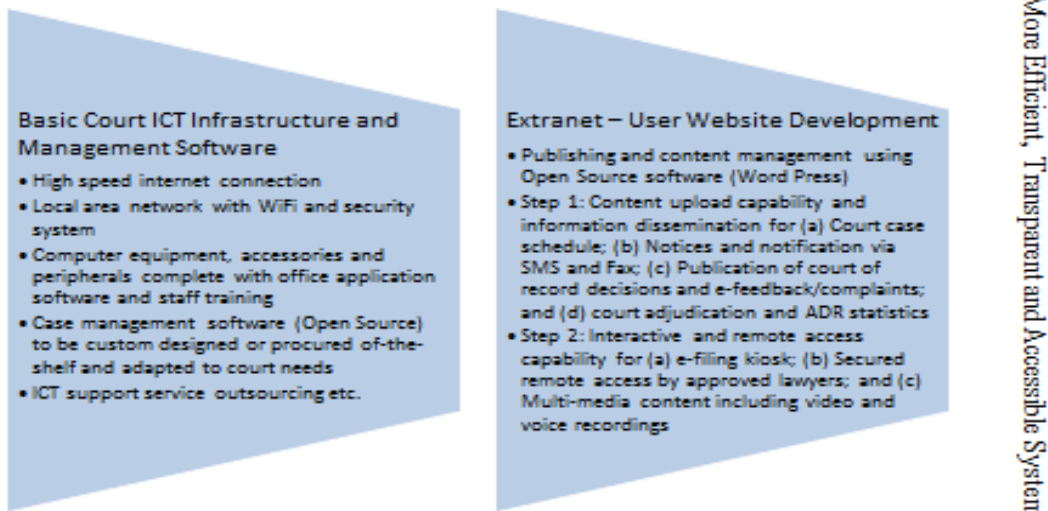


Figure 2.6: E-justice Network Schematic

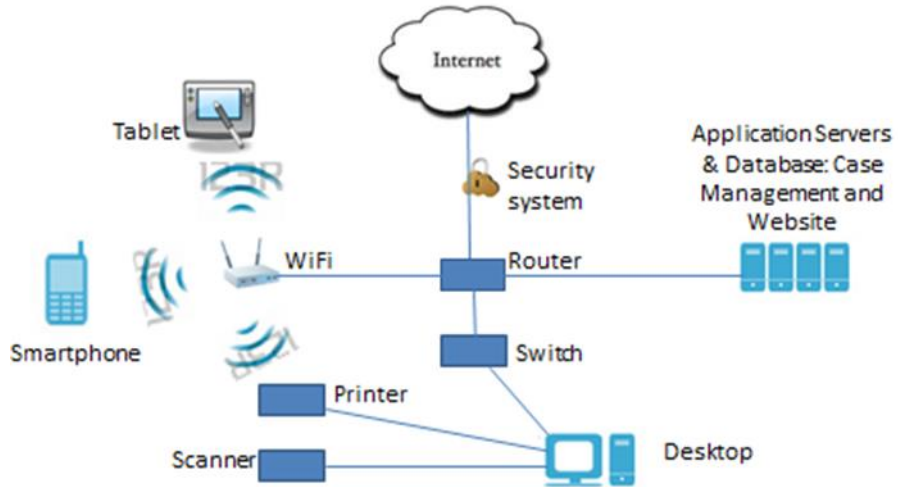


Figure 2.7: Typical Floor Plan with Judges Chambers, Registries and Court Rooms

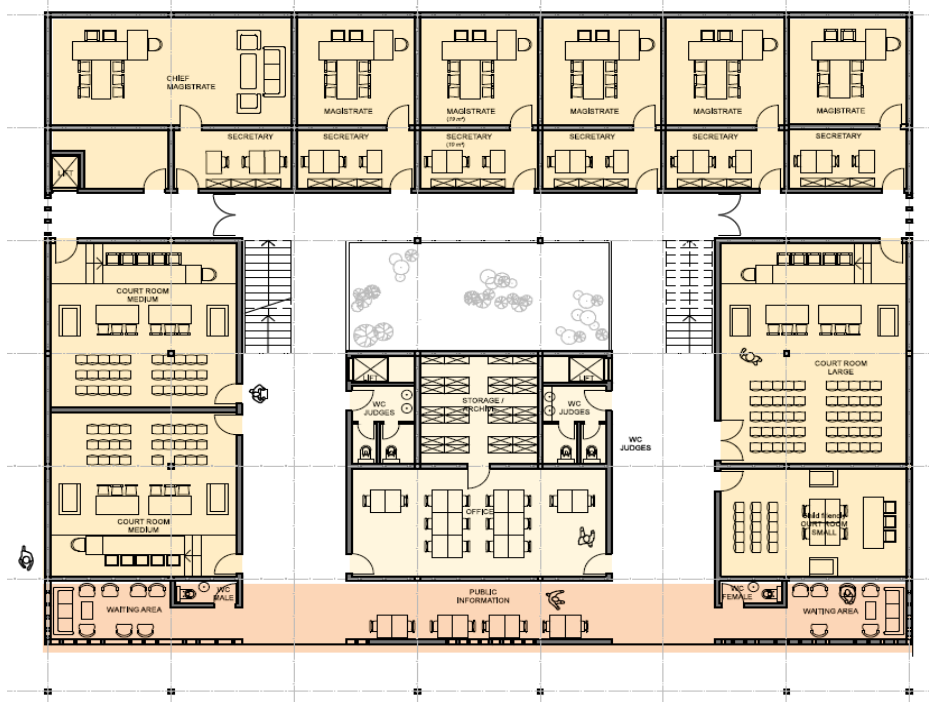


Figure 2.8: Typical Floor Plan with Citizen and Stakeholder Services

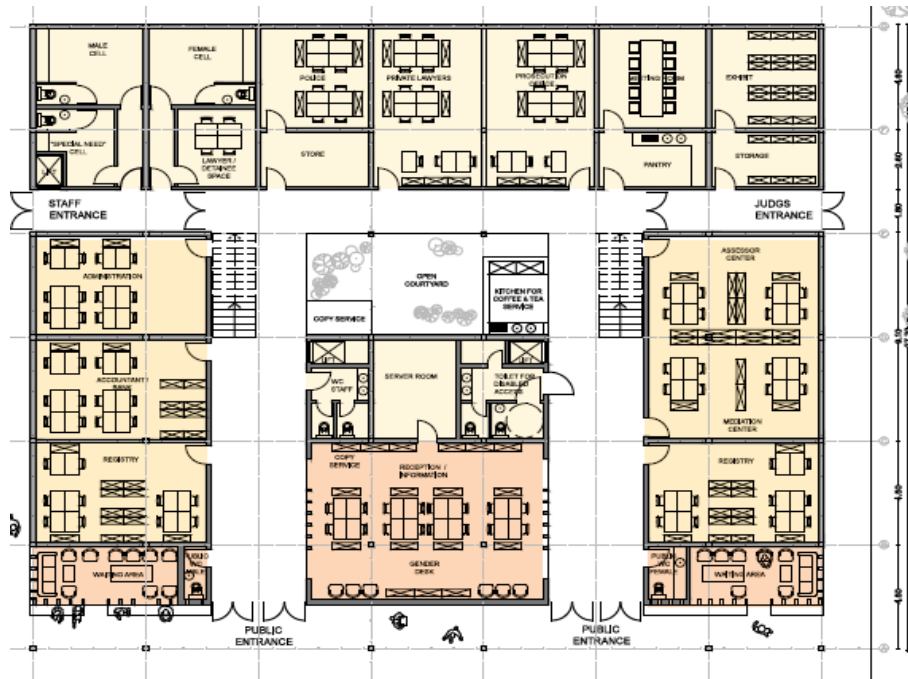
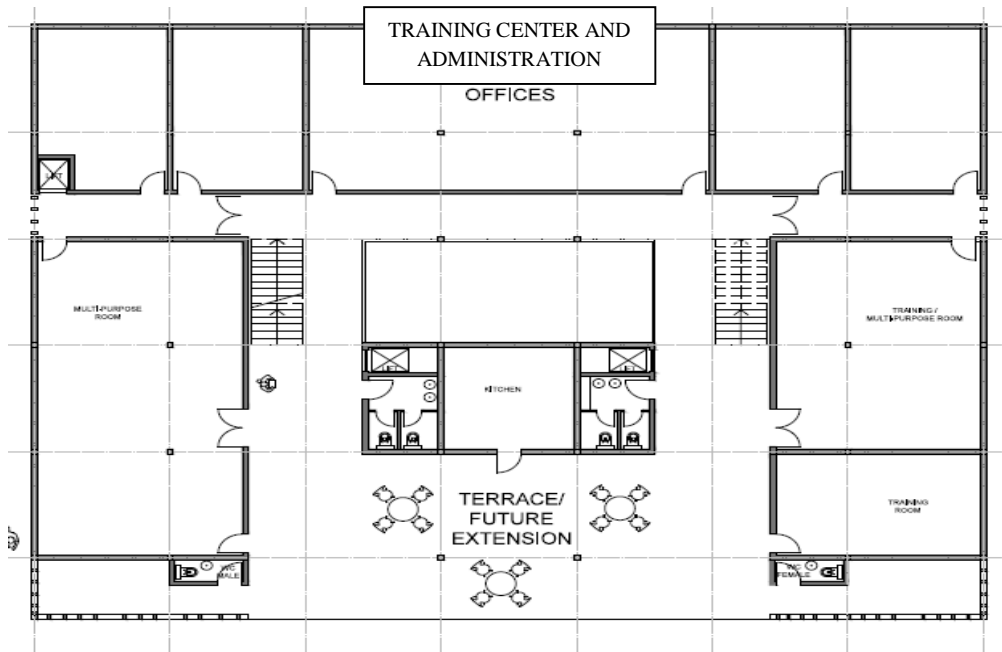


Figure 2.9: Typical Floor Plan with Training Center and Administration Office



**Figure 2.10: Integrated Justice Center and Mobile Court– Typical Rendering**





**Table 2.1: Indicative List of Training and Education Courses by Target Group**

<b>Judicial Officers, Administrative Professionals, Justice Stakeholders or Users</b>	<b>Type of Training and Education Course</b>		
	<b>Legal/Judicial Substance</b>	<b>Institutional/Management</b>	<b>Skills Development</b>
Justices of court of appeal	Constitutional decision making, application of new laws such as complex investment cases, tax matters, exploration and mining laws, oil and gas laws, cybercrime and fraud, transnational crime	Supervision of lower courts, case flow management, Judiciary Strategic Plan, statistical review, media training, Judiciary Strategic Plan, performance management, use of e-justice, leadership and change management	Use of precedent, dissenting and concurring reasons, how and what to communicate in reasons, enhancing collegiality on appellate benches, judicial decision making, reading and writing in the digital age, management of exceptional appellant proceedings
Principal judge and judges in-charge	Inter-institutional coordination, procedural quality assurance and ADR	Leadership and change management, case flow management, media training, performance management, court administration, case management	Communication, leadership, and management skills
Judges of the high court	Matters of current concern such as cybercrime, drug enforcement, money laundering, probate laws (common law, sharia, customary), new developments in evidence, constitutional decision making, and ADR	Supervision of lower courts, case flow management, case and records management, use of e-justice tools, statistical review, media training, Judiciary Strategic Plan, performance management	Communication in the courtroom, courtroom management, judicial decision making, oral judgments and judgment writing, application of evidence, sentencing, ethics, social context
Judges of the commercial court	Matters of current concern such as intellectual property, secured transactions, mortgages, competition law, construction claims, financial statements, exploration and mining laws, oil and gas law, contract law, international litigation and ADR	Case and records management, case flow management, use of e-justice tools, statistical review, Judiciary Strategic Plan, performance management	Communication in the courtroom, judicial decision making, judgment writing, ethics, social context
Registrars of the high courts and other courts	Court rules and procedures and ADR	Oversight of lower courts, case and records management, use of e-justice tools, statistical review, media training, Judiciary Strategic Plan, performance management	User-friendly courts, judicial administration training, communication, ethics, and social context
Chief resident magistrates magistrates in charge	Court management, fundamentals of procedural justice, inter-institutional coordination and ADR	Leadership and change management, court supervision and management, media training, case management, social context analysis, Judiciary Strategic Plan, performance management	Communication, leadership, management skills, user-friendly courts

<b>Judicial Officers, Administrative Professionals, Justice Stakeholders or Users</b>	<b>Type of Training and Education Course</b>		
	<b>Legal/Judicial Substance</b>	<b>Institutional/Management</b>	<b>Skills Development</b>
Resident, district, and primary court magistrates	Fundamentals of procedural justice. Matters of current concern such as new laws, developments in criminal and civil law, evidence and new developments, tax issues and ADR	Basic computer skills, media training, use of e-justice tools, Judiciary Strategic Plan, performance management	Communication in the courtroom, courtroom management, judicial decision making, oral judgments and judgment writing, sentencing, ethics, social context, user-friendly courts
Legal assistants	Matters of current issues, evidence and constitutional decision making	Case and records management, case flow management, Judiciary Strategic Plan, performance management, e-justice tools	Judgment drafting skills and research skills
Judge and magistrates trainers, IJA faculty, and staff	Adult and interactive education pedagogy	Institutional analysis, organizational development to support practical training, use of e-justice tools, Judiciary Strategic Plan	Curriculum development, planning, course development, delivery and evaluation, practical training skills
Court administrators	Court management, quality assurance and planning	Leadership and change management, media training, case and records management, supervision of staff, e-justice, statistical review, Judiciary Strategic Plan, performance	Leadership and management skills, communication, court management, user-friendly courts
Court staff - judicial	Court procedures and ADR. Basic 101 on role and function of courts and other justice institutions	Work organization, e- justice tools, Judiciary Strategic Plan, performance management	Communications and planning skills, user-friendly courts
Court staff - administrative (record keepers, clerks)	Procedures and rules. Basic 101 on role and function of courts and other justice institutions	Work organization, e- justice tools, planning and user friendly courts, basic computer skills, Judiciary Strategic Plan	Communications, administrative, and technical skills
Judiciary staff - IT, HR, accountants, other categories	Professional courses. Basic 101 on role and function of courts and other justice institutions	General management, e-justice, customer relations, Judiciary Strategic Plan, performance management, basic computer skills	Service provision and quality assurance
Justice sector stakeholders (for example, prosecutors, police)	Laws, procedures and rules and ADR	Case management, basic computer skills, and e-justice	Communication in the courtroom, ethics, and service delivery
Media journalists reporting on the justice sector	Court proceedings and decisions; Basic 101 on role and function of courts and other justice institutions	Judiciary Strategic Plan and e-justice	Promotion of citizens' rights and service delivery offered by courts
Users and general public	Basic 101 on role and function of courts and other justice institutions	Basic 101 on how to navigate the courts at the specific courthouse	Awareness of rights and service delivery offered by courts

## Annex 3: Implementation Arrangements

### TANZANIA: Citizen-centric Judicial Modernization and Justice Service Delivery Project

#### Project Institutional and Implementation Arrangements

##### *Oversight and Administration Arrangements*

- 1. A strategic and effective implementation arrangement is contemplated for this project, which builds upon the existing structure and functions of the judiciary and participating justice sector stakeholders from various arms of the state, and it squarely responds to lessons learned.** The purpose is to promote synergetic and quick implementation while retaining the flexibility of maneuver for participating entities. The United Republic of Tanzania has a well-organized and functioning high-level JSC for the advancement of business and contract enforcement reforms (BRN reforms).
- 2. In view of the broad inter-institutional stakeholder needs, the mandate of this committee will include strategic oversight, policy guidance, and implementation monitoring of the proposed project.** The high-level JSC will be responsible for quarterly oversight, policy guidance, and monitoring of project implementation, including use of financial resources and progress with results indicators. The strategic and collaborative oversight will promote a sense of buy-in among state organs and lead to win-win solutions for the justice sector and its stakeholders.
- 3. Launch of project implementation will be a public event.** It will promote national ownership of justice modernization and citizen centric justice delivery in Tanzania and serve as a demonstration effect to all the stakeholders. Once the project is approved by the Bank's Board and after completion of legal formalities, the credit signing would be encouraged to be done at the highest level. As the project preparation has been a collaborative process, representatives of civil society, NGOs, business community, and other opinion formers and local and international stakeholders would be invited to participate. Moreover, an arrangement will also be made for major achievement of project milestones, for example, a public presentation for the e-justice initiative during the course of implementation.
- 4. Operational implementation for day-to-day and periodic planning and execution of activities and completion of fiduciary requirements will be the responsibility of the Chief Court Administrator.** The Judiciary Act of 2011 decoupled court administration from the judicial function, led to the creation of the office of the Chief Court Administrator, and that of the Chief Registrar. The Chief Court Administrator is now responsible for all justice administration systems and related logistical arrangements while that of the Chief Registrar administers judicial functions. A judiciary reform team has been appointed to lead in the day-to-day implementation of the proposed project. Support for FM, procurement, M&E, technical IT, infrastructure and other experts, fiduciary controls, and operations will be provided to the judiciary modernization team to successfully shoulder implementation responsibilities. Judiciary's bid evaluation committee will support procurement tasks. Its membership will vary depending upon expertise required, details of which will be provided in the Project Operational Manual. The Project Operational Manual, will also describe in detail the roles, responsibilities, and accountability arrangement for the JRT and its delivery unit and collaboration arrangements with stakeholders, within three months of project

effectiveness. The POM will also include arrangements for the implementation of ESMF and related environmental, and safeguard policies.

5. Representatives of the participating and collaborating institutions are part of this modernization team on a technical basis because the project has been prepared through a participatory and consultative process. This arrangement will be continued, so that technical collaboration and partnership for the successful implementation of the project is secured while retaining the flexibility of different entities within their specific mandates.

## **Financial Management, Disbursements, and Procurement**

### *Financial Management*

6. This section of the annex summarizes the results of the FM assessment of the proposed project and describes the country FM issues; risks assessment and mitigation measures; strengths of the judiciary project implementation team; and financial, accounting, budgeting, internal and external control arrangement, audit arrangements, flow of funds, and disbursement arrangements. It also describes the financial reporting arrangements, capacity-building action plan, and implementation support arrangements, among other areas.

7. For the proposed Project to be implemented by the JoT, the objective of the FM assessment was to determine whether (a) the JoT has adequate FM arrangements to ensure that project funds will be used for the purposes intended, in an efficient and economical way; (b) project financial reports will be prepared in an accurate, reliable, and timely manner; and (c) the entity's assets will be safeguarded. The FM assessment was carried out in accordance with the Financial Management Practices Manual issued by the Financial Management Sector Board on March 2010.

8. The FM assessment indicates that there are adequate FM arrangements in the JoT to manage project finances. Though the judiciary has not directly implemented a Bank-supported project before, it has, nonetheless, implemented some projects as a sub recipient through the prime minister's office. In that regard it has some experience that can be built upon to implement this project. All project financial records will be maintained at the judiciary. In conclusion, the residual risk rating for the judiciary is Moderate.

### *Country FM Issues*

9. As indicated in the Public Expenditure and Financial Accountability (PEFA) 2009 review, Tanzania has made significant progress in Public Financial Management (PFM) reforms over the past two decades and continues to strength some of the PFM key areas such as planning and budget, accounting and reporting, Integrated Financial Management System (IFMIS) internal and external audit functions, as well as procurement through the Public Financial Management Reform Program (PFMRP) funded by the government of Tanzania (GoT) and development partners, including the Bank. Despite the ongoing PFM reforms, the challenges still remain in improving budget classification and reporting, cash management, fund flow, IFMIS, low compliance with procurement laws and regulations, weak contract management, weak internal controls, and internal audit.

10. Among the mitigation measures undertaken recently by the GoT is strengthening the internal audit function at both the central and local government levels by making the internal audit function more

effective with regard to (a) reporting to various stakeholders outside the executives, internal auditor general, and the councils and (b) strengthening its capacity building with regard to resources, training in modern skills, and recruitment of additional staff. A new Public Finance Act was approved in July 2010 and there have been major improvements in the functioning of the procurement regulator and the National Audit Office with regard to moving to risk-based auditing and value for money audits, including timely submission of audit reports for both central and local government to the parliament. There are also improvements in IFMIS implementation in local governments, notably in the effort to upgrade all LGAs with the latest version of Epicor 9.05, with a central server managed at the Prime Minister’s Office - Regional Administration and Local Government in Dodoma. An increased oversight role is being provided by the two public finance committees (central and local government) in strengthening accountability of public resources at all levels.

11. The government is committed to further strengthening PFM systems as evidenced by the recent launch of PFMRP Phase IV, for a five-year period beginning 2012, in close coordination with DPs. PFMRP Phase IV will focus on strengthening revenue management, planning and budget management, budget execution, transparency and accountability, budget control and oversight, change management, and program M&E.

#### *Risk Assessment and Mitigation*

12. Table 3.1 identifies the key risks that management may face during project implementation, leading to failure to achieve project objectives. It also provides suggested mitigation measures that management should take in addressing these risks.

**Table 3.1: Risks and Mitigation Measures**

Type of Risk	Description of Risk	Risk Rating	Risk Mitigating Measures	Residual Risk Rating
<b>Inherent Risk</b>				
<b>Country Level</b>	Despite the ongoing PFM reforms, the challenges still remain in improving budget classification and reporting, cash management, fund flow, IFMIS, low compliance with procurement laws and regulations, weak contract management, and weak internal controls and internal audit.	<b>S</b>	PFMRP Phase IV will focus on strengthening revenue management, planning and budget management, budget execution, transparency and accountability, budget control and oversight, change management, and program monitoring and evaluation. Strengthening the internal audit function at both central and LGAs. There are also improvements in IFMIS implementation in local governments.	<b>S</b>
<b>Entity Level</b>	<ul style="list-style-type: none"> <li>• Delayed submission of Interim Financial Reports (IFRs) and audit reports</li> <li>• Transfer of experienced staff to other GoT departments and ministries</li> </ul>	<b>M</b>	<ul style="list-style-type: none"> <li>• Strict reporting deadlines to be instituted and followed</li> <li>• Reviews and follow-up by internal audit</li> <li>• Training to all accounting staff on reporting</li> </ul>	<b>L</b>
<b>Project Level</b>	There may be delays in accounting and financial reporting. Also, there could be exit of experienced staff from time to time.	<b>M</b>	<ul style="list-style-type: none"> <li>• Strict reporting deadlines to be instituted and followed</li> <li>• Reviews and follow-up by internal audit</li> </ul>	<b>L</b>

Type of Risk	Description of Risk	Risk Rating	Risk Mitigating Measures	Residual Risk Rating
			<ul style="list-style-type: none"> <li>• Training to all accounting staff on reporting</li> </ul>	
<b>Overall Inherent Risk</b>		<b>S</b>		<b>M</b>
<b>Control Risk</b>				
<b>Budgeting</b>	<ul style="list-style-type: none"> <li>• Delays in the preparation and approval of the budget</li> <li>• Inaccurate budgets resulting from manual preparation of budgets</li> </ul>	<b>M</b>	<ul style="list-style-type: none"> <li>• Developing a budget preparation time table</li> <li>• Introduction of computerized budget preparation using a budgeting tool</li> <li>• Provision of planning and budgeting training to staff</li> <li>• Regular review /monitoring of project budget performance</li> </ul>	<b>L</b>
<b>Accounting</b>	<ul style="list-style-type: none"> <li>• Transfer and departure of staff</li> <li>• Delayed reports</li> <li>• Inaccurate reports</li> </ul>	<b>M</b>	<ul style="list-style-type: none"> <li>• Use of Epicor Version 10.0 accounting software and the judiciary database system</li> <li>• Training of all staff in accounts</li> </ul>	<b>L</b>
<b>Internal Control</b>	<ul style="list-style-type: none"> <li>• Inadequate number of staff</li> <li>• Failure by the internal audit function to review the project transactions</li> <li>• Breakdown in internal control systems</li> </ul>	<b>M</b>	<ul style="list-style-type: none"> <li>• Maintenance of adequate number of staff at all times</li> <li>• Inclusion of project activities in the annual work plan for internal audit</li> <li>• Close oversight by internal audit committee</li> </ul>	<b>L</b>
<b>Funds Flow</b>	<ul style="list-style-type: none"> <li>• Slow disbursement of project funds</li> <li>• Slow accountability of funds</li> </ul>	<b>S</b>	<ul style="list-style-type: none"> <li>• A DA to be operated by the judiciary will be opened at the BoT</li> <li>• A project account in Tanzania shillings will also be opened at the BoT</li> </ul>	<b>M</b>
<b>Financial Reporting</b>	<ul style="list-style-type: none"> <li>• Delays in the submission of unaudited IFRs</li> <li>• Inaccurate financial and management reports</li> </ul>	<b>M</b>	<ul style="list-style-type: none"> <li>• The IFR guidelines will be used by the project management team over the life of the project.</li> <li>• Training will be provided to finance staff.</li> </ul>	<b>L</b>
<b>Auditing</b>	<ul style="list-style-type: none"> <li>• There may be delays in submission of the annual external audit reports.</li> </ul>	<b>M</b>	<ul style="list-style-type: none"> <li>• Early appointment of external auditors</li> <li>• Early submission of draft financial statement to the National Audit Office</li> </ul>	<b>L</b>
<b>Overall Control Risk</b>		<b>M</b>		<b>L</b>
<b>Overall Risk Rating</b>		<b>S</b>		<b>M</b>

Note: Risk ratings: H = High, S = Substantial, M = Moderate, L = Low.

13. The overall residual risk is expected to be Moderate upon the successful implementation of the mitigating measures outlined in the risk assessment and mitigation table (Table 3.1). These risks will be

reviewed and measured (assessed) during each supervision mission and will be recalibrated with a view of getting a revised rating.

#### *Strengths of the Project Management Unit*

14. The project FM is strengthened by the following salient features:
  - (a) Strong FM function
  - (b) Adequately qualified and experienced accounting and internal audit personnel
  - (c) Good FM policies and procedures in place
  - (d) Use of accounting software to manage project funds
  - (e) Strong planning and budgeting arrangements
  - (f) Adequate financial reporting arrangements
15. The project FM is weakened by the following salient features:
  - (a) Internal audit function that reports to the chief executive officer (CEO) functionally rather than the audit committee
  - (b) Finance and internal audit staff not trained on recent Bank FM and disbursement guidelines

#### *Institutional and Implementation Arrangements*

16. The project will be implemented by the JoT. The project will be based and managed at the headquarters in Dar es Salaam. Implementation will be carried out in certain stations outside Dar es Salaam.

### **Financial Management Arrangements**

#### *Budgeting Arrangements*

17. Preparation of the Annual Work Plans and Budgets will be participatory, involving all the divisions and units of the judiciary. Draft budgets are consolidated by the planning and coordination division and approved by the accounting officer. Any changes to the original budget must be approved by the accounting officer. Consolidated Annual Work Plans and Budgets for the project will be prepared and variance analysis reports comparing planned to actual expenditures will be produced on a monthly basis. The periodic variance analysis will enable the timely identification of deviations from the budget. In this regard, the budgeting arrangements are Satisfactory.

## **Accounting Arrangements**

### *Books of Accounts and List of Accounting Codes*

18. The judiciary shall maintain adequate financial records in accordance with accepted international accounting standards and practices. It will use the IFMIS, a computerized accounting system to maintain projects books and accounts. Accounting policies and procedures do exist and are documented in the Public Finance Act of 2001 (Revised 2004). The judiciary will maintain similar books of accounts as those for other IDA-funded projects. The books of accounts to be maintained specifically for the project will include a cash book, ledgers, journals, fixed asset register, and a contracts register. A list of accounts codes (Chart of Accounts) for the project will be drawn and added to the existing entity's Chart of Accounts. This will match with the classification of expenditures and sources and application of funds as indicated in the Financing Agreement. The Chart of Accounts will allow project costs to be directly related to specific work activities and outputs of the project. All records and vouchers will be kept at the judiciary offices.

### *Information Systems*

19. The judiciary uses the IFMIS to process financial transactions in accordance with the government Accounting Circular No.1 of 1999/2000 that requires all government transactions to be processed through the IFMIS. The accounting functions are performed in accordance with the Public Finance Act of 2001 (Revised 2004).

### *Staffing Arrangements*

20. The Finance and Accounts Department is headed by the chief accountant, who is a qualified accountant with 25 years of experience. Reporting to him are three assistant chief accountants, who supervise the rest of the staff that include senior accountants, accountants, and assistant accountants. The department has 55 qualified and experienced accountants who are distributed countrywide. The chief accountant will be responsible for maintaining the books of accounts and records of the project funds. Though the existing team has qualified and experienced staff, they do not have experience working with IDA projects. They have not undergone any training on Bank FM and disbursement procedures. As a result, there is a need to train them on the Bank FM and Disbursement Guidelines. This can be arranged in consultation with the FM specialist at the country office before funds start to flow. The current staffing levels are adequate.

21. In this regard, the accounting arrangements are Satisfactory.

### *Internal Controls (including Internal Audit)*

22. Internal control systems at the judiciary indicated satisfactory levels of segregation of duties and controls. The internal control systems are documented in the Public Finance Act of 2001 (Revised 2004) as well as the Treasury regulations and they are adequate for use by this project to ensure funds are used for the purposes intended. These describe the accounting system, that is, major transaction cycles of the project; funds flow processes; the accounting records, supporting documents, computer files, Chart of Accounts; the accounting processes from the initiation of a transaction to its inclusion in the financial statements; authorization procedures for transactions; and the financial reporting process used to prepare the financial statements. A review of the internal control system revealed that there are strong internal controls in place, which can be relied upon to manage funds of this project.



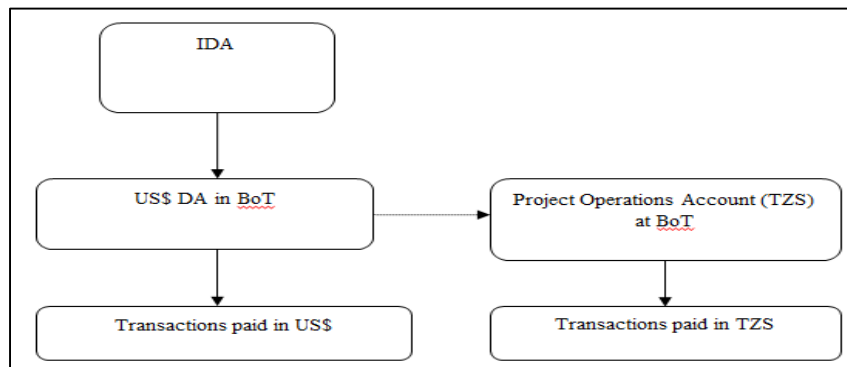
### *Internal Audit Arrangements*

23. The internal audit function of the judiciary has 36 staff, who are qualified and experienced and are headed by the chief internal auditor. The chief internal auditor reports both functionally and administratively to the Chief Court Administrator, who is the CEO and in turn reports to the audit committee. This is not in line with good governance principles that require that for effective oversight of the activities of an entity, the internal audit function should functionally report to the audit committee and administratively to the CEO. The internal auditors are professionally qualified with Certified Public Accountants as well as graduates of accounting. Reports are issued on quarterly as well as on an ad hoc basis. The reports are based on the review of the internal control systems of the organization. The audit committee is in place. The committee reviews the internal audit reports, internal control systems and also follows up on external audit report recommendations. Internal audit uses the risk-based audit approach to carry out its work. The audit function uses internal auditing standards as issued by the Institute of Internal Auditors. A manual is in place to guide the work of internal auditors. In this regard, internal audit arrangements are adequate. All issues identified either by internal audit or the external auditors are addressed by management and a follow-up is done by internal audit on a quarterly basis.

### *Funds Flow Arrangements*

24. The project will maintain two sets of bank accounts: (a) a U.S. dollar DA and (b) a Tanzanian shilling project bank account for implementing the project. Both the DA and the project account will be opened at the BoT. Signatories to the bank accounts are the Chief Court Administrator and the chief accountant. The signing mandate is that both of the two signatories have to sign the check for withdrawal of funds from the BoT. Transfers from the IDA Credit will be made into the DA from where U.S. dollar payments will be made. Transfers will also be made from the designated account to the Tanzanian shilling project account primarily to meet transactions in Tanzanian shillings. Figure 3.1 shows the funds flow arrangements. The DA and the project account will be opened after the signing of the project but before it becomes effective. The judiciary will communicate the account details alongside the signatories to IDA soon after the opening of the bank accounts. The project will initially submit a cash flow forecast projection for six months to receive the initial deposit into the U.S. dollar designated bank account. Subsequently, withdrawal requests will be drawn, based on six-month forecasts derived after consideration of work plans, every six months following submission of quarterly unaudited IFRs and on the need and utilization of funds in this account.

**Figure 3.1: Funds Flow Arrangements**



### *Disbursement Arrangements*

25. Report-based disbursement (IFR) will be used by the judiciary. Initially, requests for disbursement by the Bank will be made on the basis of approved work plans and cash flow projections for eligible expenditures for six months. The Bank will make advance disbursements from the proceeds of the Credit into the project Special DAs. Thereafter, disbursements to the project will be done after every quarterly period upon submission of IFRs that document project expenditure for the quarter and submission of the next six-monthly cash flow projections.

26. Other methods of disbursement will include reimbursement from the Bank for eligible costs incurred by the implementing agency, direct payment that may be used for payments to contractors or service providers upon verification of their satisfactory performance by the project authorized officials and special commitments using Letters of Credit. Details in relation to these disbursement methods will be documented in the disbursement letter.

27. If ineligible expenditures are found to have been made from the designated and/or operating bank accounts, the judiciary will be obligated to refund the same. If the DA remains inactive for more than six months, the project may be requested to refund, to IDA, the amounts advanced to the DAs.

### *Financial Reporting Arrangements*

28. The quarterly IFRs will be prepared at the end of each quarter and submitted to the Bank not later than 45 days after the end of the quarter. The format and content of the IFRs have been discussed and agreed with the government. The IFRs will include the Sources and Uses of Funds Statement, uses of funds by project activity/component, the DA activity statement, and the physical progress (output monitoring) report.

29. To support the continued use of report-based disbursement, the judiciary will be required to submit the following:

- (a) IFR
- (b) DA activity statement
- (c) DA and project bank account statements
- (d) Bank reconciliations for both the DA and project bank account
- (e) Summary statement of DA expenditures for contracts subject to prior review
- (f) Summary statement of DA expenditures for contracts not subject to prior review

30. The financial statements should be prepared in accordance with International Public Sector Accounting Standards. The IDA Credit Agreement will require the submission of audited financial statements to the Bank within six months after the financial year end. These financial statements will consist of the following:

- (a) A statement of sources and uses of funds/cash receipts and payments, which recognizes all cash receipts, cash payments, and cash balances controlled by the entity and separately identifies payments by third parties on behalf of the entity.
- (b) A statement of affairs/balance sheet as at the end of the financial year showing all the assets and liabilities of the project.
- (c) Accounting policies adopted and explanatory notes. The explanatory notes should be presented in a systematic manner with items on the statement of cash receipts and payments being cross-referenced to any related information in the notes. Examples of this information include a summary of fixed assets by category of assets and a summary of the Statement of Expenditure Withdrawal Schedule listing individual withdrawal applications.
- (d) A management assertion that Bank funds have been expended in accordance with the intended purposes as specified in the relevant Bank Legal Agreement.

31. Indicative formats of these statements will be developed in accordance with IDA requirements and agreed with the FM specialist.

#### *Procurement*

32. Procurement activities for the project will be carried out in accordance with the Bank's Procurement Guidelines; Consultant Guidelines; and Anticorruption Guidelines and the provisions stipulated in the Financing Agreement. For each contract to be financed by the Credit, the different procurement or consultant selection methods, the need for prequalification, estimated costs, prior review requirements, and time frames have been agreed between the recipient and the Bank in the Procurement Plan. The recipient has prepared a Procurement Plan for the first 18 months, which was agreed at negotiations. The Procurement Plan will be updated at least every 12 months, or as required, to reflect the actual project implementation needs but shall require Bank's approval with each update. All Procurement Plans will be publicly disclosed in accordance with the Bank's disclosure policy.

33. The Bank's Standard Bidding Documents shall be used for procurement of goods, works, and non-consulting services under International Competitive Bidding (ICB). National bidding documents may be subject to the exceptions stipulated below. Similarly, selection of consultant firms shall use the Bank's Standard Request for Proposal, in line with procedures described in the Consultant Guidelines.

34. The borrower is required to prepare and submit to the Bank a General Procurement Notice. The Bank will arrange for its publication in United Nations Development Business (UNDB) online and on the Bank's external website. Specific Procurement Notices for all procurement under ICB and Requests for Expressions of Interest for all consultancies estimated to cost not less than US\$300,000 shall be published in at least one newspaper of national circulation in the borrower's country, or in the official gazette, or on a widely used website or electronic portal with free national and international access, and in United National Development Business online.

35. In November 2011, the government enacted a new PPA (2011) replacing the PPA (2004). The new law was endorsed by the president and became effective in December 2013 when the new regulations were gazetted. The new act has strengthened some of the functions of the PPRA, including

powers to cancel procurement proceedings if an investigation concludes that there was a breach of the act. Otherwise, the basic principles of public procurement and general institutional arrangements have remained the same as in the PPA (2004). In addition, the new act has enhanced the definition of fraud and corruption in a broader term by including definitions of coercive practices, collusive practices, and obstructive practices that were missing in the PPA (2004). Furthermore, the new act gives powers to the PPRA to blacklist and debar a bidder who has been debarred by international organizations, such as the Bank, in cases related or unrelated to fraud and corruption for such period as it is debarred by the international organization as well as a further period of ten years (for fraud and corruption cases) or five years (for non-fraud and corruption cases).

36. Public procurement in Tanzania is now governed by the Tanzania Public Procurement Act, No. 7 of 2011. The act has been reviewed by the Bank and found to be satisfactory and consistent with the Bank's Procurement Guidelines, except for the provisions of clause 49 of the act, which permits application of national preference in bid evaluation under NCB. Thus there will be no preference accorded to domestic suppliers and contractors under NCB for goods and works in this project. Furthermore, in accordance with paragraph 1.16(e) of the Procurement Guidelines, each bidding document and contract financed out of the proceeds of the credit shall provide that (a) the bidders, suppliers, contractors, and subcontractors shall permit the Bank, at its request, to inspect their accounts and records relating to the bid submission and performance of the contract and to have these accounts and records audited by auditors appointed by the Bank and (b) the deliberate and material violation by the bidder, supplier, contractor, or subcontractor of such provision may amount to an obstructive practice as defined in paragraph 1.16(a)(v) of the Procurement Guidelines.

37. Details of goods, works, and non-consulting and consultants' services expected for the first 18 months of the project are detailed under the section 'Details of the Procurement Arrangements Involving International Competitive Bidding and Other Methods'.

38. **Operating costs.** The financing of operating costs for the project shall follow administrative and financial procedures agreed with and satisfactory to the Bank.

39. **Training and workshops.** The project will finance training and workshops, if required, based on an annual training plan and budget that shall be submitted to the Bank for its prior review and approval. The annual training plan will identify, among others, (a) the training envisaged; (b) the justification for the training, (c) the personnel to be trained; (d) the duration for such training; and (e) the estimated cost of the training. At the time of the actual training, the request shall be submitted to the Bank for review and approval. Upon completion of the training, the trainees shall be required to prepare and submit a report on the training received.

40. The JoT is a procuring entity registered (IE/007) with the PPRA. The PMU is responsible for procurement in all departments under JoT. The overall implementation of the project with regard to procurement will, therefore, be under the JoT PMU.

41. A procurement capacity assessment of the JoT to implement project procurement was carried out on July 15, 2015. The assessment reviewed the organizational structure, functions, staff skills and experiences, adequacy for implementing the project, record keeping, and the interaction between the project's staff responsible for procurement processing.

42. The PMU is under the Office of the Chief Court Administrator and, in accordance with PPA No. 7 of 2011, the JoT has a Tender Board. The PMU is headed by a director, supported by six POs (Supplies). Although the director was relatively new to JoT (about three months) at the time of the assessment, he had over 20 years procurement experience, of which 5 was at principal procurement/supplies officer level and 8 was at senior supplies officer level. Four of the other POs have experience ranging from 18 to 21 years while the other two have 4 and 6 years' experience, respectively. The staff have mostly experience in government procurement, the majority of which uses framework agreements for common use items through the government procurement service agency, with few activities involving shopping or NCB procedures. Assessment indicates that there are some challenges in selection of consultants even using the national system. The director and one other staff member indicate that they have experience in procurement using Bank procedures. However, this experience was before they moved to the JoT and could not be verified through document review. It was also noted that most of the staff have not undergone training in Bank procurement procedures. Considering that the PMU handles procurement for all the departments of the JoT, the PMU may need to be strengthened with one or two more staff, probably from within the JoT, to ensure efficient procurement for the new project and other donor-funded projects that might come in future.

43. The procurement management system follows a clear and defined cycle of procurement planning, preparation of bidding documents, management of bidding process from advertisement to bid opening, bid evaluation, contract award, preparation and signing of contract, including necessary internal approvals, as part of the procurement cycle in line with the PPA. It was indicated that contract management and administration is mostly carried out through user departments. Record keeping at the time of the review was also found unsatisfactory, requiring a new system to be established in line with Bank requirements.

44. The risk for procurement was considered Substantial. The risk is reduced to a residual rating of Moderate in view of the mitigation measures proposed in Table 3.2. Actions proposed and agreed to mitigate the procurement risk include (a) hiring of an individual consultant/procurement expert with qualifications acceptable to IDA for at least 12 months to improve capacity to handle the high volume of procurement processes for the national budget and the project; (b) transfer one or two staff from other departments from within the JoT to the PMU, to improve capacity to handle the high volume of procurement processes for the national budget and the project; (c) the current staff, beginning with the director should be sent for scheduled training, on rotational basis, to empower the staff to widen their knowledge base in procurement of goods, works, and consultancy services using Bank procedures; and (d) establish a record-keeping system acceptable to the Bank.

**Table 3.2: Procurement Risks and Proposed Mitigation Measures**

No.	Key Risks	Risk Mitigation Actions	By Whom	By When
1	Inadequate capacity (personnel) to handle the high volume of procurement processes for the national budget and the project	Transfer one or two staff from other departments from within the JoT to the PMU.	Judiciary	Within three months after project effectiveness
2	The lack of adequate professional training opportunities for staff to train and, subsequently, have the capacity to manage procurement using the Bank's guidelines	For sustainability reasons, the current staff, beginning with the director should be sent for scheduled training to empower him to widen his knowledge base in procurement of goods, works, and consultants using Bank procedures. Following this, other POs should also attend the relevant courses in GWC, in turn, one after the other to not disrupt JoT procurement activities.	Judiciary through the Chief Court Administrator to examine training schedules at the Ghana Institute for Management and Public Administration in Ghana	During the life of the project
3	Lack of a procurement champion in Bank procurement procedures within the system to provide support in guidance, mentoring, and coaching to procurement staff to promote confidence and efficiency in their procurement deliveries	Recruit a procurement specialist (consultant) with international experience in Bank procurement procedures, on a short-term basis (12 months) to assist with handling of large packages and provide mentoring and coaching for the PMU staff. The terms of reference of the hired consultant would be expanded to include providing these services.	JoT	Within three months after project effectiveness
4	Inadequate record-keeping system	Establish a record-keeping system acceptable to the Bank. This will require acquisition of lockable filing cabinets, ring binders, dividers, computer labels.	Judiciary with guidance from Bank staff	Before project effectiveness

45. **Frequency of procurement supervision.** In addition to the prior review supervision to be carried out from Bank offices, the capacity assessment of the implementing agency recommends one supervision mission every six months to visit the field to carry out post review of procurement actions.

### **Details of the Procurement Arrangements Involving International Competitive Bidding and Other Methods**

#### *Goods, Works, and Non-consulting Services*

46. **Prior review.** Procurement decisions subject to prior review by the Bank as stated in Appendix 1 to the Procurement Guidelines.

**Table 3.3: Prior Review Threshold Works and Goods**

Expenditure Category	Contract Value	Procurement/ Selection Method	Contracts Subject to
	Threshold (US\$)		Prior Review
<b>Works</b>	≥15,000,000	ICB	All
	<15,000,000 ≥10,000,000	NCB	All
	<10,000,000	NCB	None (post review) unless specified in the Procurement Plan
	<200,000	Shopping	None (Post review)
	All values	Direct Contracting	All
<b>Goods, IT Systems and Non-Consulting Services</b>	≥3,000,000	ICB	All
	<3,000,000 ≥ 1,000,000	NCB	All
	<1,000,000	NCB	None (post review) unless specified in the Procurement Plan
	<100,000	Shopping	None (post review)
	All values	Direct Contracting	All

**Table 3.4: Procurement Packages with Methods and Time Schedule**

No	Contract (Description)	Estimated Cost in US \$	Procurement Method	Prior/ Post Review	Domestic Preference (Yes/No)	Prequalification (Yes/No)	Expected Bid Opening
<b>WORKS</b>							
1	Design and Construction of Three Justice Centers outside Dar es Salaam with High Courts and subordinate courts in court complex building (large size or medium TBD)	7,200,000.00	NCB	Prior	No	No	22/07/2016
2	Construction of ten courthouses for subordinate court Primary Court	3,750,000.00	NCB	Prior	No	No	2/8/2016
3	Rehabilitation of Kinondoni family court	300,000.00	NCB	Post	No	No	19/5/2016
4	Design and Construction of Justice Centre in Dar es Salaam at Law School Compound (large size) - TBD	3,055,000.00	NCB	Post	No	No	28/7/2016
<b>Sub-total</b>		<b>14,305,000.00</b>					
<b>GOODS AND NON CONSULTANCY SERVICES</b>							
5	Procurement of Case Handling Software and testing and deployment for e-justice initiation	600,000.00	NCB	Prior	No	No	21/10/2016
6	Supply of ICT Equipment	349,091.00	NCB	Prior	No	No	17/6/2016
7	Supply of Two (2) Mobile Courts van	120,000.00	NCB	Prior	No	No	1/9/2016
8	Supply of Scanners, Photocopier and Printers	314,000.00	NCB	Post	No	No	13/7/2016
9	Design, Editing and printing of strategic plan, Brochures	224,000.00	NCB	Post	No	No	20/5/2016

No	Contract (Description)	Estimated Cost in US \$	Procurement Method	Prior/ Post Review	Domestic Preference (Yes/No)	Prequalification (Yes/No)	Expected Bid Opening
10	Procurement Of Standby Generator For Justice Center	90,909.00	Shopping	Post	No	No	21/4/2017
11	Installation and partition of pre fabrication storage	1,181,818.00	NCB	Prior	No	No	27/6/2016
12	Procurement of heavy duty photocopy machine for Zanzibar	11,000.00	Shopping	Post	No	No	4/5/2016
13	Supply of Video Conferencing Equipment	375,000.00	NCB	Post	No	No	17/11/2016
14	Installation of LAN in High Court, Resident and District Courts	260,000.00	NCB	Post	No	No	4/7/2016
15	Supply and Installation of Audio Visual and Recording Equipment	1,320,000.00	NCB	Prior	No	No	12/9/2016
16	Supply of Office Consumables	45,454.00	Shopping	Post	No	No	24/6/2016
17	Supply of Compactors, Racks Filling Cabinets	1,181,818.00	NCB	Prior	No	No	24/11/2016
<b>Sub-total</b>		<b>6,073,090</b>					
<b>Grand Total</b>		<b>20,378,090</b>					

47. Selection of consultants:

- (a) **Prior review threshold.** Selection decisions subject to prior review by the Bank as stated in Appendix 1 to the Consultant Guidelines.

**Table 3.5: Prior Review Threshold Consulting Services**

Expenditure Category	Threshold (US\$)	Procurement/Selection Method	Prior Review
<b>Consulting Services - Firms</b>	> 500,000	QCBS/Other (QBS/FBS/LCS)	All
	< 500,000 ≥ 300,000	QCBS/ Other (QBS/FBS/LCS)	None (post review) unless specified in the Procurement Plan
	< 300,000	CQS/ Other (QCBS/QBS/ FBS/LCS)	None (post review) unless specified in the Procurement Plan
	All values	SSS	All
<b>Consulting Services - Individuals (Individual Consultants)</b>	≥ 200,000	IC - Qualification	All
	< 200,000	IC - Qualification	None (Post review) unless specified in the Procurement Plan
	All Values	IC - SSS	All

Note: QCBS = Quality- and Cost-Based Selection; FBS = Selection under a Fixed Budget; LCS = Least-Cost Selection; SSS = Single-Source Selection; CQS = Selection based on Consultants' Qualification.

- (b) **General.** Terms of reference for all contracts shall be cleared with the Bank



- (c) Short lists for consultancy services for contracts estimated to cost less than US\$300,000 equivalent per contract may be composed entirely of national consultants in accordance with the provisions of paragraph 2.7 of the Consultant Guidelines.
- (d) Consultancy services estimated to cost equivalent to US\$300,000 and above per contract shall be advertised in the UNDB online in addition to advertising in national newspaper(s) of wide circulation and/or regional newspaper in accordance with the provisions of paragraph 2.5 of the Consultant Guidelines.
- (e) QBS, FBS, and LCS will be applicable for assignments meeting the requirements of paragraphs 3.2, 3.5, and 3.6, respectively, of the Consultant Guidelines.

**Table 3.6: Consultancy Assignments with Selection Methods and Time Schedule**

	<b>Description of Assignment</b>	<b>Estimated Cost in US\$</b>	<b>Selection Method</b>	<b>Review by Bank</b>	<b>Expected Proposal Date</b>
1	Consultancy Services to Design and introduce E-filing, E- judgement, E- payment, E-notification	363,636.00	QCBS	Prior	26/9/2016
2	Consultancy service to Develop continuous training program and facilitate legal training	68,182.00	CQS	Post	9/6/2016
3	Consultancy Services to introduce Online interactive complaints platform	173,913.00	IC	Prior	16/6/2016
4	Consultancy service to undertake Court mapping country wide	92,500.00	IC	Post	23/6/2016
5	Consultancy service on Training needs review for Judiciary Officers.	15,000.00	IC	Post	17/6/2016
6	Consultancy Service for the carryout of environmental and social safeguards filters and plans for construction to be undertaken as per EMSF (all construction sites to be included in the Project Operational Manual – at least 5 integrated justice enters in cities and at least 10 small courthouses along the economic corridor areas.	170,636.00	CQS	Post	30/5/2016
7	Consultancy service to enhance Judiciary -IJA capacity training program development, training handbook, manuals and guideline carrying out of Pilot training course	55,000.00	IC	Post	6/9/2016
8	Consultancy service for the design and supervision of the construction of Integrated Justice Centers and other judiciary facilities including medium and small courthouses (TBD in the POM)	2,575,200.00	QCBS	Prior	6/5/2016
9	Consultancy service for Court User Survey and development of public education program.	51,000.00	SSS	Post	9/8/2016
10	Procurement Specialist to support Project Team	72,000.00	IC	Prior	6/5/2016

	Description of Assignment	Estimated Cost in US\$	Selection Method	Review by Bank	Expected Proposal Date
11	Procurement Specialist to support Project Team	72,000.00	IC	Prior	6/5/2016
12	IT specialist to support the Project Team.	72,000.00	IC	Prior	6/5/2016
13	Consultancy service to develop M&E systems and conduct baseline analysis for cost-benefit and results dissemination and train Judiciary Reform Team in results planning and monitoring	72,000.00	IC	Prior	6/5/2016
14	Consultancy service to support the development of ADR and backlog reduction program	40,000	IC	Prior	6/6/2016
<b>Total Consultancy Services</b>		<b>3,893,067</b>			

*Environmental and Social (including safeguards)*

48. **The proposed project, among its other activities, will involve the construction of modern courthouses, rehabilitation of court buildings, and extension of buildings to increase working spaces or offices.** Therefore, the project will involve the demolition of old court buildings and construction activities. The construction activities will take place in the existing court premises in areas that are owned by the judiciary. Most of the subprojects will take place in cities, municipalities, towns, and semi-urban areas. Some of the proposed activities under the project, particularly the construction and rehabilitation of court buildings, are likely to have potential adverse impacts on the environment. These civil works will possibly generate negative impacts such as soil erosion and siltation from the sources of construction materials; dust emission during the transportation of materials and construction; and the generation of solid waste. Similarly, the likely construction-related social impacts include the influx of people in the location looking for employment, as well as their impact on the local area. On the other hand, the attention to inclusive service delivery is key and embedded in the project as it seeks to enhance the capacity of the judiciary to deliver efficient, transparent, accountable, and accessible citizen-centric justice services in select urban and rural areas to all citizens, vulnerable groups (including women, the rural poor, and informal traders), and businesses. Therefore, inclusion is provided for in project activities. The project has been assigned Environmental Risk Assessment Category B, and triggers one of the 10 safeguard policies, namely Environmental Assessment (OP/BP 4.01).

**Safeguard Instruments**

49. **Appropriate mitigation measures will be undertaken to address potential environmental impacts.** An ESMF has been prepared and disclosed to provide criteria and procedures for screening project investments, and to guide the preparation of site-specific safeguard instruments:

<http://documents.worldbank.org/curated/en/2015/12/25671338/tanzania-citizen-centric-judicial-modernization-justice-service-delivery-project-environmental-assessment-environmental-social-management-framework>

50. The main objective of the ESMF is to establish environmental and social screening procedures for identifying, assessing, and mitigating potential environmental and social impacts of the subprojects. The screening process will determine whether ESIA's for specific project investments are required or not. The ESMF will therefore guide the level of assessments of environmental and social impacts of the investments; help determine whether simple environmental and social assessments should be applied by using an environmental checklist; and aid the preparation of ESMPs or detailed ESIA's, in this case according to both the Bank's Safeguards Policy (OP/BP 4.01) and to Tanzania's 'Environmental Impact Assessment and Audit Regulations of 2005'. Further, the inclusion of a number of initiatives, such as the promotion of innovative access to justice initiatives that bring justice services closer to the people, such as the Justice-on-Wheels Initiative (mobile courts), e-Justice Program, and e-complaint citizen feedback system, as well as the use of modern courthouses for effective service delivery and public education, reflect efforts to achieve the inclusive service delivery social development outcome. Regular monitoring and reporting on this outcome will contribute to the achievement of the project objective, and where necessary and applicable, a project-wide assessment for this outcome may be made.

51. **The proposed project will be administered by the Chief Court Administrator assisted by the Judiciary Reform Team, and other court administrators in their respective regions.** The judiciary requires training with regard to the implementation of safeguard policies and needs preliminary capacity to implement environmental and social safeguard instruments. To implement the ESMF appropriately, the judiciary should designate staff for its environmental and social management or hire a recognized environmental expert/consultant. The environmental expert/consultant will provide assistance from time to time while gradually developing the judiciary's capacity and experience. Therefore the judiciary, in collaboration with the environmental expert/consultant, will enhance the judiciary's capacity for the screening process, review, approval, monitoring, and control of feedback reporting during the day-to-day project implementation and operation of the activities within the proposed project.

## Annex 4: Implementation Support Plan

### TANZANIA: Citizen-Centric Judicial Modernization and Justice Service Delivery Project

#### Strategy and Approach for Implementation Support

1. The implementation support plan for the project has been developed based on the existing capacity of the judiciary counterparts and the project's risk profile in accordance with the Systematic Operations Risk-Rating Tool (SORT). It is also informed by the progress made so far with the PA, which has been provided to help the judiciary mobilize teams and complete preparatory documents. The implementation support plan aims to enhance the client's quality delivery of the proposed project interventions and address critical issues that may affect project implementation. Special attention will be paid to consultation with stakeholders and sharing of information. The implementation support will specifically focus on (a) building ownership and strengthening technical and fiduciary capacity of the judiciary counterparts at all stages of the project and (b) regular provision of implementation support through three times a year Bank Implementation Support Missions (ISMs), including technical, institutional, M&E, and fiduciary aspects.
2. **An adequate skill mix of qualified staff, technical advisors, and consultants will be needed.** Some skills will be needed on a regular basis, while others will be required on a need basis. It is therefore proposed that the project preparation team continue during project implementation phase. The core implementation support team will include expertise on judicial modernization, training and human resources, justice and court statistics, court infrastructure, anticorruption, FM, procurement, construction, safeguards, and M&E. The core implementation support team will include the following: lead public sector specialist (governance focal point and cluster leader - GGODR), senior public sector and justice specialist Task Team Leader (TTL), senior public sector specialist (co-TTL), senior public sector governance specialist (GGODR), senior operations officer (Operational Support Team (OST) - GGODR), justice sector advisors (GGODR); lead counsel (LEGAM), senior IT specialist, senior FM specialist (GGODR), senior social development specialists (SURR), international infrastructure specialist (consultant), senior safeguards specialist (Operations Policy and Country Services), and senior procurement specialists (GGODR). Judges and experts from good practice judiciaries (for example, Canada, United States, Ethiopia, Ghana, Ireland, Turkey, and Botswana) would also participate as they have contributed in the preparation of the Judiciary Strategic Plan 2015–20 which is the basis for the proposed Bank assistance. Other experts will be brought in periodically, as necessary.
3. ISMs and field visits will be carried out twice a year. Frequency of ISMs will be, however, flexibly augmented on a need basis. The ISM will aim at providing hands-on support to clients, supervise implementation progress, help identify implementation bottlenecks, and propose remedial actions. The team led by the TTL is considered to further strengthen working relationships with the client and other stakeholders.
4. The Bank ISMs, including field visits, would concentrate in the following areas:
  - (a) **Technical.** The project will require technical support, given the innovative nature of the activities to be financed and relatively limited in country experience with some of the

main approaches. Hands-on technical support at all levels will be therefore provided throughout the implementation period. In particular, the project team will provide technical assistance in judicial reform and modernization, mobile courts, e-justice, IJCs, skills training, change management, project M&E, communication, prefabricated office units with solar panel, and ‘design-build’ and other innovative and appropriate construction contracts. It will advise on the sequencing of the Judiciary Strategic Plan implementation and in developing anticorruption initiatives by bringing international experiences and lessons learned. Support will be provided by the Bank, in collaboration with other experts, to ensure that activities are implemented in a cost-effective fashion and in accordance with the PDO. The Bank team will also facilitate exchange of knowledge within the country and with other countries involved in the concerned areas as well as mobilize appropriate global expertise and disseminate results.

- (b) **M&E and safeguards.** A team will (a) provide regular technical assistance and oversight of data collection for the Results Framework; (b) ensure effective flow of data between the multiple stakeholders within the judiciary involved in the select areas; (c) ensure effective use of data by the judiciary and concerned stakeholders to inform ongoing progress of activities and take appropriate action as needed; and (d) provide guidance on the fulfillment of ESMF requirements to meet the Bank’s safeguard policies and procedures.
- (c) **Client relations and outreach.** The TTL will (a) coordinate Bank implementation support to ensure consistent project implementation, as specified in the legal documents and (b) lead policy dialogue with the high-level judiciary and governmental authorities to gauge project progress in achieving the PDO and address implementation bottlenecks, as they arise. In addition, the TTL and the team will ensure regular exchanges of information with judiciary and stakeholders, including development partners, NGOs, and business associations. They will also conduct outreach and support the judiciary in dissemination of project activities.
- (d) **Financial management.** FM implementation support will take place twice a year to (a) ensure the capacity of staff to manage flow of funds and accounting procedures; and (b) review of audit reports and IFRs. The project will be supervised at least twice a year and may be adjusted when the need arises. An ISM will be carried out before effectiveness to check the status of PA implementation.
- (e) **Procurement.** The Bank will support procurement staff involved in the project to effectively carry out the procurement activities, in accordance with Bank guidelines and procedures as well as with the Project Implementation Manual. In this regard, the procurement specialist based in Dar es Salaam will provide, when necessary, training and mentoring in areas such as roles and responsibilities of key actors in the procurement chain, internal governance processes, and monitoring of contract compliance. The procurement specialist will undertake on-site visits and desk reviews of procurement documents. Special effort will be made to visit construction sites to assess progress and assess the fulfillment of Bank norms and standards. International good practices with ‘design-built’ and other appropriate methods of construction contracts will also be shared. Since the judiciary will require specialized buses and 4x4 vehicles and minivans for

mobile courts, guidance will be provided on the purchase and retrofitting of these vehicles. Since support is currently being provided to implement the PA, it will be intensified in the first year. Effort will be made to ensure timely delivery and distribution of goods and services and management of construction contracts. With regard to procurement supervision, in addition to the prior review supervision from Dar es Salaam, the Bank will carry out annual supervision missions to conduct post review of procurement actions and contracts under prior review thresholds on the basis of a sample of about 20 percent of contracts within review period. To the extent possible, mixed on-site supervision missions will be undertaken with procurement and FM staff.

## Implementation Support Plan

5. The implementation support will be provided by direct support from the Bank team and additional consultants and advisors to provide technical assistance as needed. During the first year of the project, it is foreseen that regular technical assistance missions will take place to essential areas to support the client. It will review the work completed under the PA and assess the progress. Technical experts of the Bank team based in Washington, D.C., Dar es Salaam, and elsewhere will provide ongoing implementation support. Technical visit to good practice locations such as to observe mobile court operation (for example, Guatemala) and e-justice service (for example, Turkey) will be organized for the judiciary team, in which the Bank will also participate to guide technical discussions. The Bank team will conduct ISMs on a regular basis but would also provide additional hands-on support by distance by videoconference, audio, Skype, and email. The volume of support is expected to be particularly high in the first two years of the project implementation. An implementation support plan for the first year of the project, as well as the following four years is provided below, including the required skills mix.

**Table 4.1: Implementation Support Plan**

Timeline	Focus	Required skills
First 12 months	Support for strengthening the judiciary modernization team, support for preparation of terms of references for the first activities and initiating procurement process, support for establishing an M&E mechanism, data collection, and stakeholder consultations	As per skills mix required, as shown in table 4.2.
12–60 months	Supporting (a) implementation of project activities of all components; (b) data collection and its analysis; and (c) stakeholder consultations and information	As per skills mix required, as shown in table 4.2

**Table 4.2: Staffing**

Specialist	Potential Number of Staff weeks per Financial Year	Number of Trips per Financial Year	Location
Program leader	1	1	Dar es Salaam
Governance focal point	1	1	Dar Es Salaam
Practice managers	2	1	Washington, D.C.
Senior public sector management specialist - TTL	14	3	Washington, D.C.
Senior public sector specialist - co-TTL	8	3	Dar es Salaam

Senior public sector specialist	3	2	Washington, D.C.
International infrastructure specialist (STC)	4	2	Germany
Environmental expert	2	2	Dar es Salaam
Judge - advisor (STC)	4	2	Ethiopia
Judicial training advisor (STC)	2	1	Ottawa
Criminal justice/anti-corruption specialist	2	1	Washington, D.C./Vienna
Justice/Police/Human Rights coordinator (Nordic Trust Fund)	2	1	Washington, D.C.
Lead counsel (LEGAM)	1	1	Washington D.C
Mobile court expert (STC)	2	2	Guatemala City/ Brasilia
Senior IT expert	2	1	Washington, D.C
Senior operations officer (M&E)	2	2	Washington, D.C
FM specialist	2	1	Dar es Salaam
Senior procurement specialist (design-build or appropriate innovative method to expedite construction)	2	1	Washington, D.C
Senior procurement specialist	2	2	Dar es Salaam
Program assistant	2	-	Washington, D.C.
Program assistant	2	-	Dar es Salaam

Note: STC = Short-term Consultant.

## Annex 5: Court User Survey 2015 - Baseline Summary

### TANZANIA: Citizen-centric Judicial Modernization and Justice Service Delivery Project

1. **The Court Users Survey 2015 is the first attempt of the JoT to establish an indicator baseline for reforms of its operations for the purpose of ensuring better services to clients seeking its assistance.** This summary report presents the findings from the baseline survey undertaken during the month of July 2015. The baseline study was conducted in 13 regions (20 districts) of mainland Tanzania that were predetermined by the judiciary in 6 zones of its operation. All court tiers (from primary courts to the Court of Appeal) participated in the interviews (60 primary courts, 18 district courts, 2 Resident Magistrate Courts, 5 high court branches, and the Court of Appeal).

2. **Exit interviews were conducted for 618 respondents in all the courts visited, staff interviews were conducted with 217 persons working for the courts—mostly court clerks and custodians, and 240 interviews were conducted with ordinary residents in wards where primary courts exist.** In addition, focus group discussions were held with 200 people in the areas where ordinary citizens were interviewed. 69 percent of respondents were male, while 31 percent female. Two-thirds (66 percent) of persons who participated in the interviews were aged 45 years or younger, while the elderly—aged 65 years or more—were relatively few (4 percent).

#### Overall Survey Results

3. People visit courts for a variety of reasons. The profile of visitors who participated in the court users satisfaction survey shows that slightly over two-thirds (68 percent) appeared as direct parties to a case (defendants, 34 percent; claimants/applicants, 24 percent; and victims in a criminal offense, 10 percent). About 3 percent were there for other reasons.

4. When the user responses are broken down more granularly to assess their experiences with regard to different court tiers, the ratings vary considerably. For example, responding to the question regarding the level of satisfaction in the way they were treated by court staff, at the primary court level 67 percent of respondents indicate satisfaction with the way they were treated compared to just 50 percent at the high court level. Or, for the questions on the overall services quality by courts, at the primary court level 42 percent of respondents indicate satisfaction with the way they were treated compared to just 20 percent at the high court level.

#### *Pre-Court Experiences*

5. Around 40 percent of persons who participated in the survey indicate that they had been contacted by the courts before their appearance; however, there is variation depending on the purpose of the appearance. For example, when summoned to appear as a defendant, 54 percent were notified, while 0 percent and 39 percent were notified when called to be a bailer and as a witness, respectively. Fifty-three percent was done through summons, while only 9 percent was done in person.

(a) The user satisfaction ranking in relation to court services is shown in table 5.1.



**Table 5.1: User Satisfaction Ranking in Relation to Court Services**

Survey Question	Dissatisfied/Worse (%)	Neither Satisfied Nor Dissatisfied/ Same (%)	Satisfied/Better (%)
How satisfied or dissatisfied are you generally with your experience today?	23	16	61
What is your level of satisfaction with the way you were treated by court staff?	29	17	64
How would you rate the overall quality of services provision by this court?	16	46	36
How would you rate your experience today compared to your expectation? Has it been better, worse, or about the same as you expected it to be?	17	42	28
How satisfied are you with the performance of the justice system as a whole?	28	12	57
How satisfied are you with the pace of execution of judgment?	8	8	67
How satisfied are you with the filing system at this court?	11	6	69

(b) Defendants who were contacted before their appearance portray similar levels of confidence in their knowledge as users who were not contacted.

**Table 5.2: Defendants who were Contacted Before their Appearance**

Survey Question	Not Confident (%)	Neither Confident Nor Unconfident/Same (%)	Confident (%)
Before you came to the court today, how confident were you about what to expect from your visit?	7	10	81

*Customer Orientation and Professionalism*

(c) Clients' experiences at the courts are used to determine the extent to which court services are customer oriented and staff demonstrate professionalism.

**Table 5.3: Clients' Experiences**

Survey Question	Not Satisfied/Disagree/Negative (%)	Satisfied/Agree/Positive (%)
How satisfied are you with information you received before coming to the courts about court procedures, facilities, and what to expect at the courts?	22	54
How satisfied are you that the hearing of your cases went ahead when you were told it would?	28	53

Survey Question	Not Satisfied/Disagree/Negative (%)	Satisfied/Agree/Positive (%)
How satisfied are you with information you received concerning any delays and reasons for them?	33	40
Thinking about the waiting times at the court, overall how would you rate your experience today?	45	48
How satisfied are you with the time it has taken for the cases/businesses at the courts to reach the stages they were at on the day of the interview?	40	44
Is the amount of time to complete a case/business at court reasonable?	35	50
I was treated with courtesy by court staff.	39	78
Court staff are responsive to client requests.	15	67
Court staff demonstrate sufficient levels of professional competency.	18	66
The judge/magistrate treated everyone with courtesy and respect.	10	79
I'm always able to conduct business within a reasonable time.	32	51

(d) When discussing corruption in accessing court services:

- (i) More than 80 percent of respondents consistently said that they never had to pay bribes at any instance during their interactions with the court system.
- (ii) 13 percent paid bribes to obtain a copy of a court document.
- (iii) 12 percent paid bribes to process bail.
- (iv) 8 percent paid bribes to influence court judgment
- (v) When court staffers were asked about impartiality of judges, 80 percent believed that the judges are fair, impartial, and devoid of outside influences.
- (vi) 9 percent believed that judges can be influenced by outside powerful figures

(e) Concerning decision makers' confidence in their standing in the communities given the rulings they arrived at:

- (i) 74 percent of court staff had faith that the judges/magistrates/juries were satisfied about their decisions.
- (ii) 14 percent indicated that decision makers often fear for themselves, especially fearing possibility of retaliation from the aggrieved parties.

*Usefulness of Court Notice Boards and Court Websites*

(f) Notice Boards:

- (i) On average, nearly an equal proportion of facilities have notice boards as facilities that do not have them. While all high court branches, the Court of Appeal, and 70 percent of district/Resident Magistrate Courts had notice boards, 69 percent of primary courts did not have them. Asked whether they have read

what is written on court notice boards and whether they find the information useful, the following were the responses:

- Read notice boards - 23 percent
  - Have not made use of notice boards - 76 percent
  - Information is clear and accessible - 83 percent
  - Information is timely - 66 percent
  - Information is useful to their particular case/business - 55 percent.
- (g) Court websites: Court users were asked whether they visited the court website at any time during the 12 months before the survey date. The following were the responses:
- (i) Have visited the website - 2 percent
  - (ii) Have not visited - 86 percent; because either they think the court does not have a website (25 percent) or because they are unaware that a court website exists (63 percent)
  - (iii) Court website does not meet their information needs - 60 percent

#### *Accessibility of Court Facilities and Services*

- (h) Here is an overview of user satisfaction toward accessibility of the courts:
- (i) 78 percent said it was not difficult for them to find the court building's location.
  - (ii) 67 percent said they could easily find the courtroom or office they needed to get to at the court.
  - (iii) 37 percent of users expressed concern over travel time to reach the courts.
  - (iv) 46 percent said they were dissatisfied with court opening times.
  - (v) 44 percent said they were satisfied with court opening times.
  - (vi) 22 percent said it is expensive/very expensive to access court services.
  - (vii) 19 percent said it was easy on average to access court services
  - (viii) 26 percent said they did not have to pay for the service.
  - (ix) 74 percent were satisfied/very satisfied with the politeness and sensitivity displayed by staff when attending to clients.
  - (x) 59 percent were satisfied/very satisfied about the ease with which one can identify court staff when one has queries or needs help.
- (i) The top five reasons why people do not take their cases to court are:
- (i) It takes too long - 24 percent
  - (ii) Process is too complex - 19 percent
  - (iii) Corruption - 19 percent
  - (iv) Don't know their rights - 18 percent
  - (v) Don't expect fair treatment - 16 percent

## *Court Environment and Facilities*

**Table 5.4: Court Physical Environment and Facilities**

<b>Survey Question</b>	<b>Dissatisfied (%)</b>	<b>Satisfied (%)</b>
Cleanliness of court facilities (except restrooms)	26	63
Presence of facilities the users may need	48	29
Availability of refreshments	46	14
Cleanliness of restrooms	44	22
Availability of waiting area	42	43

### *Accessibility of Case-related Information*

- (a) 21 percent of court users who were interviewed attempted to access case-related information from the courts in the 12 months leading to the survey.
- (b) 40 percent believed it was easy to access case information.
- (c) 30 percent believed it was difficult to access case information.
- (d) 38 percent said they were required to pay fees for information.
- (e) 32 percent said they never paid fees for information.

### *Effectiveness of Execution of Court Decrees*

**Table 5.5: Effectiveness of Execution of Court Decrees**

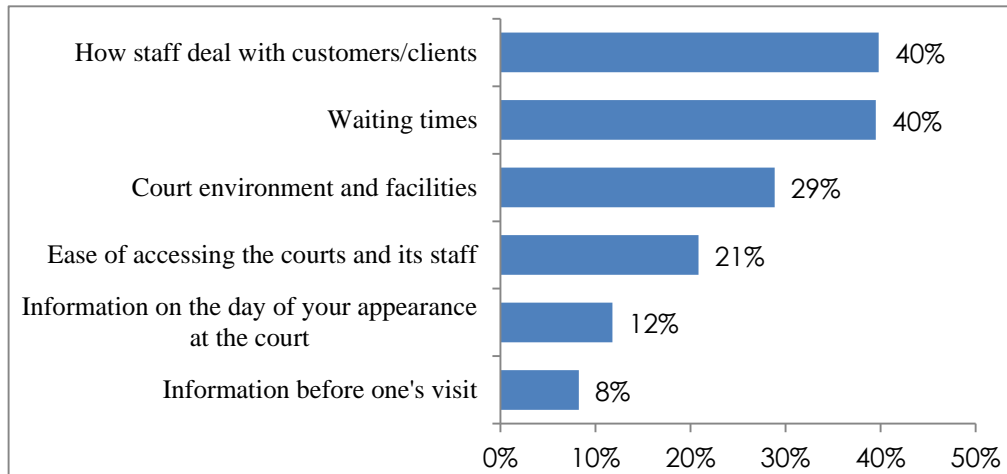
<b>Survey Question</b>		<b>%</b>
Courts are fair	Disagree	23
	Agree	64
I understand what happens in the court	Disagree	21
	Agree	60

- (i) On average, the proportion of users who think the courts are efficient/very efficient ranges between 37 percent (lowest on execution of degrees and delivering of plaintiffs) and 47 percent (highest on delivering of summons).
- (ii) Between 24 percent and 30 percent of respondents think that the courts are at best average performers (neither efficient nor inefficient).

## **Emerging Priorities for Court Service Improvement**

6. Improving user experiences requires an understanding of aspects of court results areas upon which users place paramount importance. Survey results show that users place significantly higher importance on how court staff treat users and waiting times experienced in accessing services.

**Figure 5.1: Top Improvement Priorities Per User Type**



*Clients Receiving Services from the Courts*

- (a) Fairness/impartiality in exercise of justice by the courts the top most priority
- (b) Improved efficiency in courts—reduced waiting times/duration of hearings and backlog of cases
- (c) Improved sensitivity to court clients
- (d) Improved court environment/infrastructure/facilities and work equipment in courts
- (e) Improved staff conduct/ethics and professionalism

*Community Members*

- (a) Better court staff conduct/ethics
- (b) Improved fairness/impartiality in the exercise of justice
- (c) Improved court environment/infrastructure/work equipment or tools

*Court Staffers*

- (a) More adequate salaries/ remuneration and allowance
- (b) Improved court environment/infrastructure
- (c) Better work equipment/tools
- (d) Increase/adjustment of court staff allocations

7. Besides these high priorities, users also suggest other changes. Some of these include:

- (a) using Swahili in courts, including in forms that users need to fill and in court judgment/rulings and decrees,
- (b) Courts being more open and transparent to users by posting instructions on court procedures (for example, for accessing bail) and fees for various services on notice boards and other accessible modes (for example, flyers),
- (c) establishing helpdesks in courts to assist people arriving at courts for the first time,
- (d) ensuring court staff have uniforms to make them easily identifiable by court visitors, and
- (e) ensuring sufficient budgetary resources for running of court business

## **Annex 6: The Justice Sector Profile, Challenges, and the Judiciary Strategic Plan 2015–20 toward Meeting International Standards<sup>47</sup>**

### **TANZANIA: Citizen-Centric Judicial Modernization and Justice Service Delivery Project**

#### **PART 1: Overall Justice Sector Institutions and Their Role**

##### *Judicial and Executive Branch Institutions and Other Actors*

1. **The Tanzanian justice sector comprises several institutions spread across the various branches of government.** These include the judiciary—or the judicial branch of government—that is responsible for adjudicating disputes between citizens, public and private institutions, and economic entities such as businesses, among others. The judiciary is also responsible for interpreting the constitution and providing the basic checks and balances between the different arms of the state and within society.

2. **Presently, executive branch institutions include the Ministry of Constitutional and Legal Affairs (MOCLA).** The MOCLA is the principle policy advisor to the government on constitutional and legal affairs and houses two key institutions: the Office of the Attorney General, established in 1997 and responsible for drafting and presenting draft bills to parliament for all sectors of the economy (for example, mining, fisheries, roads, natural gas) and the Office of the DPP, which is responsible for prosecuting crimes directly in accordance with the Penal Code or crimes under other laws such as health regulations, tax and revenue collection laws, and agriculture laws generally through prosecutors authorized by the DPP.<sup>48</sup> The DPP has worked independently of the Ministry of Constitutional and Legal Affairs (MOCLA) since 2008; however, many staff and functions are still shared. The MOCLA also oversees the Legal Aid Secretariat (LAS) that facilitates the coordination of legal aid NGOs supervised or set up by the TLS in collaboration with the civil society.

3. **The Prevention and Combating of Corruption Bureau (PCCB)** (established 2007) is responsible for investigating about 25 corruption offences, including the election financing offences that were added as a result of the Election Finances Act of 2010. It has a staff of about 2,000 in different regions and districts. According to the Annual Report 2013, the overall conviction rate is very low (about  $64/587 = 11$  percent). For example in 2010, the PCCB received 5,685 allegations, of which about 587 total cases were prosecuted in courts. From this, there were 64 convictions and 98 acquittals.<sup>49</sup>

4. **The Law Reform Commission established in 1980 is responsible for reforming Tanzanian laws to align them with the changing socioeconomic realities and aspirations of**

---

<sup>47</sup> The annex is based on a multiple set of diagnostic reports, technical papers, Bank team analysis, and technical discussions with the Judiciary Modernization Team and justice sector stakeholders.

<sup>48</sup> There are about 897 prosecutors countrywide divided as follows: 552 police prosecutors and 346 state attorney prosecutors.

<sup>49</sup> This is due to multiple factors, including delays in obtaining the consent of the DPP to bring indictments for grand corruption; slow investigation processes; weak case management as the docket of the PCCB includes allegations that should actually go to other agencies of government (about 135 cases referred to other agencies in 2010); and staff challenges, among other factors.

**the people.** It is also responsible for recommending new laws among other law reform functions, such as the carrying out of research studies.

5. The Ministry of Health and Social Welfare, the Ministry of Labor and Youth Development, and the Ministry of Community Development, Gender, and Children Affairs are responsible for juvenile justice matters, in coordination with the judiciary and other justice sector institutions and agencies through the juvenile courts. About 1,400 children were held in an adult prison in Tanzania in 2011 according to UNICEF, of which about 75 percent were awaiting trial mainly due to uncoordinated and underfunded institutions in the law and justice sector.<sup>50</sup> There is also the Commission of Human Rights and Good Governance, which is responsible for investigating violations of economic and civil rights across all areas of the economy. Police and prison service are part of the overall law and justice sector. The Tanzanian police force is governed by the Police Force and Auxiliary Services Act, and the Criminal Procedures Act. It has about 12 units, with overall staffing of about 38,847 (or 1:1,156 per capita as compared to the United Nations recommended ratio of 1:450 per capita) currently allocated to areas such as Marine, ICT, Dog and Horse, Health, Traffic, Field Force, Air wing, Railways, Tazara, Buildings, and Criminal Investigation Department. There is, however, paucity of reliable data. The Afrobarometer reports that about 390,000 households reported that they had faced serious crimes such as robbery, burglary, hijacking, or assault in 2010/11.

6. **The Tanzania Police Force (TPF) is one of the departments under the Ministry of Home Affairs which is responsible for safety and security of citizens and their property, maintenance of law and order, and administration and delivery of justice.** The TPF is the primary agency in the investigation of criminal cases, arrest of suspects, and presentation in the courts of law. The latter is undertaken in collaboration with the Tanzania Prisons Services, where suspects are incarcerated if they are unable to post bail or for non-bailable offences.

7. **The Tanzania Prisons Services is governed by the Prisons Act of 1967 and is managed by the minister of Home Affairs.** There are about 37,000 inmates under detention in about 122 facilities, of which about 51 percent are pretrial/remand prisoners.<sup>51</sup>

8. **In addition, there is the TLS, which is the National Bar Association of Mainland Tanzania.** Established by statute in 1954, it now operates under the TLS Act of 2002 and is responsible for maintaining and improving the standards of conduct and learning of the legal profession; coordinating the work of legal aid NGOs; offering comments on draft laws; and protecting and assisting the public in all legal matters, among other services and functions. The current number of bar members stands at 4,661 (one lawyer for every 10,512 inhabitants). The number has increased over the decade (from about 2 per 100,000 inhabitants in 2004 to about 10 in 2014) but these figures are still low compared to regional and global comparators. Figure 6.1 provides an approximate comparison of about 7 years ago based on World Bank Regulatory

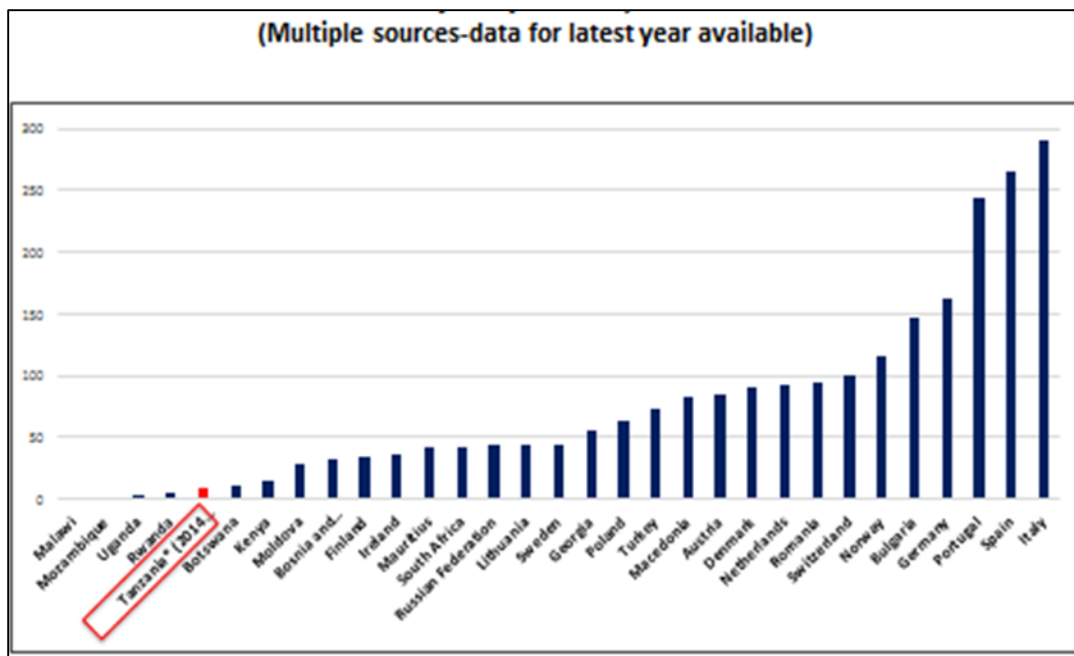
---

<sup>50</sup> For details, see ‘An Assessment of the Justice System for Under 18s in Tanzania’ MOCLA/UNICEF 2012.

<sup>51</sup> There are 78 inmates per 1,000,000 population (or a total of 36,552 according to the report of the Parliamentary Committee 2013). This compares favorably to Kenya (126) and Uganda (96). The female population of inmates is 3 percent in Tanzania as compared to Kenya (5.3 percent) and Uganda (4.2 percent). The juvenile, minors, and young prisoners are about 3.9 percent. The official capacity of the prison system is 29,400 and the issue of overcrowding leading to disease, cruelty, and abuse and lack of resources are key challenges. See ‘An Assessment of the Legal Sector in Tanzania 2013’ for details.

Surveys in Eastern Africa (2009), World Bank Regulatory Surveys in Southern Africa (2010), and the European Union’s Commission for the Efficiency of Justice (CEPEJ) Report (2008) data.

Figure 6.1: Number of Lawyers per 100,000 Inhabitants



9. The Law School of Tanzania is responsible for producing law graduates. Currently about 400 students are enrolled and about half are women. Overall, there are 12 universities with law faculties and the enrollment of women has significantly increased from about 20 percent just a few years back to being on par with men, mostly as a result of successes of law reform efforts in Tanzania.

10. The main legal aid NGOs that are active include the Legal and Human Rights Center (LHRC); the National Organization for Legal Assistance; the Women Legal Aid Center (WLAC); and the Tanzania Women Lawyers Association (TAWLA). Most of these efforts have relied upon the Bar, the TLS, and the Faculty of Law of the University of Dar es Salaam for their technical assistance and support. However, due to the shortage of lawyers in the country, especially in rural areas that are home to 80 percent of the population, a bulk of the legal assistance to the general public is provided by paralegals. There is no common standard of training, recruitment, or certification of paralegals.<sup>52</sup> (For details see annex 7)

### Auxiliary Organs of Judicial Assistance and Their Interface

11. **As indicated in the main body of the PAD, the judiciary does not operate alone and requires the participation of several public and private actors, including the parties and their legal representatives or counsels.** Figure 4, in the main body of the PAD, depicts the interplay of

<sup>52</sup> As already noted, policymakers perceive that paralegals are an important bridge between the formal law and justice institutions and the customary justice mechanisms due to their familiarity with local customs, communities, and social and political power dynamics. Access to justice improvements could gain momentum and scale if paralegals are leveraged, trained, and certified to bring services to the people.



different actors and their relationship with auxiliary organs of judicial assistance. The legal needs of users who interact with the formal courts are many and require coordinated institutional actions for citizen-centric results (table 6.1 provides a simplified typology of users' legal needs).

**Table 6.1: Typology of Legal Needs of Different Types of Users who Interact with the Formal Courts**

<b>Court User Type</b>	<b>Legal Need</b>	<b>Solutions/Measures</b>
General public	Get information to exercise 'constitutional rights'	<ul style="list-style-type: none"> <li>• Educate citizens on the role and functions of law and justice entities</li> <li>• Those who come to courts and judicial centers, in partnership with justice sector actors</li> <li>• Educate youth in schools</li> <li>• Women in communities in collaboration with CSOs</li> </ul>
Businesses	Resolve 'breach of contract' disputes and enforce the decisions to recover damages or fulfill contractual obligations	<ul style="list-style-type: none"> <li>• Offer free mediation services</li> <li>• Provide efficient provision of dispute resolution services</li> <li>• Bring court services closer to business centers and industries</li> <li>• Reduce procedural steps to enforce contracts</li> <li>• Increase number of court brokers who can quickly enforce court awards and decisions</li> </ul>
Women	Protect against 'domestic violence'	<ul style="list-style-type: none"> <li>• Institute mobile courts to protect their rights and offer social services and counseling</li> <li>• Speed up court service delivery in case of disputes and enforcement of decisions in partnership with the police and social service ministries</li> </ul>
Families	Expedite resolution of 'probate issues'	<ul style="list-style-type: none"> <li>• Institute mobile ADR and court services and offer them closer to the community centers in collaboration with government agencies and registries</li> </ul>
Youth	Streamline 'petty theft' matters	<ul style="list-style-type: none"> <li>• Promote social programs for youth in conflict with the law</li> </ul>
Motorists and truckers	Traffic 'fines and suspensions' and corrupt practices	<ul style="list-style-type: none"> <li>• Set up a traffic court at the Dar es Salaam and Tanga ports and the main border-crossing centers in partnership with the police and driver licensing and motor vehicle registration agency</li> </ul>
Citizens-in-contact with the law and justice sector in urban and rural areas	Police 'harassment'	<ul style="list-style-type: none"> <li>• Promote code of ethics, cultural sensitivity to handle and respect vulnerable populations in partnership with the police and other justice sector actors</li> </ul>
Convicts	Serious 'crimes' and violence	<ul style="list-style-type: none"> <li>• Promote programs to reduce recidivism</li> <li>• Improve conviction rate through better policing, investigation, and enforcement</li> </ul>
Detainees awaiting trial	Theft and 'robbery'	<ul style="list-style-type: none"> <li>• Partnerships to improve the quality of investigations, forensic evidence collection, and reduction in adjournments of trials and expansion in legal aid to those found accused</li> <li>• Setting up courts in detention facilities, introducing technology for conducting court hearings virtually</li> </ul>

Victims	Violence and crime	<ul style="list-style-type: none"> <li>• Victim protection services and programs including free legal aid, counseling, and education</li> </ul>
Complainants against public institutions	Corruption, poor government service provisions such as health, education, procurement, and tax collection	<ul style="list-style-type: none"> <li>• Improve governance, enhance transparency, enforce code of ethics, sanction those who are found guilty, and reduce red-tape</li> </ul>
Overall: People, businesses, local, and international investors	Promote rule of law and judicial enforcement	<ul style="list-style-type: none"> <li>• Deliver justice services closer to the people that are accessible, efficient, transparent, and of high quality in collaboration with public and private stakeholders that inspire trust among the population and businesses</li> </ul>

12. On the one hand, the judiciary coordinates with the executive branch institutions (such as the public prosecution and the police force) for deciding on criminal matters, protecting the lives of citizens from serious offenders, and for enforcing public safety. It also engages with public sector agencies such as the Anticorruption Commission, business registries, land boards, intellectual property offices, public notary officials, oath commissioners, municipal authorities, and line ministries in the fulfillment of its judicial functions such as obtaining expert opinions and case-related information, as well as the enforcement of its court decisions (for example, municipal ward executives are responsible for enforcing primary court orders). For its institutional operations, the judiciary coordinates with a number of actors. These include the Ministry of Finance for budget appropriations; the Prisons Services to arrange for the transfer of detainees to and from court premises and their security; and the Bar Association and law faculties for legal fraternity, education, and ethical matters. It also works with the MOCAJ on law reforms, legal aid NGOs’ operations, and legal advisory matters with respect to the judiciary, the government as a whole, national governance matters, and BRN, among others.

13. **On the other hand, the judiciary has a host of auxiliary judicial organs that help perform its day-to-day functions.** These include experts, custodians, auditors, auctioneers, procedural curators, court brokers, police, and other public and civic bodies established by law.<sup>53</sup>

1. **The experts.** The court or forensic expert is a professional who specializes in a specific discipline and is recognized for his or her expertise. He or she supplies information or an opinion to the courts on the disputed points. Typically, there are two types of experts: the court-appointed expert or the expert nominated by one or both parties and is then accepted by the judge or prosecutor. These experts collect evidence, issue reports, and perform other functions called upon by the court.
2. **The custodian.** The court-appointed custodian has the obligation, following a precautionary measure ordered by the court, to keep the goods in storage in the same state in which they were delivered. Custodians are required to ensure preservation, security, and risk management. Since court adjudication and enforcement involves large quantities and types of goods (such as cars confiscated in drug busts, buses involved in road accidents,

---

<sup>53</sup> Laws and regulations that govern the jurisdiction and types of the organs of judicial assistance or ‘auxiliary judicial bodies’ vary across judicial systems. See, for example ‘*Derecho Organos de Auxilio Judicial*’, Cristhian Chumpitaz 2013 and <http://www.ramajudicial.gov.co/en/web/registro-nacional-de-abogados/tarjetas-profesionales-de-abogados>.

timber confiscated in violation of environmental standards, and ships impounded due to maritime violations), the courts heavily rely on the work of the custodians. The custodians are also important in child welfare and other family-related circumstances.

3. **The auditor.** In the case of business disputes, the court sometimes appoints an auditor as a precautionary measure to intervene in the economic activity of an individual or a legal entity for the enforced execution or to prevent a disturbance to the status of goods. This type of seizure is intended to gather direct information on income and financial expenses or to take charge of the economic operation.
4. **The auctioneer.** The auctioneer is a person or entity appointed by the court who is authorized to conduct sales at auction or hold public auction. The auctioneer performs these functions personally and is required to follow subject matter standards with regard to the sale or rental of movable and immovable property, shares and securities, and goods through public auction bids. The auctioneer submits reports to the person or entity that requested this service. The report typically includes the indication of the case file number; place, date, and time of the auction; and a summary of the act performed, plus the auction record.
5. **The curator.** The procedural curator is a lawyer appointed by the court at the request of an interested party involved in the process, in the case of inability to locate the defendant or problems establishing guardianship of property or other reasons.
6. **The court brokers.** Court brokers are persons appointed by the court to carry out the enforcement of its decisions. These are private agents registered by the court and called upon to render services to litigants at a set fee.
7. **The police.** In criminal investigations, the police is a key organ of judicial assistance. It executes the orders and instructions from the court regarding its jurisdiction and uses its investigative powers laid down in the laws and regulations. The functions of the police assigned to judicial assistance include the investigation of criminal, public, and private action offences; the verification of crimes and misdemeanors; the arrest of suspects; and the collection of instruments and evidence of crime to bring before the court. The police also ensure the compliance of orders and resolutions of the court and provide assistance to the judiciary in its proceedings outside its offices that require police presence, as well as any other assistance of the same nature in which their cooperation or assistance is needed and ordered by the court.

### **Traditional Justice System and Links to Formal Mechanisms**

14. **In addition to the formal system of justice, traditional or customary justice institutions also operate in Tanzania.** A large number of Tanzanians access these institutions to resolve their communal and other customary grievances, especially in rural areas and informal urban communities and neighborhoods.<sup>54</sup> The traditional justice systems are generally perceived

---

<sup>54</sup> Traditional justice systems are also referred to as nonstate justice systems. These could also be viewed as a continuum of community-based forums that have little contact with the formal courts system and the forums that are created or endorsed by the state and mandated to apply community norms and standards, such as the land tribunals that operate in rural areas and decide on ancestral land matters using customary practices. Since there is no easy or

to use the customary practices and norms of ethnic groups and traditional communities (as exercised by tribal heads and elders, such as those practiced by village chiefs, for example, in Ghana or Sierra Leone) as the basis of grievance and dispute resolution. The informal mechanisms are those that are adopted in communities and practiced by diverse societal groups along cultural, communal, or informal trading lines (for example, coastal traders may have a code of conduct that they enforce among those that engage in fishing or the bartering of products, while community leaders may use a code of conduct to conciliate matters, such as in the community courts in South Africa.)

15. From the citizens' perspective, it is important that access to justice be viewed holistically and that mechanisms for both formal and informal justice are leveraged to address their barriers. This is especially true considering most Africans seem to look to traditional and informal mechanisms to resolve disputes. This is due to factors such as the vast majority living in rural villages where access to the formal system is extremely limited; the type of justice offered by the formal courts may be inappropriate for the resolution of disputes between people living in rural villages or urban settlements (especially since the breaking of individual social relationships can cause conflict within the community and affect the economic cooperation on which the community depends); and the fact that state systems operate with extremely limited infrastructure and resources to deal with minor disputes in settlements and villages.<sup>55</sup>

16. **In Tanzania, the jurisdiction of formal courts on matters involving customary law is vested with the primary courts.**<sup>56</sup> Court proceedings under customary law include matrimonial issues, guardianship, and inheritance. Depending on the value of the subject matter, disputes over land that involve customary law are determined by the land tribunals or the high court. However, when an issue arises as to whether or not customary law is applicable to any party or is applicable to the subject matter at hand, such an issue is determined by the high court. Although data on Tanzania's traditional and informal justice systems is limited, the bulk of the rural population relies heavily on traditional systems, as indicated by the institutional gaps and infrastructure challenges faced by the judiciary and presented in this note. However, the perceived high utilization of informal systems in rural and urban informal neighborhoods does not necessarily imply that it is a preferred system, but that, as already indicated, it could be the only option available as only primary courts operate in 70 percent of the municipalities. Therefore, there is a need to conduct research into existing traditional and informal systems to determine where and how they operate. There is also a need to explore the nexus of the formal judicial system with that of informal mechanisms, to understand the needs of citizens' access to justice in rural areas and that of the state in promoting the rule of law in society, especially as it relates to expanded access to constitutional and gender rights, and contract enforcement using international good practices.<sup>57</sup>

---

clear-cut definition or segregation of the issues or the users of these interrelated justice forums, the term traditional and informal justice are referred to interchangeably in this document.

<sup>55</sup> Adapted from 'Access to Justice in Sub-Saharan Africa: The Role of Traditional and Informal Justice Systems' Penal Reform International, November 2000 and Musembi, Celestine. 2003. "Review of Experience in Engaging with "Non-State" Justice Systems in East Africa."

<sup>56</sup> Such jurisdiction is conferred upon the primary courts under section 18(1)(a)(i) of the Magistrate's Courts Act.

<sup>57</sup> There is a need to explore the potential of the application of innovative programs such as the 'facilitadores judiciales' in Central America or the 'community justice volunteers' in Brazil to meet legal information, civic education, and mediation needs of Tanzanian citizens that have difficulty in accessing the formal courts or are more reliant on traditional community based dispute resolution alternatives. See

## PART 2: The Judiciary’s Mandate, Structure, Budget, Human Resources, Recent Reforms, and Challenges

17. As noted, according to the Constitution of 1977 and the Judiciary Act 2011, the judiciary has the final say in the administration of courts. Its functions under Article 13(3) of the Constitution include the duty to uphold, protect, and adjudicate human rights. The judiciary has adequate independence but remains weak in delivery of justice for other reasons.<sup>58</sup> Its vision is “timely and accessible justice for all” and its mission is to “administer justice to all through timely provision of quality, fair, transparent, and impartial decisions.” Its core function is “justice delivery” according to the Article 107 B of the Constitution. The judiciary has a five-tier court structure (see figure 3 in the main body of the PAD). This includes the Court of Appeal, the high court and its four divisions, the Resident Magistrate Court, the District Magistrate Courts, and the primary courts. The jurisdiction of the various courts in the Mainland and Zanzibar is provided in table 6.2.

**Table 6.2: The Jurisdiction of Courts in Tanzania**

Primary Court	Civil matters up to TZS 10 million (estimated US\$4,600) Criminal matters up to 12 months imprisonment
District Court	Civil matters, from above TZS 10 million (estimated US\$4,600) up to TZS 100 million (estimated US\$46,000) for movable property and TZS 150 million (estimated US\$ 69,000) for immovable property.  Criminal matters, any matter except for the offences of incest, arson, treason, and murder also can hear all appeals from primary courts.  Conferred with powers to impose a sentence up to five years imprisonment. The senior resident magistrate can impose a sentence up to seven years imprisonment.  Except for offences under minimum sentence act in which the terms for each offence are specified.
Resident Magistrate Court	Concurrent jurisdiction with district courts except for appeals from primary courts
High Court Zones	Civil matters from TZS 100 million (estimated US\$46,000) to unlimited jurisdiction  Determine all appeals from subordinate courts
High Court Commercial Division	Civil matters from TZS 40 million (estimated US\$18,400) to unlimited jurisdiction
High Court Land Division	From TZS 40 million (estimated US\$18,400) to unlimited jurisdiction
	<b>Note:</b> For primary, district, Resident Magistrate Court, and high courts, the jurisdiction is provided under the Magistrates’ Court Act. CAP 11 Revised Edition 2002.
Family Matters Mainland	Jurisdiction with primary court, district court, and Resident Magistrate Court. Primary court for customary and Islamic probates.

<http://facilitadoresjudiciais.org/alianzas/oea/> as well as *Ministério da Justiça - Secretaria de Reforma do Judiciário RELATO DE UMA EXPERIÊNCIA PROGRAMA JUSTIÇA COMUNITÁRIA DO DISTRITO FEDERAL 2008* for the impacts and benefits of these programs.

<sup>58</sup> See The African Union’s African Peer Review Mechanism (APRM) Tanzania Country Self- Assessment Report 2011. “The fact that judges are appointed by the President has not led to a compromise in their independence from the Executive. This is partly due to the stringent screening that is done to ensure that a person has the necessary qualifications and integrity before being appointed judge. Those who have served as judges over the past three to four decades have, by and large, managed to project a judiciary keen to maintain and preserve its independence.”

	For other estates district court, Resident Magistrate Court and high court.
Family Matters Zanzibar	Kadhis courts for Muslim families. District, regional, and high court for non-muslim families.
Court of Appeal	It determines all appeals civil and criminal from subordinate courts and tribunals established by the Law. <b>Note:</b> Appellate Jurisdiction as provided under the Appellate Jurisdiction Act of 1979.
<i>Source:</i> Judiciary.	

18. **The judiciary's budget independence has significantly improved.** After the establishment of the JF under section 52 (1) of the Judiciary Administration Act of 2011 (managed and operated under the Consolidated Fund Services established by Article 135 [2] of the Constitution of Tanzania), the judiciary is now responsible for planning and executing budget expenditures. It also conducts internal audits and subjects its financial operations to an annual audit by the Office of the Auditor General. The judiciary's accounting officer prepares and submits budget estimates to the JSC for review and adoption, after which the figures are submitted to the Parliamentary Budget Committee for consideration and adoption. The appropriation is received by the judiciary through the accounting classification Vote 40 for use in the following categories: (a) recurrent expenditures such as wages and salaries, utilities, office supplies, vehicles, and routine motor vehicle maintenance and (b) development expenditures such as the purchase of computers and photocopiers, furniture, and civil works. In addition, the salaries (including retirement benefits) of judges in the high court and the Court of Appeal are appropriated through Vote 22 of the budget code.<sup>59</sup> A comparison of budget of the judiciary with other justice sector entities is presented in the table 6.3.

**Table 6.3: Budget and Actual Expenditure and Legal Institutions in TZS 2013/14–2015/16**

BUDGET AND ACTUAL EXPENDITURE FOR JUDICIARY AND LEGAL INSTITUTIONS IN TZS 2013/14 - 2015/16					
FISCAL YEAR	2015/16	2014/15		2013/14	
BUDGET AND ACTUAL EXPENDITURE	BUDGET	BUDGET	ACTUAL	BUDGET	ACTUAL
Law Reform Commission	2,985,691,000.00	4,310,275,000.00	545,164,773.00	3,431,560,000.00	1,810,551,172.33
Ministry of Constitutional Affairs and Legal Aid	12,410,807,000.00	16,761,914,000.00	6,164,072,567.00	18,374,603,000.00	9,553,510,835.12
Attorney General's office	8,916,832,000.00	17,674,412,000.00	2,086,653,331.00	10,507,051,000.00	6,149,775,683.37
Public Prosecution Division	16,869,604,000.00	20,337,157,000.00	2,659,738,485.00	23,011,796,000.00	13,614,601,133.20
Ministry of Home Affairs - Prisons	161,659,833,000.00	155,609,544,800.00	56,169,233,366.00	128,934,966,000.00	134,754,133,072.19
Ministry of Home Affairs - Police	460,643,658,000.00	427,928,142,000.00	151,213,046,591.00	364,243,913,000.00	428,098,975,919.91
Ministry of Home Affairs	87,294,477,000.00	13,896,012,000.00	5,632,044,027.00	4,818,980,000.00	4,606,468,820.51
Commission of Human Rights and Good Governance	5,063,858,000	7,498,358,000.00	621,324,873.00	6,644,964,000.00	4,248,824,405.27
Judiciary	150,241,880,000.00	164,988,093,000.00	73,187,569,150.89	160,296,825,000.00	109,641,884,978.33
Judicial Service Commission	2,686,192,000.00	4,336,894,000.00	740,953,332.00	3,033,598,000.00	1,578,660,174.40
<b>GRAND TOTAL</b>	<b>908,772,832,000.00</b>	<b>833,340,801,800.00</b>	<b>299,019,800,495.89</b>	<b>723,298,256,000.00</b>	<b>714,057,386,194.63</b>
SOURCE: MINISTRY OF FINANCE					

19. **The total recurrent budget for the judiciary under Vote 40 in 2015 is US\$65 million,** of which about 35 percent is for the salaries of magistrates and the courts' administrative and support staff (that is, the average cost per month of US\$375 per staff overall and about US\$1,500 average cost per magistrate per month). In addition, the judiciary keeps about 40 percent of its revenues from court fees and fines for operational purposes. In 2014, the overall court system

<sup>59</sup> Typical total salary plus allowances of a high court judge is about US\$3,637 per month (2014).

generated about US\$2 million as revenue, or about US\$9.60 per case. If the revenue at the various levels of courts is examined, only 13 percent of revenues came from subordinate courts—that is, US\$1.30 cost recovery per case (total cases 196,188) versus US\$181.70 per case in the higher courts (9,164 cases). All sources cite the total budget of the judiciary for 2014 as having been about US\$95 million, of which capital expenditure was about 15 percent.<sup>60</sup>

**20. The judiciary is currently improving its budget management, financial cost recovery, value-of-claim management, and fee collection system with regard to economic and other strategic matrices.** For example, based on the 2014 data, budget appropriation per employee is about US\$15,000, and the average budget cost per decided case is about US\$460. Even based on partial information, the value of claims pending in the high court and Court of Appeal are high—about US\$464 million (of which US\$278 million pertains to land matters; US\$57 million to tax claims in the Court of Appeal, US\$32 million to tax claims in tax appeal tribunal; US\$93 million in banking cases; and the rest in labor matters). When decided at an expedited pace through stakeholder meetings, court organization, mediation, e-justice, and other procedural simplifications, these high-value cases (which are about 4.9 times the annual recurrent budget of the judiciary) will help double the judiciary’s cost-recovery through court fees, fines, and the collection of public money (for example, owed taxes by businesses and individuals). It will also significantly contribute to the economy as it would free resources that are presently clogged in the system (and incurring high opportunity costs) for productive uses that can help improve peoples’ lives. For example, although direct causality is difficult to quantify, access to finance is considered to have been improved when the courts can effectively enforce debt collection by banks and an insolvency regime for businesses. Among other benefits, other indicators of improvement include the lowering of business transaction costs due to predictable and timely court dispute resolutions; the swift handling of real estate transactions; and the increase of the Treasury’s revenue because of registration fees.

**21. Court administrators and IT professionals are now part of the judiciary’s human resource structure in response to its new court management responsibilities** (see figure 6.2). Since the Judicial Service Commission assumed the full control of Judicial Administration from 2012 new skill areas have been added to the court system. According to the September 2015 data, the total employment of the judiciary stands at 6,085 personnel, of which 20 percent are judicial officers (judges, registrars and magistrates); 51 percent are court staff; 25 percent are support staff; and 4 percent are administration experts, including court administrators and IT experts, among others. Court administrators are being recruited to help manage courts and relieve the administrative burden on judges in high and subordinate courts. The introduction of modern ICT tools will help enhance staff productivity and improve working conditions.

**22. As described earlier in the main body of the PAD, the judiciary and other justice sector institutions have been engaged in justice reforms for more than a decade, with mixed results.** Most of these judicial reform measures were led by donors (such as CIDA, USAID, DfID) and executive branch agencies (such as the then MOCLA) with somewhat mixed results. The Bank also supported justice sector efforts through components of these projects: (a) ATIP and (b) the BEST project in Tanzania, which closed in 2011. In addition, to the promulgation of laws such as the Judiciary Act of 2011, which gave the judiciary autonomy in court administration, a major

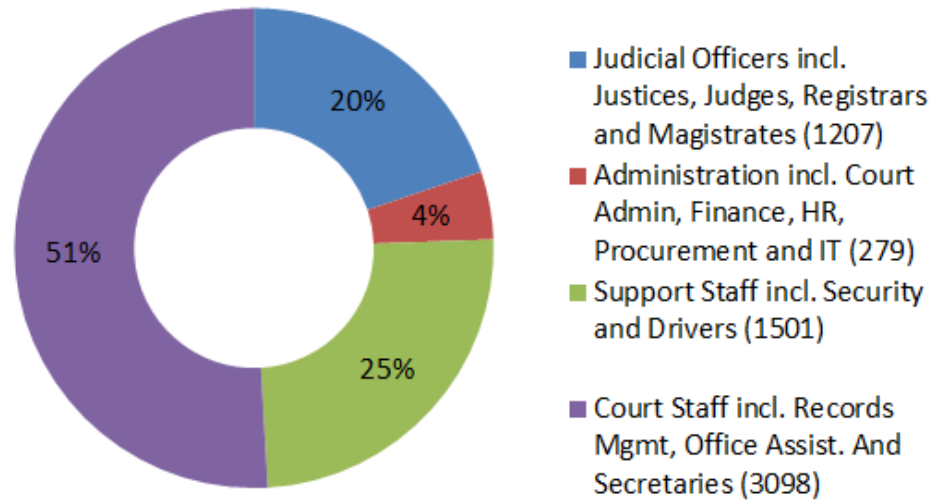
---

<sup>60</sup> Source: Judiciary’s finance department.

transformation effort was initiated in 2008 for the prosecution system. This reform effort is still ongoing and has had significant impacts on the performance of courts (see box 6.1 for details).

**Figure 6.2: Human Resource Structure 2015**

**(Total No. of Staff = 6085)**



**Box 6.1: Reform of the Prosecution System: A Brief Sketch of the Impacts of Transformation on Court Performance, Citizen Trust, and the Fight Against Corruption**

*Background*

The Tanzanian government started the transformation of the prosecution function in 2008 under the ‘Civilianization of the Prosecution System’ project. The main objective of this transformation was to streamline prosecution services and investigation services and therefore enhance justice in Tanzania. It was initiated as the result of a series of recommendations, primarily by the Msekwa Commission in 1977 and the LSRP in 1998 that stated that the former system was not effective (for example, low conviction rate, low quality of prosecution, and high pretrial detention) and a nationwide prosecution system that is independent from investigation was preferable.

The focus of this transformation process is for the Office of the Director of Public Prosecution to take over all prosecution activities from the higher courts up to the Resident Magistrate Courts and district courts all across the country. The director of prosecutions is vested with powers to institute criminal proceedings, take over and continue with criminal proceedings, and discontinue criminal proceedings instituted by himself, or any other authority or person. The director of prosecutions is enjoined to have regard for the public interest, the interests of justice, and the need to prevent abuse of the legal process when exercising his statutory powers. The director of prosecutions appoints all public prosecutors who are subject to his general or special directions in the discharge of their functions. Since he appoints them, he can also revoke their appointments in cases of misconduct or such other deserving cases. In addition to the duty of the director of prosecutions to initiate, conduct, and supervise the prosecution of criminal cases, the director is responsible for the provision of legal advice to the police and to all government departments in Tanzania on criminal matters. This includes all other law-enforcing agencies in the country.

However, because of the magnitude of the task of conducting prosecutions countrywide, teams of legally qualified officers assist the director of prosecutions. These include state attorneys stationed in all 25 regions and the headquarters in Dar es Salaam. Currently, there are about 150 state attorneys in Tanzania. Even with the assistance of state attorneys in the regions mentioned above, the magnitude of the work is such that it cannot be done by the above officers alone.

The Criminal Procedure Act, therefore, has empowered the director of prosecutions to appoint public prosecutors to prosecute cases under his general and/or special instructions. These prosecutors are mainly police officers, officers from the prevention of corruption bureau or Tanzania revenue authority, local government officials, and other law-enforcing agencies.



In reality, the bulk of prosecutions throughout the country are conducted by these public prosecutors (in subordinate courts there are about 700 or so police-public prosecutors, from the overall strength of police officials of about 38,000 in the country) whose knowledge of the law, with some exceptions, is limited (especially in the majority of the police-public prosecutors). Many support functions of the prosecution service and police stations are not computerized. The salary of state attorneys is higher than police-prosecutors, and at times higher than newly appointed magistrates, and as they generally prefer to operate in large cities, this causes incentive problems for all other stakeholders. Most state attorneys are based in large urban areas, while police-prosecutors operate in small towns and rural areas (about 60 percent of the population) making them more visible to the general public when it comes to criminal justice.

#### *Impacts on Court Performance and Citizen Trust and the Fight Against Corruption*

As the process of transformation is yet to be completed, the dual role of police as investigator and prosecutor in the subordinate courts (although technically performed by different persons from the police) causes all sorts of confusion for the court users, who are not adequately conversant with the institutional setting. Eighty percent of the caseload of the judicial system is in subordinate courts, of which a large proportion (about 40 percent) pertains to the criminal jurisdiction. Therefore, there is an urgent need to review the status of transformation and address the capacity challenge to cut court prosecution delays and achieve a prosecution system that effectively prevents and fights crime and corruption and meets international standards. Given that half of the country's citizens do not have access to high courts, the level of judicial oversight on police and prosecutor operations and that of the subordinate courts magnifies this challenge of fighting corruption, which should be a collective effort on behalf of the justice and law enforcement institutions.

Initial stakeholder consultation and analysis indicates that police and prosecutor performance affects the operation of courts and citizen trust in the justice system. There are many instances where weak police and prosecution operations cause delays and result in other procedural challenges, such as the ability of police to receive and file complaints from the public regarding the carrying out of investigations, perform prosecution, collect evidence, arrest suspects and manage arrest warrants, handle bail applications, and transport the accused to and from detention facilities and prisons, among others. Police performance in court decision enforcement in civil matters is also a subject of complaint.

It is also learned that the police arrest and keep people in custody for a period longer than 24 hours before presenting them, as prescribed by the law, before a judge or magistrate. Since the prosecution service is under reform, as indicated above, and many of the new changes have yet to be fully implemented, police perform some of their functions as a stopgap arrangement. For example, it is understood that undesirable situations occur frequently, such as when the police are in charge of the investigation, prosecution, and in some cases, act as a witness in the process. According to magistrate court rules, litigants are not allowed to have legal representation in the primary courts. Such broad police practices raise doubts about the fairness of the process, particularly in situations when they are charged of offences that carry prison sentences.

#### *The Need for Statistical Analysis, and Planning the Future Agenda*

To build a prosecution system that effectively prevents and fights crime and corruption and meets international standards, there is an urgent need to take stock of the reform effort, collect statistical data for Dar es Salaam and other locations (on pending prosecutions, investigations, and pretrial detention figures, disaggregated by gender), HR staffing, budget, and other aspects. This will allow for the planning of next steps to quickly address capacity gaps and modernize operations, so that delays are cut and performance to fight crime and corruption can be enhanced. The new president, in his recent speech to the parliament, has highlighted the urgency of modernizing the prosecution function. He has called for the cutting of prosecution delays and called upon all state organs with the responsibility of fighting crime and corruption to collaborate and support him in this effort. He is also calling for the setting up of special anticorruption courts to help fight economic crimes (for example, embezzlement, tax fraud, and misuse of public resources).

From a technical perspective of the judiciary, there is a need for further analysis of police operations and their accountability framework, including judicial supervision in primary courts (for example, on arrest, bail, and the gathering and presentation of evidence). It will also be important to obtain the latest information on the prosecution service's reform. This will enable stakeholders to better assess the institutional constraints justice institutions face, especially with regard to judicial performance, public confidence and trust, and the education of citizens on the role, function, and limits of the power of justice institutions, as well as the need for the training of the various actors in the administration of justice.

*Sources:* The JoT, the DPP, and the World Bank Team Findings.

23. As most of the reform processes were led by the executive and its impacts within the judiciary were suboptimal, only recently, the judiciary has started taking a leading role and exercising its operational authority to set an agenda for change. It has identified several gaps and constraints to its performance in delivering efficient, effective, and accessible justice to citizens. According to the Judiciary Strategic Plan 2015–2020, the main challenges include citizen’s complaints with respect to delays in the system (except Court of Appeal); deficiencies of court organization and infrastructure; enforcement of ethical standards and fighting corruption; weak management, technology, and citizen information systems; weak human resources, including training systems; and deficiencies in legal aid and other access to justice improvement mechanisms.<sup>61</sup> Also, court rules are complex and do not provide incentives for expediting cases or referring them to an ADR. For example, according to the DB Report in commercial cases there are 38 procedural steps that raise costs and take long time to complete.

24. **The consultative process of judiciary strategy development has reaffirmed many of these challenges and identified new ones.**<sup>62</sup> Users perceive that delay, cumbersome enforcement of decisions, and integrity are some of the key bottlenecks. The NGOs, mostly legal aid CSOs, indicated that shortage of funds for legal aid was making their operation difficult and some of them are not able to offer services free of charge. They also pointed out that corruption issues of the justice system should be tackled more explicitly in the reform priorities. Private lawyers, prosecutors, and academia in Arusha and Dar es Salaam were of the view that the judiciary’s multiple problems need to be addressed. They cited issues such as judicial oversight, craft of judging, dilatory tactics that result in unnecessary adjournments, access to justice, quality of investigation by the police, and availability of prosecutors in districts and rural areas for police supervision that should be given prominent attention. Improvement to the selection of judges and magistrates and their performance monitoring was also stressed. They observed that the court system was archaic with little deployment of technology, and had run-down facilities and poor record keeping which affect user confidence. The issue of citizen education in Swahili on the role and function of justice institutions was also pointed out. With respect to the Judiciary Strategic Plan, stakeholders welcomed the judiciary’s initiative to consult them on the needs and actions to reduce delays and costs of the judicial system.

25. **Learning from international good practice, the judiciary commissioned a Court User Survey so that a solid baseline could be established for effective reform monitoring in the future.** It invited a local NGO—Research on Poverty Alleviation (REPOA)—to undertake this work. The nationwide survey lays out the various issues and offers concrete insights on what to improve, details of which are provided in annex 5. Most of these challenges, whether highlighted in user survey, stakeholder consultations, or diagnostic reports, are not new. After independence, due to the unsatisfactory nature of the judiciary in the post-independence period, in 1974, the Msekwa Commission was appointed to take a look at the judiciary and proposed the enactment of the Criminal Procedure Code in 1985. Then, in 1993, former Attorney General Mr. Bomani was appointed as head of a task force by the government to review and propose reforms. The task force submitted its report in 1996. The Bomani Report<sup>63</sup> indicated that deficiencies ranged from lack of

---

<sup>61</sup> Legal Sector Assessment 2013; Judiciary Strategic Plan 2015–2020 and other reports.

<sup>62</sup> Over the last year, in addition to justice sector stakeholders and judges, the judiciary has organized several focus groups, option-finder exercises, and technical discussions with businesses, media, and NGOs to assess performance and prioritize investments.

<sup>63</sup> Legal Sector Report of the Legal Task Force of the Government of Tanzania 1996.

buildings, poor state of repair in the existing ones; lack of appropriate equipment; manual recording of proceedings; lack of law reports; inaccessibility of high court and court of appeal decisions that had not yet been reported; lack of access to the complete set of Tanzania legal materials for the individual judges; lack of basic textbooks and lack of suitable furniture and stationary for judges and magistrates. With respect to the human resource dimension, Tanzanian judges, magistrates, and other court staff were among the worst paid in the sub region. There was also no judicial council to address the problems related to the appointment of judges and the lack of minimum requirements needed for one to be appointed a judge. Also, a specialized division of the high court did not exist, among other weaknesses.

**26. Initiation of judiciary-led reform, to address court performance problems, was started with the appointment of the new Chief Justice in 2012/13 and has shown positive results.** Since then, congestion of the courts at the appeal court level has been reduced (that is, the clearance rate has been increased from 21 percent in 2008 to 58 percent in 2012 and cases heard increased from 552 to 1043 during the same period). Over the last two years or so (for example, improved case management, better resource allocation) have had positive impacts on the performance of district magistrate courts and the primary courts. The clearance rate of district magistrate courts has increased from about 52 percent to about 73 percent, and the primary courts are now recording a clearance rate of about 80 percent, thus reducing backlogs. The judiciary has also addressed weaknesses in the administrative structure. This includes the creation and setup of court administrators in higher and lower courts and the recruitment and training of these professionals to help the judiciary build administrative justice on a professional level. This positive change was possible due to the promulgation of the Judiciary Act 2011, a key piece of legislation that was supported by the Bank under the ATI Project (2008–2011).

**27. Modernization of the commercial court has also been successful.** It has reduced delays and improved its overall operations. The commercial court is a model of good IT use and organization. It can also serve as a good homegrown reform model that can inspire other courts and lead with the development of a robust e-justice system for national use. However, it now requires a boost in modernization so that it can achieve even higher performance standards. (see box 6.2 for details.)

### Box 6.2: Commercial Court: Progress, Opportunities, and Needs

In the 2016 DB Report, Tanzania was ranked 139 (overall and 64 in enforcement of contracts) globally. Since the setup of the commercial division of the high court in 1999, the commercial justice in Tanzania has made good progress. The enhanced changes at the Commercial Court, including enactment of business-friendly laws, introduction of ICT, and changes in service delivery have contributed to more rapid disputes settlement, visibility, accessibility, transparency, and reduction of costs in commercial transactions.

The current clearance workload of the commercial court is 350 completed cases (2015) and 489 (2014). It has a total of 3 judges, 3 deputy registrars, one in Dar es Salaam and 2 in its other registries, which are located in Arusha and Mwanza. In addition, there are other support staff and court officers like court clerks, bailiffs, auctioneers, recorders, interpreters, and so on, who perform these functions. It also has a 'Commercial Court Users Committee' comprising the judges of the court, 2 advocates representing the TLS, 2 state attorneys representing the attorney general; and 5 persons nominated by the private sector.

To upgrade its performance, recent analysis shows that the court has outstanding issues, which, when addressed, could further enhance the commercial justice system. These factors include

- (a) its pecuniary jurisdiction excludes many SMEs from accessing the Court, yet the majority of businesses are in this bracket (85,000 out of 86,000 enterprises in the formal sector are SMEs);
- (b) the need to increase the number of commercial cases filed in court and reduce the backlog of cases;
- (c) unnecessary interlocutory applications filed by litigants;
- (d) multiple ICT challenges, including limited facilities, number of transcribers, recording systems and so on;
- (e) the law is very clear and permissive on procedure for appointing and conducting a mediation, but advocates have not embraced it even though it offers the possibility of reducing case backlog and the time spent in court;
- (f) the court faces potential challenges on handling new and complex disputes arising from emerging areas of the law covering competition, intellectual property, counterfeits, e-commerce, trade, investment, oil and gas, mining, and so on;
- (g) although it has jurisdiction over insolvency, amalgamations, mergers, and reorganization, there are no appropriate updated laws and attending practitioners, increasing the potential occurrence of constraints to doing business when situation occurs; currently the court ranks 105 on insolvency in the DB Report; and
- (h) the court has no special communication and development strategy targeting the court users, officials, and the commercial court committee, as well as no targets geared toward improvement of the country's DB Ranking despite the great opportunity to advance and serve as a model of excellence in the region.

The court needs to keep consistently and constantly improving its service delivery to businesses, citizens, and other court users to better the competitiveness of the economy and lead the process of transformation in the judiciary. Further improvement of the ICT capabilities and court services (including introduction of a small claims court) will facilitate services delivery to the citizens and SME businesses but will also serve as a learning point for the other courts in the judicial system that are planning to modernize their services. Tanzania will also serve as a learning point in the region, with a possibility of attracting cases from the region.

*Source:* IFC and World Bank expert analysis.

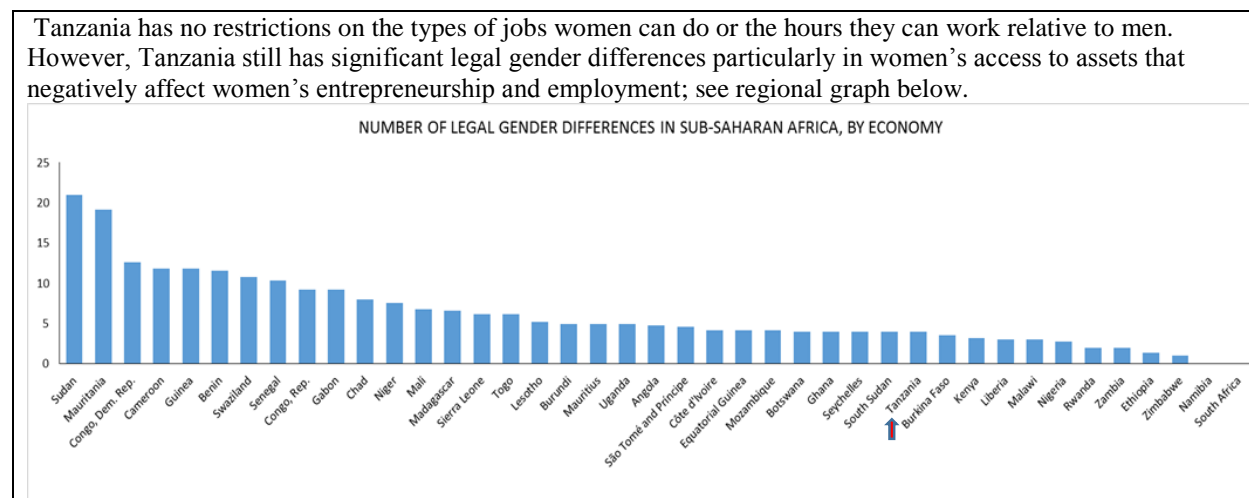
28. Although case processing and court management has improved in the last 2 years, the judiciary-led effort still needs to address key challenges for bringing justice services closer to the people. Delays and backlogs are down but have not been fully eliminated (about 20,000 cases in high courts and 60,000 cases in the subordinate court were pending in December 2014). Access to justice is constrained by the lack of appropriate promotion of ADR measures such as mediation in Tanzania. Studies indicate that the cost of accessing justice such as lawyer fees are high and court fees and costs also cause problems since it takes a long time to get the legal issues decided and enforced in courts.

29. **There are huge infrastructure gaps affecting service provision.** About 47 percent of the population does not live close to a high court. The formal court system needs to be appropriately

mapped to serve all parts of the country and encourage service delivery which is closer to citizens and businesses.<sup>64</sup> There is also a need to study the workings of the traditional justice system and its interface with the formal courts, especially as it relates to constitutional guarantees and gender rights with respect to land and family disputes.

30. **Women’s access is also constrained due to legal gender difference.** Gender-based legal differences constrain women’s ability to make economic decisions in a variety of ways and can have far-reaching consequences on women’s access to justice. (see box 6.3)

**Box 6.3: Women’s Access to Justice in Tanzania**



Source: Women, Business, and the Law database 2016.

Though spouses have equal ownership rights to property within marriage, female and male surviving spouses do not have equal inheritance rights and unmarried daughters do not have equal inheritance rights with sons under intestacy laws that is, where there is no written will. Access to assets through inheritance is particularly important for widows, who may depend on inheritance for economic security and survival. Property not only increases a woman’s financial security but is also associated with increased productivity and bargaining power in the household. Real property such as land can provide women with the collateral necessary to access credit and start their own businesses. In India, reform of inheritance laws equalizing inheritance rights for daughters has been linked to more investment in girls’ education, delayed age of marriage, and improved formal financial inclusion for women.

Awareness around beneficial property laws within marriage may be limited. Although there is a legal presumption that women’s nonmonetary contribution during marriage, for example, childcare and other household responsibilities should be taken into account on divorce, these rights can be inadequately enforced in practice. Awareness building engaging both men and women around the importance of joint titling of property and the use of wills to circumvent unequal inheritance rights is critical to improving women’s access to property.

Tanzania is one of 46 economies (out of 173) covered by Women, Business, and the Law that has yet to enact laws specifically to address domestic violence. Violence against women undermines economic empowerment by preventing employment and blocking access to valuable resources. In Tanzania, a recent study showed the earnings of women engaged in formal wage work, who are exposed to severe partner violence, are 60 percent lower than those of women who are not exposed to violence. Women may be able to bring claims under general criminal legislation but this is inadequate in scope and marital rape in particular is not recognized. Tanzania does have sexual harassment legislation covering the workplace but still lacks legislation covering sexual harassment in educational institutions and public places. Tanzania is a signatory to the Convention on Elimination on Discrimination against

<sup>64</sup> Overall, capital investment requirements for the judicial sector over the long term are estimated at about US\$400 million.

Women, the Maputo Protocol, and the SADC Declaration on Gender Development and the Addendum on the Prevention and Eradication of Violence against Women and Girls. Awareness building around rights and protections against gender violence provided under international law can be an interim way of circumventing the gaps in national legislation.

*Source:* World Bank Group. 2015. Women, Business and the Law 2016: Getting to Equal. Washington, DC

**31. Legislative improvements are also needed to improve women’s empowerment and access to justice.** For example, two heat maps in box 6.5, at the end of this annex highlight gaps in inheritance right and gender violence laws, which are the two main gaps in Tanzania that need addressing with regard to legislation affecting women’s economic empowerment. Law reform entities such as the Law Reform Commission, the MOCLA, and the parliament may need to consider a review of these laws in light of international good practices to develop reforms.

**32. Citizen confidence is low in the judiciary and other justice sector actors due to weak transparency, perception of corruption, and suboptimal inspection mechanisms.** Tanzania ranks poorly on the TI’s Corruption Index and other surveys, where police and judiciary stand out as the weakest link.<sup>65</sup> There is a need to review and address the challenge of judicial transparency and enforcement of ethical standards and norms. The strengthening of judicial inspection and upgrade of human resources and skills as well as strong preventive measures (whereby disciplinary systems need improvements) could put a dent in its poor ratings. Since the government in recent years has appointed a large number of judges, some stakeholders indicate that these appointments need careful vetting by the Judicial Service Commission, which is responsible for ensuring high ethical and quality standards. Recent decisions of the judiciary and other law and justice sector actors like the Department of Public Prosecution such as in the Independent Power Tanzania Ltd case (power utility contract) also highlights the need to strengthen judicial performance, as these decisions appear to run counter to the International Center for Settlement of Investment Disputes standards according to many stakeholders.

**33. Timely publication of judicial decisions and the swift enforcement of sanctions against judges and staff found engaged in impropriety and corruption could help improve Tanzania’s standing.** It will also likely increase citizen confidence in the system. There is also a need to engage the legal community in general to address the issue of dilatory tactics applied by the bar and its members through improved registration and oversight systems, both at the bar association and law school levels.

### **PART 3: Judiciary Strategic Plan 2015–2020 - Toward an Integrated Approach for Citizen-centric Judicial Modernization and Justice Service Delivery**

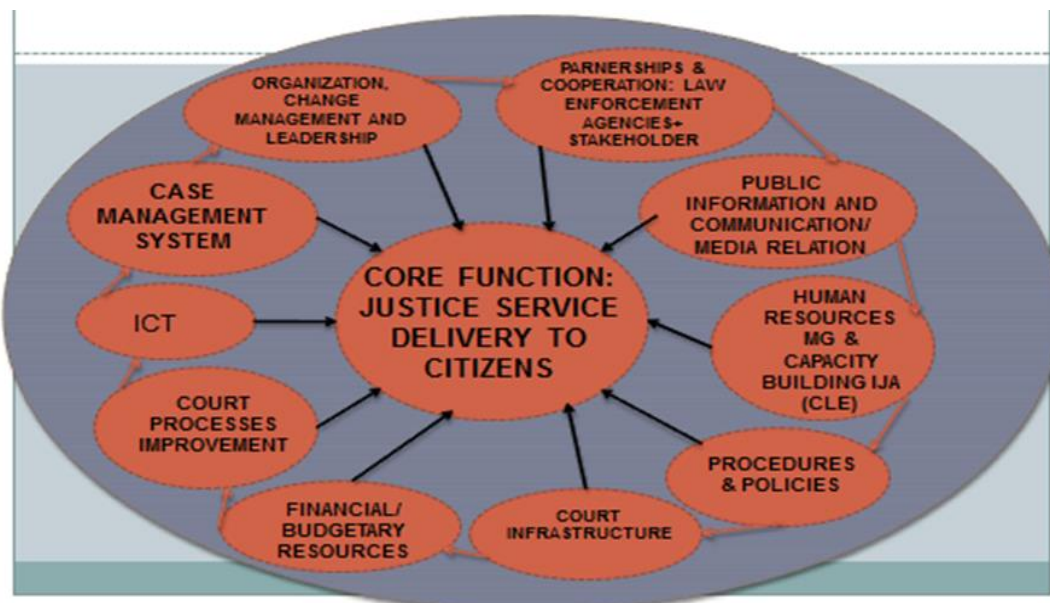
**34. Since 2012/13, the GoT has been implementing a BRN initiative to expedite results in service delivery.** This is similar to the Malaysian program, which is coordinated by a Presidential Delivery Unit. The BRN priority areas are in education, water, energy, roads, transport, agriculture, health, private sector development, and resource mobilization. Contract enforcement is viewed as a key area of support under the private sector development initiatives.

---

<sup>65</sup> According to the 2009 Governance and Anticorruption Survey done by the government with Denmark’s assistance, it was found that the most corrupt institutions are the police and the judiciary. Citizens’ perception of corruption by TI ranks Tanzania 111 out of 177 countries in 2013.

35. **Recognizing the key challenges faced by the judiciary, described in the main body of the PAD and Part 2 above, and in partnerships with the executive agencies, the chief justice has set up a BRN Judiciary Team.** The aim is to promote measures that will enhance investment climate and private sector development. These include targeted judicial development measures to complement the efforts of the executive branch of government but with full collaboration of justice sector stakeholders. The chief justice has also set up professional court administrators to bring management orientation to the judicial branch. He has also approached the Bank and other development partners to harness international good practices and lessons for upgrading the performance of the judicial branch and to seek technical and financial resources to modernize the court system and strengthen access to justice for citizens.

**Figure 6.3: Judicial Modernization Integrated Approach**



36. The main purpose is the modernization of the judiciary for the efficient and accessible delivery of justice to citizens and businesses through an integrated approach and it has prepared a Judiciary Strategic Plan 2015–2020 for that purpose. The judiciary-led reform seeks to adopt a strategy that is integrated at procedural, organizational, human resources, technological, financial and infrastructure levels and leverages global knowledge and experiences to achieve sustainable results (see figure 6.3). It also encourages learning from past reform efforts and scaling up successful measures. The salient features of the Judiciary Strategic Plan 2015–2020 that aims to improve justice service delivery are described in box 6.4).<sup>66</sup>

**Box 6.4: The Judiciary Strategic Plan 2015–2020 – Outline “Toward People-centric Justice Service Delivery”**

**Mandate and Challenge.** The JoT is established by Article 107A of the Constitution of the URT. It is vested with the responsibility of administering justice to protect citizens’ rights and freedom based on equality, facts, and according to the law. In performing its mandate, the judiciary faces a number of challenges in the delivery of justice that results in the limited accessibility to justice.

**Vision.** “Timely, Quality, and Accessible Justice for All.”

<sup>66</sup> Strategic Pillars of the Judiciary Strategic Plan are also provided in figure 7 of the main body of the PAD.

**Mission.** Administer justice to all through the timely provision of quality, fair, transparent, and impartial decisions.

**Judiciary-led reform is centered on** (a) realization of deficiencies in service delivery; (b) tackling the ever-growing case backlog; (c) benchmarking with good practice foreign jurisdictions; (d) implementing changes in judiciary administration, such as through the Judiciary Administration Act No.4 of 2011 (which separates administrative and judicial functions based on professionalism), the mandated Judicial Service Commission, and the operationalization of a Judiciary fund; (e) increased public awareness of and demand for the rule of law; (f) keeping pace with other government pillars ; (g) socioeconomic and political development and higher demand for better and efficient services; and (h) citizen complaints.

**Stakeholder participation.** In addition to research studies, the judiciary is in the process of undertaking a participatory analysis whereby internal stakeholders—judges, magistrates, and judicial and administrative staff—and external stakeholders—prosecutors, police, bar members, NGOs, and citizens-at-large—are being consulted to develop and validate the Judiciary Strategic Plan for improvements in justice service delivery. A court user survey was also done to serve as a baseline for monitoring of future results.

### **The Three Strategic Pillars**

#### **(a) Governance, management of resources, and accountability**

- (i) Effective leadership and institutional management for governance and accountability
  - Office of the chief Justice, principle judge, and regional judge in-charge
  - Chief Court Administrator and chief registrar
  - Organizational structure and management systems modernization
  - Planning, external and internal communication, information, and education
  - ICT for the administration of justice
  - Human resources, financial, procurement, estate, and logistical systems
- (ii) Enhanced inter-institutional coordination and cooperation
- (iii) Development of jurisprudence and skills of judges and staff through the IJA and other entities such as law schools, universities, and international judicial training institutions

#### **(b) Access to justice and expeditiousness of justice delivery**

- (i) Efficient case management system for expeditious and quality service provision
  - Case management and records (including e-justice services such as e-filing, e-records, e-notification, e-decision, e-assignment, e-payment, e-complaint, and so on)
  - Performance standards setting
  - Simplification of administrative procedures
- (ii) Simplification of rules and procedures to improve case management
- (iii) Effective supervision and inspection of all courts and court brokers
- (iv) Effective probate management
- (v) Increase justice services to people in urban and rural areas through the provision of better physical infrastructure, the ADR, and information, as well as the introduction of mobile courts and mediation services that bring services closer to the people

#### **(c) Public trust and stakeholder engagement**

- (i) Expand public and stakeholder engagement (including media) to build confidence
- (ii) Enhance value, ethics, and cultural transformation and promote Judicial Code of Ethics
- (iii) Foster partnerships for citizen-centric services with justice sector institutions and other stakeholders

37. According to the Judiciary Strategic Plan, to cut delays in high courts, Resident Magistrate Courts, district courts, and primary courts, institutional policies would be streamlined and organizational structure, court infrastructure, and case management would be improved. The Judiciary Administration Act of 2011 gives the Chief Justice the authority to reform regulations pertaining to case-flow and court administration, where the focus will be put on land disputes, large capital investments and energy sector cases, tax matters, small business conflicts, and family disputes. The Standing Committee of Court Rules has been instructed by the chief justice to review



and simplify processes and come up with measures that can avoid the use of dilatory tactics by litigants and their lawyers and also permit judges and registrars to perform their functions more effectively. In view of the dilapidated infrastructure of most courts, which undermines the deployment of modern technology to promote transparency and reliable record keeping in courts (for example, permit scanning to avoid theft of court records), a court construction and infrastructure upgrading program would also be carried out in urban and rural areas—both to support modernization of court processes and also to enhance access to justice services nationwide according to international standards.

**38. Improving the integrity and professionalism of the judiciary is also a key priority to strengthen user confidence.** The judiciary plans for the upgrading of judicial recruitment, training, salaries, and disciplinary systems and the promotion of a judicial code of ethics according to the Judiciary Administration Act 2011. This would require the setup of a continuing education department for judges, magistrates, and staff, including the setup of a satellite training capability in Dar es Salaam and other major cities, in collaboration with law schools, so that graduate-level courses and continuing education programs are made available to the judiciary for effective service provision.

**39. The M&E of judicial officers and staff and other justice stakeholders would also be promoted, along with gender sensitivity in court operations to improve performance.** The judiciary has set up a committee to develop performance standards inspired by the International Framework for Court Excellence and other international good practice examples, outlined targets for judges and registrars and other court staff.<sup>67</sup> For example, judges in primary courts are being asked to handle about 220 cases as an average to improve court clearance rates and achieve overall judicial performance standards. Oversight and supervision of other professionals such as lawyers and court brokers is also a key challenge and requiring urgent attention. E-compliant system will be introduced to empower citizens and enhance accountability.

**40. The high cost and weak access to justice, information gaps would be tackled up front by the judiciary.** Timeliness in the publication of court decisions and update to the judicial map that caters to the current socioeconomic landscape would improve access (the last updating done more than 30 years ago). The Justice-on-Wheels Program (mobile courts) would also be introduced to take court services to vulnerable groups such as women, small business, and the rural poor. Also, modernization of ICT would expand the judiciary's JSDS into an e-justice portal by expanding its coverage and introducing new features such as decision publication, decision enforcement module, e-filing, registry operation, judge and magistrate decision support, staff Word-processing module, videoconferencing, e-records and document management, court recording and transcription, and other features.

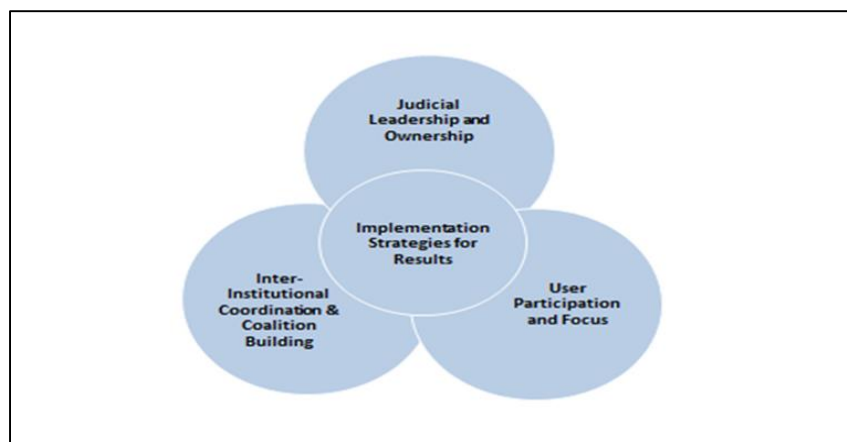
---

<sup>67</sup> Measuring the performance of a judicial system is not an exact science. Performance measurement typically entails identifying inputs and outputs while taking into account changes in quality. Any analysis of value for money requires assigning a price to outputs as well as inputs. Doing so is difficult for the provision of justice as the characteristics inherent to a judicial system make the measurement of its performance complex and difficult. The 'output' of a justice system, for example, is an intangible, indivisible service, with a potentially enormous externality value that is difficult to compare with its 'inputs'. Malik, Waleed. 2007. "Judiciary-Led Reforms in Singapore." Washington, DC: World Bank.

41. **The enforcement of decisions requires major attention, for which policies associated with the appointment of court brokers and their fee structure and service standards will be upgraded.** Current number of court brokers (only 45 for the entire country) is suboptimal, driving up costs to users. Setting up of communication systems with citizens and staff and other stakeholders would also be needed to better inform court users of their rights and obligations. Promotion of the ADR and paralegal mechanisms and the further expansion of legal aid mechanisms for disadvantaged groups are also contemplated in partnership with development partners and the legal community.

42. **There is a need to conduct research and develop evidence-based policies and to monitor reform progress.** Reforms in other justice sector institutions (for example, police and prosecution service, as described in box 6.1 of this annex) are affecting the performance of the courts, which need to be analyzed. Legal aid NGOs and paralegals are facing challenges which need to be reviewed and policies developed so that legal aid programs are made more citizen-friendly and accessible, especially to the poor and vulnerable. There is a need to assess existing traditional and informal systems to determine where and how they operate and their interface with formal courts, for example, for improving land and family disputes. There is also a need to conduct a court user survey periodically to gauge progress and disseminate findings.

**Figure 6.4: Achieving Successful Judiciary-led Reforms**

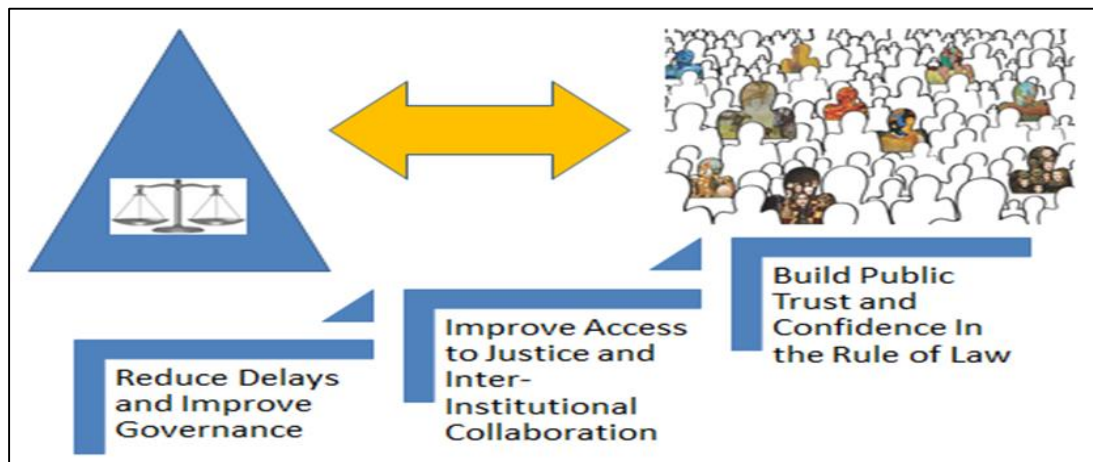


43. To achieve success, addressing the ‘how to’ and the problems related to the status quo or resistance to change requires special attention, such as the formulation of the Judiciary Strategic Plan 2015-2020 implementation approach (see Figure 6.4 ) and technical sequencing of initiatives (see Figure 6.5 and project infographics in annex 10). International experience indicates the following:

- (a) Judiciary modernization requires the coordination and collaboration of other actors in rendering court services. Therefore, there is a need to look at the judiciary reform process more holistically and carefully consider the interactions, transactions, and service provisions of its various actors—what incentives and change management arrangements are available and what can be implemented to encourage transformation and make things happen? What type of coalitions could be built to minimize risks and cut down hurdles? What activities should be implemented first and what are the follow-on tasks?

- (b) Successful transformation requires exercise of judicial leadership. Therefore, measures that enhance staff ownership of reforms will be core to the implementation strategy. This will need to upgrade incentives, reward performance, and improve working conditions to motivate staff and instill a service orientation. There is also a key need to develop mechanisms for collaboration, in particular with, the MOCLA, DPP and police, and the TLS, NGOs and business entities, so that win-win solutions are developed and implemented for the benefit of citizens.
- (c) Real success is achieved when users see results and feel the change. This is possible when results are clearly defined, monitored, and disseminated. It would be useful for the judicial modernization effort to sequence improvements (such as cutting backlogs, launching an e-complaint system for citizens and initiating Justice-on-Wheels (mobile courts) for vulnerable groups) early on in the implementation phase to show results so that the system’s trustworthiness is gradually improved.

**Figure 6.5: Tanzania’s Vision 2025: People-centric Justice Service Delivery Meeting International Standards**



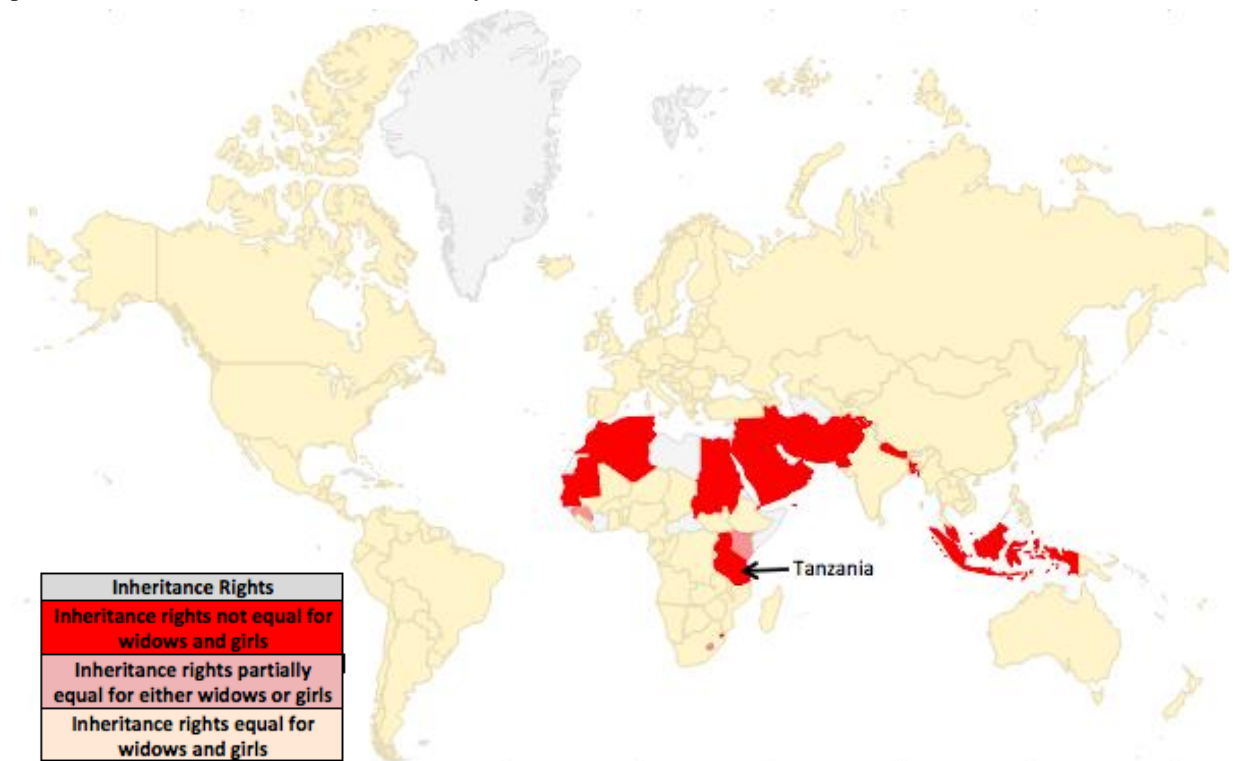
44. In conclusion, in collaboration with justice sector stakeholders, successful implementation of judiciary-led modernization for effective citizen-centric justice service delivery over the next decade could help upgrade Tanzania’s rank on the contract enforcement indicator of the DB Report from 62 in 2016 to top 25 in the world and meet the aspiration of Tanzania’s Vision 2025 of enabling businesses and development for improved peoples’ lives.<sup>68</sup>

<sup>68</sup> Weaknesses in the law and justice sector undermine the broad distribution of political rights, which are key for the people to hold governments accountable and make it responsive to citizens and permit them to take advantage of economic opportunities. See Daron Acemoglu and James Robinson. (2012. “Why Nations Fail: The Origins of Power, Prosperity, and Poverty.”

### Box 6.5: Legal Barriers to Women’s Economic Opportunities in Tanzania

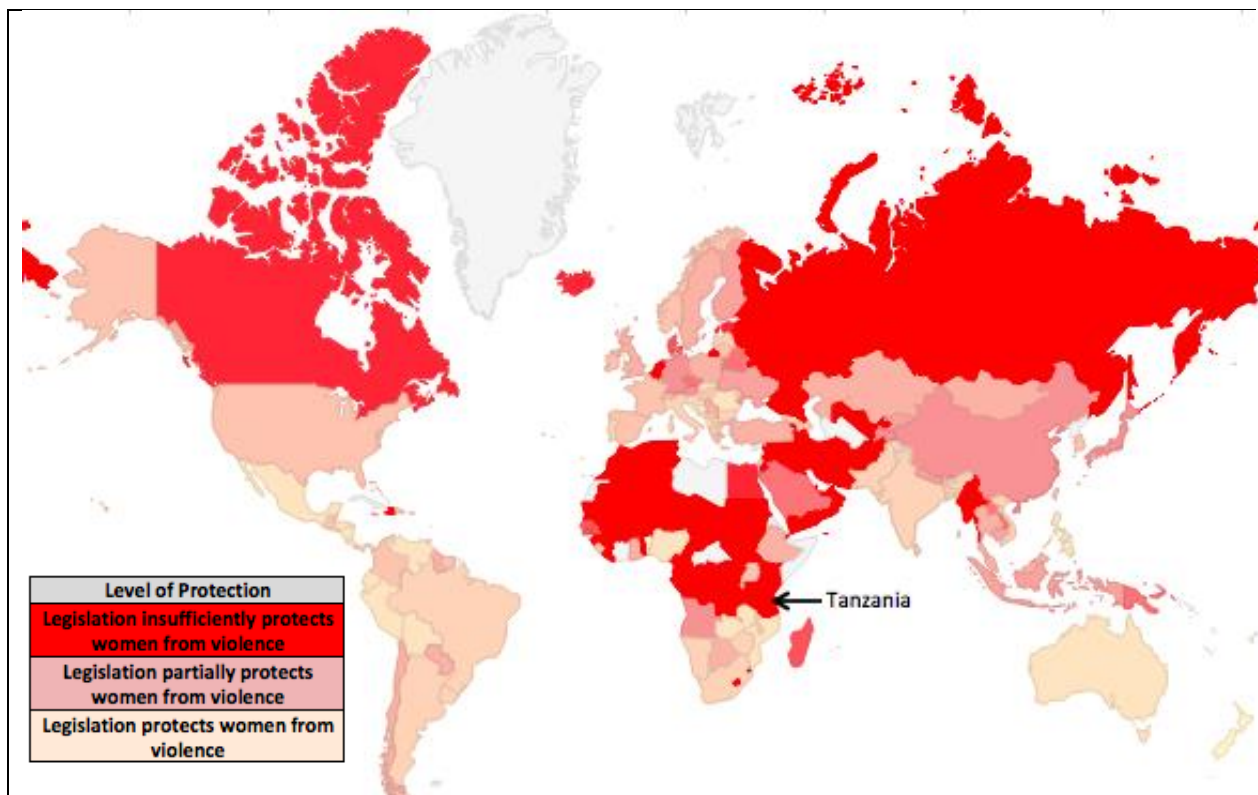
Tanzania has made great strides in advancing women’s economic opportunities. For example, it has a 30 percent women’s quota for parliament, which can enable a more equitable representation of women in leadership positions. Tanzania’s labor legislation does not contain any restrictions on the jobs women can do nor differences in retirement ages for women and men. Moreover, it contains several key protections for women in the workplace, such as the right to equal remuneration for work of equal value. In the area of property rights, Tanzanian law notably provides for the valuation of nonmonetary contributions at the dissolution of a marriage. This can benefit women because they are more likely to make nonmonetary contributions, such as caring for children and family home, which can be taken into consideration during the division of property. Men and women in Tanzania also have equal ownership rights to property, regardless of marital status.

Although progress has been made, Tanzania has several legal differences embedded in its property laws that hinder women’s ability to get jobs or start businesses. It is one of only eight economies in Sub-Saharan Africa where the law does not give equal inheritance rights to widows. Access to assets through inheritance is particularly important for widows, who may depend on inheritance for economic security and survival. Unmarried daughters also do not have equal inheritance rights with sons under intestacy laws (that is, where there is no written will), which can also limit women’s economic opportunities. Property not only increases a woman’s financial security but is also associated with increased productivity and bargaining power in the household. Real property such as land can provide women with the collateral necessary to access credit and start their own businesses.



Source: Women, Business, and the Law database 2016.

In the area of gender-based violence, Tanzania is one of only 46 economies worldwide covered that has yet to enact laws specifically to address domestic violence. Violence against women undermines economic empowerment by preventing employment and blocking access to valuable resources. In fact, a recent study from Tanzania showed the earnings of women engaged in formal wage work who are exposed to severe partner violence are 60 percent lower than those of women who are not exposed to violence. Tanzanian law also exempts husbands from facing criminal penalties for marital rape. Under this provision, wives cannot obtain justice in cases of being raped by their husbands.



Source: Women, Business, and the Law database 2016.

Tanzania does, however, have sexual harassment legislation covering the workplace but still lacks legislation covering sexual harassment in educational institutions and public places.

*How Can Tanzania Close the Legal Gender Gap and Enhance Women's Economic Empowerment?*

Tanzania can close the legal gender gap by equalizing inheritance rights between widows and widowers and between unmarried daughters and unmarried sons. As research in India demonstrated, the reform of inheritance laws equalizing rights of unmarried daughters was linked to greater investment in girls' education, delayed age of marriage, and a higher likelihood of women having formal bank accounts and credit.

Tanzania lacks domestic violence laws and comprehensive sexual harassment legislation. Other countries in the region such as Mozambique, Malawi, Rwanda, Uganda, and Zambia have enacted specific domestic violence and sexual harassment laws. All of these countries' domestic violence laws cover sexual and emotional violence and economic violence. Tanzania can also enact more comprehensive sexual harassment laws addressing sexual harassment in educational institutions and public places. In the past two years, Tanzania's neighbor, Mozambique, enacted a new penal code that incorporates protections against sexual harassment in education.

Source: Tazeen Hasan based on Women, Business, and the Law 2016: Getting to Equal, World Bank

## Annex 7: Civil Society, Gender Equality, and Legal Aid Institutions

### TANZANIA: Citizen-Centric Judicial Modernization and Justice Service Delivery Project

1. This annex provides a brief overview of the legal/institutional arrangement for legal aid and capacity challenges. It also shares a profile of the main NGOs and describes their structure, mandate, core activities, and institutional gaps in providing legal aid and other assistance.

2. **The aspiration to address poverty, promote gender-equality, and meet the international standards of rights protection underscores the need for legal aid in Tanzania.** The Tanzanian government started in 1969 with the promulgation of the Legal Aid (Criminal Proceedings) Act of 1969. It gave “discretion to the court in criminal proceedings to certify, in a case that it considers appropriate, that a person be accorded free legal aid.” This was interpreted as government aid for people indicted in capital cases, leaving large segments of the population without legal assistance (in 2013, Tanzania had a basic poverty rate of 28.2 percent). Laws were also promoted to protect gender rights. For example, through a special amendment passed in 2000, discrimination based on gender was prohibited under the Constitution, which also protects the right of women to own land. Parliament has enacted a number of laws in support of women’s economic and social well-being, including the Sexual Offences (Special Provisions) Act of 1998 and the two Land Acts of 1999, which established women's rights to be treated equal to men with regard to their rights to acquire, hold, use, and deal with land. The Employment and Labour Relations Act of 2004 prohibited discrimination in the workplace on the basis of gender; required employers to promote equal opportunities; introduced maternity leave; and contained provisions safeguarding a mother’s right to be protected from engaging in hazardous employment.

3. **In 2012, a Legal and Human Rights Network was set up by the government through its LAS in the MOCAJ to address the broader legal aid needs of the public, including women and other disadvantaged groups.** As legal aid is an ‘essential component of a fair and efficient justice system’,<sup>69</sup> this institutional step was a major step forward. Although the number of lawyers in Tanzania has increased in the last decade, the overall number is still limited, resulting in high costs to users and businesses. Furthermore, gender equality and female empowerment are core development goals and important human rights issues that are central to Tanzania's National Development Plan, and women's access to justice is an important consideration for the achievement of these targets. Given these institutional efforts, the record of achievements at the institutional level is impressive.<sup>70</sup>

4. **Many NGOs are registered, but a lack of resources and the LAS’s policy and capacity gaps are affecting service delivery.** The MOCAJ has registered about 50 CSOs for the provision of legal aid services in the last few years.<sup>71</sup> These have programs for supporting the victims of

---

<sup>69</sup> Knaul, Gabriela. 2013. “Legal Aid, A Right in Itself”. In *Legal Aid Reformers Network*.

<sup>70</sup> For example, Tanzania has ratified major international human rights instruments, including the Convention of Elimination of all Forms of Discrimination Against Women, International Covenant on Economic, Social and Cultural Rights, and International Convention on the Rights of the Child, and has signed the African Political and the 1997 SADC Heads of States Declaration on Gender.

<sup>71</sup> This is not a large number for the justice sector as compared to the overall size of the civil society. At the beginning of the decade, only a few hundred CSOs were registered for all types of sectors, while recent estimates vary from 4,000 to 8,000. However, it can be argued that the mushrooming period of CSOs is already over. Instead,

gender-based violence and women who are unable to afford a lawyer in family inheritance, child custody, and other matters. As inheritance and succession laws are not unified,<sup>72</sup> and there are no good public education programs, citizens usually turn to CSOs for help in exercising their rights. The NGOs are also promoting transparency and anticorruption efforts. Public education for violence prevention is also a priority, as violence against women occurs widely. Several NGOs are also engaged in promoting the Law of the Child Act of 2009 and raising awareness, but they complain that lack of grant resources from international donors are affecting their programs.

**5. Capacity building of the LAS and stakeholder NGOs is a priority.** However, studies indicate that lack of funding, policy oversight, and coordination challenges are affecting the legal aid system. In addition, most NGOs operate and offer services in Dar es Salaam, whereas the majority of the poor live in rural areas, which causes other difficulties. None have offices in the courthouses, making it difficult for citizens to reach NGOs in many instances. Also, there is a need to strengthen the LAS, through the recruitment of more staff and the development of M&E policies and systems, so that it is able to supervise and determine the actual coverage of legal aid and paralegal programs.<sup>73</sup> Although the number of NGOs who are registered is small, many community organizations and other groups offer paralegal services that are, at best, neither regulated nor fully mapped, nor is their quality assured or monitored, resulting in user complaints. Therefore, there is a need to review the legal services market for a better understanding of these interrelated challenges.

**6. Consultations indicate that capacity support to the LAS will help it better facilitate the work of legal aid and paralegal NGOs, and help improve sector wide coordination.** Policies are needed so that quality supervision and registration activities are improved. Many users complain that they are sometimes asked to pay for services that are supposed to be free according to the mandate of the NGOs and the mission they promote, but they have nowhere to go to report irregularities or submit their complaints. Since most NGOs operate in the capital city, while the population that needs assistance is spread all over the country, serious demand and supply gaps exist that need to be addressed. In addition to the strengthening of polices and the capacity of the LAS, tangible improvements will require an expanded registration process, a public education system, the coaching of CSOs, and the setting up of information offices in courts to begin to address the huge demand and supply mismatch, so that the vulnerable have better access to justice over the medium term. There will also be a need to facilitate the work of NGOs engaged in the justice sector to expand legal assistance to citizens.

---

there is competition of the ‘survival of the fittest’ as donor funding to CSOs is again decreasing, because donor demands for CSOs to show the impact of their work are becoming stronger.

<sup>72</sup> The laws of inheritance and succession in Tanzania are governed by a pluralistic legal regime where customary, Islamic, statutory, and Hindu laws apply side by side. All these laws provide for both inheritance and succession. The two determinant factors as to which system of law shall apply are ethnicity and religious affinity. Gender equality is a major issue in the application of these different law regimes. See “Gender Assessment of Legal Sector Institutions in Tanzania,” March 2012, for details.

<sup>73</sup> See Assessment of the Legal Sector in Tanzania, 2012.

**Annex 8: List of Persons Consulted for the Judiciary Strategic Plan and the Proposed Project (Partial)**

**TANZANIA: CITIZEN-CENTRIC JUDICIAL MODERNIZATION AND JUSTICE SERVICE DELIVERY PROJECT**

**President's Office:**

Ambassador Ombeni Sefue, Chief Secretary; Omar Issa (CEO Presidential Delivery Bureau); Neema Ndunguru (Director PDB); Massawe Andrew (Assistant Coordinator of The Reform Coordination Unit); Douglas Ling (PDB).

**Ministry Of Finance and Planning:**

Dr Servacius Likwelile (Permanent Secretary); Dorothy Mwanyika (Deputy Permanent Secretary); Ngosha S. Magonya (Commissioner of External Finance); Patrick Pima (Principal Economist –External Finance); Said Nyenge (Senior Economist External Finance); John Mavura (Senior Economist External Finance); Isaya S. Ntalugela (Economist).

**Minister of Constitutional and Legal Affairs:**

Hon. Dr. Asha Rose Migiro; Dr. Harrison Mwakyembe; Maimuna Tarishi (Permanent Secretary); Prof. Sifuni Mchome (Permanent Secretary)

**Judiciary:**

**November 2014 Mwanza: Consultation - Chief Justice Court of Appeal, Chief Justice Zanzibar, Justices of the Court of Appeal And Judges of the High Court**

Hon. Mohamed Chande Othman (Chief Justice); Hon. Omar O. Makungu (Chief Justice of Zanzibar); Hon. J.H. Msoffe; Hon. E.M.K. Rutakangwa; Hon. Engera Kileo; Hon. M.S. Mbarouk; Hon. S.J. Bwana; Hon. B.M. Luanda; Hon. S. Mjasiri; Hon. S. A. Massati; Hon. K. Oriyo; Hon. W.S. Mandia; Hon. K. M. Mussa; Hon. B.M. Mmilla; Hon. I.H. Juma. Hon. J.A Mroso (Retired Justice); and Hon. H.R. Nsekela (Retired Justice).

Hon. S. A. Lila (Principal Judge). **Judges:** Hon. S. B. Lukelelwa; Hon. P. Rugazia; Hon. Z. H. Sheikh (Retired); Hon. A.F.K. Shangwa; Hon. M.S. Shangali; Hon. R.M. Rweyemamu (Retired); Hon. R.E. Mziray, Jr; Hon. A.G. Mwarija, Jr; Hon. S.S.S. Kihio; Hon. R.V. Makaramba; Hon. G.J.K. Mjemmas; Hon. A.A. Nchimbi; Hon. N.P. Z. Chocha; Hon. A.C. Nyerere; Hon. S.E.A. Mugasha, Jr; Hon. I.D. Aboud; Hon. K.M.M. Sambo; Hon. A.R. Mruma; Hon. M.A. Kwariko; Hon. S.A.N. Wambura; Hon. C.W. Makuru; Hon. R. A. Teemba; Hon. L.K.N. Kaduri; Hon. A.F. Ngwala; Hon. R.K. Mkuye; Hon. I.S. Mipawa; Hon. Upendo Msuya; Hon. K.M. Nyangarika; Hon. Z.G. Muruke; Hon. F.L.K. Wambali; Hon. S.S. Mwangesi; Hon. S.C. Moshi; Hon. F.H. Massengi; Hon. P.B. Khaday; Hon. F.W. Mghaya; Hon. H.H. Kalombola; Hon. M.G. Mzuna; Hon. J.H.K. Utamwa; Hon. B.R. Mutungi; Hon. R.M. Kibela; Hon. G.K. Mwaikipesile; Hon. A.I.A. Munisi; Hon. A.E. Bukuku; Hon. H.T. Songoro; Hon. F.A. Twaib; Hon. J.S. Mgetta; Hon. P. Fikirini; Hon. S. Rumanyika; Hon. S. Bongole; Hon. Gerald A.M. Ndika; Hon. M. Mwaimu; Hon. J. Mwambegele; Hon. J. De Mello; Hon. L. Monsoor; Hon. P.M. Kente; Hon. B.B. Mwingwa; Hon. E.M. Feleshi; Hon. W.B. Korosso; Hon. L.L. Mashaka; Hon. D.E. Mrango; Hon. E.J.



Mkasimongwa; Hon. M.R. Gwae; Hon. F.N. Matogoro; Hon. L.E. Mgonya; Hon. B.M.A. Sahel; Hon. Awadhi Mohamed; Hon. L.J.S. Mwandambo; Hon. R.A. Ebrahimu; Hon. P. Kihwelu; Hon. Modester Opiyo; Hon. A.S. Khamis Amour; Hon. M.C. Levira; Hon. S.M. Maghimbi; Hon. Fatma H. Mahmoud; Hon. Ibrahim Mwampashi; Hon. Isah Serunikuma.

**May 2015 – Dodoma: Consultation - Court Administrators, Registrars and Other Court Officials:**

**Judiciary Headquarters:** H. A. Kattanga; I.P. Kitusi; Katarina Revocati; Mathias Mwangu; Nyimbi S.M; Edward Nkembo; Fanuel Tiibuza; David Kivembele; Anipenda A. Lupaya; W. S. Ng'humbu; H. Ndesamburo; Bampikya Phocus; Patricia Ngungulu; Ng'ingo A. C; Wanyenda Kutta; Eva Kiaki Nkya; Eddie Fussi; Euphenia Mingi; Zahra A. Maruma; Mkwizu Elizabeth; Essaba Machumu; D.K. Kishiwa; Bwire D. Munubi; Sebastian Lacha; Nurdin Ndimbe; Edna Assey; Khamadu. M. Kitunzi; Ndezi E. Shiwa; Mcharo Mwanga; Juma Mwalusamba; Mary J Shirima; Leonard Magacha; Elinaza B. Luvanda; Humphrey V. Paya; Samson Mashalla; Emmanuel Mrangu; Geoffrey A. Mashafi; Cyprian P. Mkeha; Siyani. M. Mustapha; Beda Robert Nyaki; Khadija Siwa; Mariam Kilunga; and Saada Moshi.

**High Court Divisions:** Willy L. Machumu; Amir H. Msumi; Salima.M. Chikoyo; Hellen Mkumbwa; Goodchance N. Kombe; Frank H. Mahimbali

**Regions:** **ARUSHA:** W.R. Mashauri; Jackson C. Sima; A.C.K. Rwizile. **Manyara:** D.C Kamuzora; Jacob V. Swalle. **BUKOKA:** Ignatio M. Kabale; Seif M. Kulita. **MOROGORO:** Nestory C. Mujunangoma; Maua R. Hamdun. **Pawani:** Evarist T. Mmbaga; Elizabeth J. Nyembele; S.A. Mshasha. **DODOMA** Ananias D. Chilongola; Messeka John Chaba; J.E. Fovo; Rhoda Ngimilanga. **SINGIDA** Clarence J. Mhoja. **Iringa:** Elvin Mwakajinga; Ruth Massami; David Ngunyale. **NJOMBE** Maria F. Itala, C.J. Hemela. **MBEYA** Aaron M. Lyamuya; Moses A Mwedete; Michael Mteite. **MOSHI** Bernard A. Mpepo; Joachim C. Tiganga; Simon T. Kasapira. **MTWARA** Hussein S. Mushi; Benjamin Mlimbila; Elizabeth S. Missana. **LINDI** Joseph J. Kapinga; Godfrey J. Mhini. **MWANZA** Francis J. Kabwe; Moses N. Minga; W.M. Chuma; Nelson Shadaniel; **MARA:** Adrian Kilimi; Zilifer A. Geke; **GEITA** Lothan L. Simkoko; Safina H. Simpukwe. **SONGEA** George Herbert; Beatus M. Benedictus; Simon S. Kobero. **SUMBAWANGA** Mbuya R.M; Edward P. Mbara; E.Matembele. Kassian; Chiganga Tengwa. **KATAVI** Omari H. Kingwele; Ipyana J. Kakuyu. **TABORA** Annah Magutu; Sumera Manoti; **SHINYANGA** Ernest L. Masanja; Rahim S. Mushi; **SIMIYU** Cosmas D. Lugora; J.F. Nkwabi; **KIGOMA** Sylvester Kainda; Fidelis L. Jallady. **TANGA:** Pamela S. Mazengo; Ahmed S. Ng'eni; W.M. Kisongo.

**June 2015 Dar Es Salaam: Consultation – Justice Sector and Judiciary Officials from Headquarter and other locations**

George Kazi (Registrar Zanzibar) Jesse Mlule; Eva Nkya; John R. Kahyoza; Essaba Machumu; Janeth E. Masesa; Gillian Bwakeya; Benjamin Mlimbila; Elinaza B. Luvanda; Emmanuel Mrangu; Elvin Mwakajinga; Zahra Maruma; Mary Gwera; Wilfred Dyansobera; Moses A. Mwidete; Bampikya P.W; Ngingo A.C; Amiri Msumi; L.M. Mlacha; W. R. Mashauri; H. A. Shaidi; Donald F. Makawia; Ahmed S. Ngeni; P.K. Rumisha; Thandie Mfikwa; Renatus D. Kerenge; Gloria A. Majumba; Chrisitian C. Mrema; Edward J. Nkembo; G. N. Kombe; Said S. Mpinga; Josephine M. Mwanyanga; Nelson Shadaniel; B. M. Benedictus; W. Nghumbu; Euphemia H. Mingi; Enziel W.

Mtei; Moses N. Minga; Joseph Hokororo; Dionis Kishiwa; Juma Mshana; Nyimbi S. M; Yahaya Baruti; Abdulrahman M. Msonyi; Fussi Eddie; Mary J. Shirima; Isaya Arufani; Charles Magesa; Iivin Mugeta; Helen Mkumbwa; Khamadu M. Kitunzi; R. I. Rutatinisibwa; Rehema R. Vyas; Mathias Mwangi; A. Lyamuya; Sumera Manoti; Kevin Mhina; Sharmilah Sarwatt; F. Tiibuza; F.H. Mahimbali; Dunsian B. Ndunguru; Hussin S. Mushi; Willy L. Machumu; H. Ndesamburo; Dyness R. Lyimo; Jackson C. Sima; Edward P. Mbara; Ignatio M. Kagale; Castuce Ndamusoba; Eugenia Gerald Rujwahuka.

### **Justice Sector Stakeholders:**

June 2015 Dar Es Salaam --Stakeholder Consultation

Emmanuel H. Mayeji (MOCLA); Mercy Mrutu (MOCLA); Jacob Focas (Presidents Office Planning Commission); Mathias E. Mwangi (Director of Planning and Coordination); Peter M. Mushi (State Attorney); Erasmus M. Uisso (Economist); Charles Rwechungura (Advocate, and President of TLS); Isaack A. Kangura (Legal Officer); Amina Jumanne Kavirondo ; Vicent Tangoh (Principle State Attorney); Donasian Kessy (H/LAP); Jane Ishengoma (Legal Officer); Dunstan Ndunguru (D/REG); Enziel Mtei (Assistant Secretary Judicial Service Commission); Juvenalis Motete (Consultant); Fidelis Segumba (Head Forensics Dna Sect.); Eunice R. Latia (Legal Officer); Neema J. Ringo (Assistant Director In DPP); Lugano Mwandambo ; Anna Rwiza (Legal Officer); Lucas Katera (Researcher); Cornel Johan (Researcher); Juliana Masabo (Ass. Dean University Of Dar Es Salaam School of Law (UDSM)); Mohamed Membe (Tanzania Police Force); Saleh Ambika (Deputy Commissioner of Police); Dr. K. C. Kamanga (UDSM LAW); Ponziano Lukosi (Attorney General's Chambers); Mary Gwera (Info. Officer); Frederick K. Manyanda (Directorate Of Public Prosecution); Sengu Hussein (Legal And Human Rights Center); Constantine George (REPOA Officer); Rose Aiko (REPOA Researcher); Novath Rukwago (Advocate).

### **Civil Society And Media And Community Groups - June 2015 – Civil Society Umbrella Representatives:**

#### **Civil Society organizations**

Jacqueline Waya; Neema Makando; Julieth Josephath; Christina Kamili; Jackline Mollel; Uti Mwang'amba; and William B. Kahale.

#### **Media Groups**

Faustine Kapama (Daily News); Gumbo Gerald (ITV); Simon Rodgers (ITV); Musa Yusuph (Uhuru); Amina Khamis (TBC1); Nazareth Ndekia (TBC1); Khamis Suleiman (Channel 10); Kissa Mwapya (Channel 10); Donaldani (Magic FM); Mika Ndaba (Tanzania Daima); Julius Mloe (Tanzania Daima).

#### **Business Community**

Bede Lyimo (Consultant); Elizaberth Willilo (TBA- BARDDAYS); Okoka. J. Magavilanzi (SLO-TIRA); Paul C. Mwanja (SLO-TIRA); John Daffa (TCRA); Kissamo Elias (NCC); Doxa Mbapila (TBA); Henry. Muhanika (Executive Secretary – MOAT); Jehad. A. Jehad (AQRB); Neema Temba (Legal Officer); Salehe Njaa (Legal Officer).

**Technical Specialists Consulted Include:**

Bede Lyimo (Brn); Peter Kiuluku (Eastern And Southern Africa Management Institute (ESAMI); Henry Wariuhi (ESAMI); Judge Adele Kent (Canada); Brenda Cupper (Nji, Canada); Dr. Menbere Tadesse (Judge COMESA Court); Rose Aiko (REPOA).

**Development Partners Information Sharing**

List of development partners invited at the Bank office roundtable on potential support to the judiciary, and participants of the Governance Working Group co-chaired by Sweden and Switzerland, where the proposed project was presented for information sharing is available in project files. These include Anette Widholm Bolme (Sweden); Sonya Elmer Dettelbacher (Switzerland); Chitralekha Marie Massey (UN); Vania Bonalberti (EU); Aran Corringham (Ireland); Charles Skolie (DFID); Niklas Borger (DANIDA); Marie-Helene Cote (Canada); Stephanie Shanler (UNICEF); John Jasik (USA); Chelsea Moubarak (USA); Andrew Stephens (UK). Furthermore, National Judicial Institute Canada, Federal Judicial Center Washington DC, USA, Ireland, Ghana, and Botswana have long-standing relationships with the judiciary and were consulted/information shared at different stages of concept development, preparation of this project and preparation of the Judiciary Strategic Plan.

## Annex 9: Cost Benefit Analysis

### TANZANIA: Citizen-centric Judicial Modernization and Justice Service Delivery Project

#### Simplified Framework and Analysis

##### INTRODUCTION

1. **Bank's value added is in its ability to help Tanzania boost efforts to improve court performance that facilitates economic development.** In the global rankings of DB 2016, Tanzania is ranked 64 for its enforcement of contracts, and through its modernization efforts, will strive to be among the top 25 countries over the medium term. Knowledge, technical assistance and financial support to the judiciary and an effective judicial operation in Tanzania would enable efficient dispute resolution and less perceived business risk. Robust application of the rule of law and enforcement of judicial decisions will help promote transparency, governance, and accountability in society at large.

2. **Although the importance of a well-functioning judiciary in social and economic development is widely recognized, no major assessment of the costs and benefits of justice service delivery have been conducted in Tanzania.** From an international perspective, judicial reform benefits everyone, both in public and private sectors<sup>74</sup>. World Bank (2004) finds that a healthy business climate facilitated by the judiciary helps to attract the economic investment necessary for growth. Walsh and Yu (2010) note that a more independent judiciary attracts more Foreign Direct Investment (FDI)<sup>75</sup>. The private sector espouses the importance of judicial systems in enforcing the credibility of commitments and contracts (North 1990)<sup>76</sup>. The Doing Business Report highlights that the efficient resolution of commercial disputes helps lower the transaction cost of business and improves contract enforcement, as it cuts down the opportunity cost of investments. Public institutions benefit from justice strengthening as it improves their ability to enforce government regulations (for example, tax regime), maintain law and order, and fulfill other societal obligations. The general public benefits from their better access to justice and the protection of their rights, as well as the improved welfare, security, and peace in society.

3. **Typically, economic and financial analyses of public sector institutional reform projects are limited due to the difficulties of attribution and the estimation of costs and benefits.** This does not mean that there are no benefits to investments in justice reforms. On the

---

<sup>74</sup> See for example, Djankov, S., La Porta, R., Lopez-De-Silanes, F. and Shleifer, A. 2003. Courts. The Quarterly Journal of Economics, MIT Press. Messick, Richard. 1999. "Judicial Reform and Economic Development: A Survey of the Issues," The World Bank Research Observer 14:1, pp. 117-36. Kaufman, Daniel, Aart Kraay, and Massimo Mastruzzi. 2007. *Governance Matters VI: Governance Indicators for 1996-2006*. World Bank Policy Research Working Paper No. 4280. Carothers, Thomas. 2003. *Promoting Rule of Law Abroad: the Problem of Knowledge*. Washington, D.C.: Carnegie Endowment for International Peace, Working Paper. Correa, Jorge, "Judicial Reforms in Latin America: Good News for the Underprivileged?" (1999) in Méndez, Juan E., Guillermo O'Donnell, and Paulo Sérgio Pinheiro, eds., *The (Un)Rule of Law and the Underprivileged in Latin America*. Notre Dame University Press.

<sup>75</sup> See Walsh, J.P., Yu, J., 2010. Determinants of Foreign Direct Investment: A Sectoral and Institutional Approach. International Monetary Fund.

<sup>76</sup> North, Douglass. 1990. *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.

contrary, as noted above, investments in judiciary modernization do lead to improvements in service delivery for citizens and businesses in civil, commercial, and criminal matters; enhance the enabling environment for private sector development; and strengthen governance accountability.

4. **A robust economic and financial analysis also requires statistical data and information on the workings of the justice sector institutions and their interaction with the rest of the economy (formal and informal) for a reasonable period of time.** It also requires updated information and statistics on citizens' perception of court services, crime, business entities, social and poverty profiles, and the experiences of lawyers and other professions with regard to the various elements of the justice sector in general, and the economic linkages in particular.

5. **In light of the above considerations, there are particular challenges in the Tanzanian case that hinder the preparation of economic and financial analysis of justice reform.** For example, the judiciary has operated in an insular way for most of its past existence. Statistical data and information on the operation of the judiciary and other justice institutions is very limited, and there has not been an attempt to technically link judicial performance with actual incidences of judicial interaction within society, or with economic entities in particular that can offer a reasonable baseline. The proposed project will begin to address this gap so that at mid-term, the project should be able to provide a clearer picture of the costs and benefits of the investments that have been made in judiciary's reform, and their expected impacts.

6. **This annex lays out the methodological approach and the results of the review of costs and benefits for the proposed project, based on a simple calculation that uses existing data regarding various court cases at the higher court level.** This approach will be refined in collaboration with various experts, to establish an appropriate measure of the overall benefits of the project at mid-term. The project will finance data production and analysis so that the judiciary is able to build its capacity with the help of research institutions, and conduct these reviews for policy decision making and capital investments.

#### WORKING ASSUMPTIONS

7. **The economic and financial analysis is based on several general assumptions and some other assumptions specific to each component.** The general assumptions are outlined first, followed by component specific assumptions: (I) Taxes and transfer payment were not considered in the analysis; (II) Direct and indirect costs and benefits were computed based on the market price (for instance, hiring of a vehicle, costs of accessing internet, printing, and so forth). Some of the indirect benefits or costs, which are difficult to capture but considered relatively negligible, have not been included. For instance, the environmental costs when court buildings will be rehabilitated or constructed is not considered, as these will be on locations owned by the judiciary with minimal risks. Other costs relate to social cultural change, following the entry of people from other areas of the country and with different cultural behaviors to the construction site location.

#### WHAT ARE THE BENEFITS OF THE PROJECT?

8. The PDO is to improve the efficiency and transparency of, and access to, selected citizen centric judicial services.

9. **Improved efficiency in the courts.** A number of activities under the project will lead to improved efficiency. But at the core of this are the use of (i) better systems and tools in the courts, (ii) increased skills of the judges, magistrates and staff, and (iii) improved access to the courts. All three in combination will result in the improved efficiency of the courts, which will be evidenced by an increase in the number of cases heard and decided in the courts (using the same number of court sessions). This, over time, will result in a decline in the case backlog, which will lead to increased trust in the justice system and increased use of the courts for the dispensation of justice. There will be a behavioral change as citizens increasingly use the judiciary to resolve disputes, rather than other informal, extra judicial processes. There is a need to closely link this with the prosecution and investigation for criminal cases. Evidence of this increase in the use of the judiciary system will be reflected in the increase in the number of court cases, especially for first instance cases at primary courts, resident magistrates' courts, and high courts. Data to measure these benefits is not readily available, and the project will seek to establish this data to devise more robust measures. On the other hand, the data that is currently available is on the amount of funds that have been held in court cases associated with businesses in the higher level courts.

10. **Currently the estimated value of claims pending in the high courts and tribunals is US\$464.4 million** (See Table 9.1).

**Table 9.1: Estimated Value of Claims Pending in Higher Level Courts and Tribunals (Source: Judiciary)**

		<b>Value (US\$)</b>
1	Banking sector	93,457,944
2	Land matters	278,111,024
3	Labor matters	3,523,325
4	Tax claims in the Court of Appeal	57,228,887
5	Tax appeals in the tax appeal Tribunal	32,068,428
	<b>TOTAL</b>	<b>464,389,608</b>

11. **In forthcoming years, the value of claims that are with the courts will increase at the rate of business growth, which, for the purpose of this analysis, is assumed to be the recent GDP growth rate of 7% per annum.** Improvement in the court efficiency of targeted courts will lead to a share of these claims resolved, and thus will impact the business environment. To assess the benefit value streams for the banking sector, land and labor matters at appraisal has not been easy due to the complexity of data required. In the case of banking for example, the benefit stream is the decline in interest rates as a result of lower risks to Banks. This is difficult to measure without appropriate risk profiles used in the Banking sector. We assume that should these cases be resolved in courts, the amount of funds that are claimed could be released to be used in other economic activities. We establish the annual value of the foregone benefits using the average annual savings rate of interest of 9 percent, based on Bank of Tanzania reports<sup>77</sup>.

12. **These are the opportunity costs of the investment returns forgone, and thus represents the benefits that could accrue to firms in Tanzania with the improved efficiency of the courts.** This rate is applied to derive the benefits from non-tax claims. However, with regard

<sup>77</sup> Bank of Tanzania Monthly Economic Review, December 2015.

to tax claims, it is assumed that the rate of increase in the efficiency of the courts would be reflected in an equal increase in tax revenues to the government. The realization of benefits for this project will significantly depend on the court construction program. As such, given that courts will be completed starting in Year 3, this is considered to be the year when significant benefits will start to accrue. During the first and second year, minimal benefits will arise, largely from training activities and the retooling and simplification of court procedures. We thus calculate that the benefit stream of tax claims over five years (assuming efficiency) will increase in the court—from 5 percent in the third year, to 15 percent in the fifth year of the project. The initial stock of tax claims in the higher courts and tribunal in 2015 is US\$89.2 million.

**13. Improved transparency in the justice process and outcomes is important to establish the credibility of the judiciary, as well as to ensure the accountability of the governance system.** Apart from court decisions being published on time, the process also needs to be transparent. Procedural records should be published in a timely manner as well. Transparency will impact the level of accountability of judicial and court officers. This is expected to be a restraint on unethical practices by judicial and court officers. The value of benefits arising from improved transparency could not be quantified.

**14. Improved physical access to the courts:** The increased use of the court system will be driven primarily by improved physical access to court services by the people. This will be achieved through the construction of new courts in major urban centers, where there is a higher demand for court services as evidenced by court room congestion; in trade and economic routes, where there is a growing demand for court services from small businesses and traders; and the provision of mobile services to peri-urban and rural areas. Improved access will bring two main benefits: firstly, it will allow cases to be held closer to where the events occasioning the cases are located, thus allowing for the easy availability of witnesses and the lowering of costs to litigants to appear in court, which will encourage use of the court as well as the speedy dispensation of cases; secondly, the court infrastructure will provide for an improved environment for its various users to collaborate effectively in the dispensation of justice.

**15.** The architecture of the proposed new court buildings provides for a collaborative work environment that allows judges/magistrates, prosecutors (for criminal cases), lawyers, police, prison officers, and social welfare officers to work together in one establishment, and for effective communication between them. This will enable parties in a conflict to get a speedy decision as well as judgment reports. The results of improved physical access are also an increase in the number of cases heard as well as the increased disposition of cases. This relationship is not one to one, as it is also dependent on the availability of court systems and tools that assist in improving the work environment. Since these will also be provided as part of the project, it is expected that the increase in courts constructed will lead to an increase in the number of cases heard and disposed. The overall benefits to the citizens will be an improvement in timely decisions by the courts and speedy access to court judgments and court proceeding documents. The latter documents will enable citizens to appeal to higher courts, execute court orders, or follow court proceedings in a timely way.

**16. Details are provided below on the components and sub-component benefits of the project, but these are not assigned an estimated value due to the lack of detailed data which**

**will be developed by mid-term.** The aim of identifying these benefits is to allow the project to develop a mechanism for tracking these benefits over time, and establishing a more robust mechanism for assessing the costs and benefits at mid-term.

### **Component 1: Governance, Organization and Systems Development**

17. **The implementation of this component will result in improved court efficiency and a modernized court administration.** Apart from the latter, which is difficult to quantify since it is in-house, the project will have an impact on the simplification of courts' rules and procedures to reduce delays in case processing, especially for commercial matters. It will also have an impact on reducing case backlogs in the high courts and subordinate courts. We particularly note that Component 1 of the project will have substantial social contributions.

18. The following are the important contribution areas of this component and the assumptions used to come up with their respective value, where possible:

19. **Increased speed of adjudicating pending cases implies cost saving.** One of the main benefits of simplifying procedures and rules governing court operations is an increase in the speed of delivering services. While it is somehow difficult to get a correct monetary measure of the economic benefits of this intervention, it is evident that the level of efficiency (allocative efficiency) will improve once this project is implemented and will translate into the reduced cost of adjudicating cases for the judiciary and the citizens.

20. **Employment of staff and additional demand for services.** Component 1 is also associated with an increased demand for other services and new /additional employment, and thus is associated as a multiplier within the economy. The multiplier effect of a Tanzania Shilling within an economy reflects the extent at which earned income could generate a spinoff effect within the economy. While we recognize this contribution, we have not been able to attach a monetary value to it.

21. **Cut case backlog.** For practical simplicity, we have assumed only civil cases fall in this category<sup>78</sup>. In this case, the benefits of clearing case backlogs are through enhanced private investment, new employment, etc. As such, the benefits of this intervention may go beyond the direct benefits due to spinoff effects, which are likely to be generated from this intervention as some of the tied capital in civil cases would be released and put in the production process. An example is in civil cases related to land disputes. The resolution of such disputes could lead to increased confidence in property rights protection and increase investment. Further to that assumption, due to data limitation, we estimate the effect of clearing a backlog of cases using statistics provided on the value of all types of cases filed in Ilala and Kisutu court in Dar Es Salaam area. Pending civil cases may reflect the amount of capital that is tied up or idle without being used. Ignoring the multiplier effects, the opportunity cost of this capital is the return forgone that would have been generated from investment. In this regard, banks' deposit rates can be used to establish an approximate value of benefits, which will be generated through the envisaged

---

<sup>78</sup> Benefits to citizens due to speedy criminal cases would include (i) reduced number of remand prisoners who currently constitute close to half of the prison population in Tanzania; and (ii) reduced economic losses to theft and fraud due to the deterrent effect on crime.



intervention. Since the amount so computed does not consider the multiplier effects in the wider economy, it is clear that we are under estimating the benefit of the project.

22. **Reduce number of cases to be adjudicated in the court by promoting ADR.** The proposed project seeks to reduce number of cases that go all the way to adjudication in the court by about 15 percent through Alternative Dispute Resolution (ADR). It is further assumed that, only civil cases will be determined through ADR or mediation process. The net benefit associated with this intervention is the reduced cost of adjudicating cases to the judiciary and citizens.

23. **Improved IT communication system.** This will reduce unnecessary costs related to the frequent visiting of courts when a case is adjourned. Furthermore, the general public will be able to access information on various issues pertaining to court operations. Additionally, investors, law students, researchers, and practising lawyers will be able to access court information from the judiciary website without traveling long distances and incurring transportation and other costs.

### **Component 2: Skills Development, Inspection, and Performance Management**

24. **Skills training and knowledge.** This component is related to the training of judges, registrars, magistrates, staff and stakeholders. The current situation requires judges to be trained to improve their skills through short courses. It is assumed that these courses are likely to take place inside and outside the country. We have assumed that magistrates will also be trained through a short course tenable within the country. The results of such training will lead to the improved knowledge and skills of judiciary staff, including administrators, leading to improved work effort and quality. This will contribute to the efficiency in the handling of court cases and improve cost effectiveness.

25. **Judicial inspection and performance evaluation: This is related to improvements in supervision and performance evaluation of judicial and court officers.** This will include improvement in inspection systems. It will also target court officers ( such as advocates' and court brokers' practice of overcharging their clients, or their failure to appear before the court for their clients without any justified reason, or the corruption allegations levelled against them especially when handling legitimate obligations on behalf of the court. Thus, the establishment of such a mechanism will improve the ethics of the judicial system and contribute to the improved efficiency of the courts.

### **Component 3: Access to Justice and Public Trust**

26. **Public education.** Better awareness will lead to the reduction of the frequency of court appearances, and thus making it easier to interact with the court. It will also provide an avenue for court user feedback to the court administrators on court functioning, thus enabling interventions to remove obstacles to reform and build trust.

27. **Enhance access to justice via Mobile Courts and ADR.** This subcomponent will enhance access to legal information and court services to the general public, and particularly to the poor and vulnerable segments of the population who can hardly afford to pay legal and court fees. In order to quantify benefits of this intervention, it is assumed that, in the meantime, everyone can afford to pay litigation costs. Established mobile courts and free mediation services will help to

reduce the overall litigation costs burden that is carried by the public. Thus, it is assumed that, about 20 percent of the small claims cases will be determined through this process. Furthermore, the statutory litigation fee is 2 percent of the value of the subject matter under dispute. Based on this assumption, the total litigation cost will be the benefit accrued from this intervention. Another indirect benefit includes the reduction of time spent appearing before the court, which can be used for other productive activities.

28. **Set up of a feedback mechanism and information.** Established feedback mechanisms will generate benefits to the public in terms of the reduced costs of frequent visits to the courts when looking for different documents. To simplify the scenario, we estimate costs of frequent visits to a court in order to get a copy of judgment. We estimate the number of visits to Dar es Salaam is four times the average cost of public transport (TZS 5,000) per visit. The number of appeals in the high court is 8,025 per year – which requires a copy of the judgment. On average, court users spend approximately TZS 160.5 million (US\$116,200) per annum to fetch court documents.

#### WHAT ARE THE COSTS OF THE PROJECT?

29. **There are three main costs**, namely the construction of judicial infrastructure (modern courthouses), the retooling and training of judges and magistrates and court administrative staff, and the installation of IT tools. The largest cost is of physical infrastructure, in view of which it is taken as the main cost for the simplified cost-benefit analysis.

30. **Construction of courthouses.** We estimate here the costs of constructing the courts and other judiciary infrastructure under the project. The constructed judiciary centres will lead to improved physical access for populations of citizens who faced logistical difficulties in reaching courts, and thereby justice. It will enable judges and magistrates to be resident in court locations, and thereby handle more court cases than through visiting. It will also enable the speedy hearing of cases as more witnesses will be able to come for the hearings when the logistical barriers are lower. We also note that, there will be some environmental costs associated with construction, but these are considered to be negligible, as construction will only be carried out on locations owned by the judiciary.

#### POSITIVE NET PRESENT VALUE OF THE COST-BENEFIT ANALYSIS

31. **Applying the above assumptions, the Net Present Value (NPV) of the benefits of the project is US\$12.7 million at an exchange rate of US\$ 1= TZS 2140.** See estimation table 9.2:

**Table 9.2: Cost-Benefit Analysis of the Proposed Project**

<b>Benefits</b>	<b>Yr 1</b>	<b>Yr 2</b>	<b>Yr 3</b>	<b>Yr 4</b>	<b>Yr 5</b>	<b>Total</b>
<b>Benefits monetized (US\$ millions)</b>						
Increased efficiency in the disposition of cases	-	-	6.8	14.2	22.4	43.5
<b>Costs (US\$ millions)</b>						

Construction of justice centers (courthouses)	5.0	5.0	5.0	5.0	5.0	25.0
Benefits less costs	(5.0)	(5.0)	1.8	9.2	17.4	18.5
Net Present Value of Benefits at Discount Rate of 6%						12.7

32. **In a situation where the efficiency estimates decline by 30 percent, the NPV of benefits declines to US\$2.6 million**, as shown in table 9.3. Should the project efficiency increase by 3 percent, 6 percent and 9 percent in year 3, 4 and 5 respectively, the project will approximately breakeven. It is important to note that these benefits do not take into account the significant non-monetized benefits described above that will also arise from the proposed project.

33. **A lower rate of return to the non-tax claims will lead to a decline in the NPV, however, even at a zero rate of return to non-tax claims, the proposed project will still realize a positive NPV overall.** This shows that the project benefits are largely driven by tax claims resolved. (See Table 9.3)

**Table9.3. Sensitivity Analysis of Benefits with Decline in Efficiency (US\$ million)**

Scenarios- Efficiency Improvements	Gross/Cash Benefit	NPV
Baseline: 5%, 10%, 15%	18.5	12.7
Scenario 1: 3.5%, 7%, 10.5%	5.4	2.6
Scenario 2: 3%, 6%, 9%	1.1	(0.8)

**Table9.4: Sensitivity Analysis of Benefits with Decline in Returns on Non-Tax Claims (US\$ million)**

Scenarios- Return to Capital on Other Claims	Gross/Cash Benefit	NPV
Baseline scenario, 9%	18.46489911	12.683
Scenario 1, 8%	17.14002273	11.654
Scenario 2, 5%	13.16539358	8.5685

Annex 10: Project Infographics

TANZANIA: Citizen-Centric Judicial Modernization and Justice Service Delivery Project

