



UNITED REPUBLIC OF TANZANIA

President's Office Regional Administration and Local Government

Good Governance



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Introduction

The Government of Tanzania has for quite some time acknowledged the importance of good governance. It has adopted the concept as one of the key pillars or principles in conducting its business. This booklet tries to explain, as simply as possible, what “governance” and “good governance” mean. In the context of human history, governance is not a new concept for it has existed as long as human civilisation itself. In that regard governance means essentially the process of decision-making and the process by which decisions are either implemented or not implemented. Governance can be used in several contexts such as corporate governance, international governance and local governance. In this booklet our main concern is to explain governance in the context of Local Government in Tanzania.

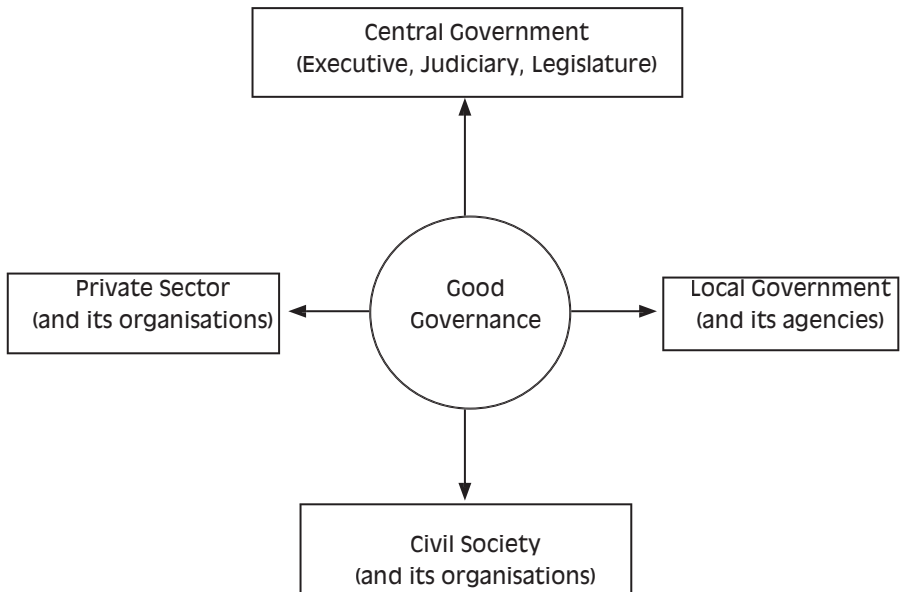
Governance in the context of Local Government focuses on, among other things, formal actors involved in decision-making and implementing the decisions made, as well as formal structures put in place to arrive at and carry out the decisions. In the context of Local Government the leading actor in governance is the Council and other important actors include, but are not limited to the following: the private sector; NGOs; associations of farmers and cooperatives; influential persons such as religious leaders, political party leaders, financial institutions leaders and even elders. The key issue here is that all these actors can, and indeed influence, the decision made and how those decisions are implemented.

In urban areas the main actors in governance are not only the Councils (i.e. city, municipal and town councils) but also other key institutions and persons. These important other actors include national/regional government decision-makers, the media, NGOs, CBOs, trade unions, medium and small scale entrepreneurs and leaders of such organisations as chambers of commerce, organised societies and influential personalities as well as the private sector.

In view of the above, it can be summarised thus: governance comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, mediate their

differences, and exercise their rights and obligations. It is, in other words, the framework of rules, institutions and practices that sets the limits and provides incentives for individuals, organisations and businesses.

Key Players in Good Governance



Good Governance

The process of decision-making and implementation in Local Government follow principles that are enshrined in various instruments including the constitution, laws derived from the Constitution and guidelines, manuals and other policy documents that are issued by either the Central Government, regional authorities, the Local Government Authorities themselves and advice from other actors. If and when these principles are observed and practiced, good governance is said to exist.

Good governance encompasses the structures, rules, norms and practices related to each of the steps of policy or decision-making. If these steps are characterized by public participation, transparency, accountability, efficiency and effectiveness in service delivery and responsiveness in relation to popular, legitimate needs, then a situation of good governance prevails.

Principles of Good Governance

Good governance has several major principles or characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and follows the rule of law. It assures that corruption is minimised, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in the course of decision-making and implementation of the decisions. It is also responsive to the present and expected future needs of society.

Participation

Participation by all citizens (men and women) is a key cornerstone of good governance. Participation could be either direct or through legitimate intermediate institutions of representatives. Participation is a key cornerstone because representative democracy has to ensure that the concerns of the most vulnerable in society would be taken into consideration in decision-making. In this regard participation needs to be informed and organized. It also means freedom of association and expression on the one hand, and organised civil society on the other.

In the context of Local Government participation it entails, among other things, the following:

- Involving people in the process of decision-making. This can be done through the participatory planning process as well as during statutory meetings. For further information on this see Booklet No. 4.
- Holding all statutory meetings as required by law and disseminating all decisions made at those meetings for the consumption of the public in general and stakeholders in particular. The local government system provides for statutory meetings at all levels, i.e. the council, ward, village, mtaa and kitongoji.
- Collecting views of stakeholders before major decisions, including by-laws, are made. This can be done by, for example, specifically convening public hearing meetings.

- Encouraging the public to attend full council meetings as observers/listeners;
- Disseminating information, e.g. revenue and expenditure as required by law; and
- Ensuring people have the capacity to participate, for example, through the support given by Council/Ward Facilitators to villagers and village leaders.

Rule of law

In general terms good governance requires legal frameworks that are enforced impartially. It also requires full protection of rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible law enforcement mechanism. These attributes exist at the national level.

In the context of Local Government rule of law would entail observing the following:

- Conducting Council business according to law as well as laid down procedures and regulations;
- Fair treatment of all citizens especially in relation to service delivery;
- Citizens to be aware and observe laws, regulations and call upon their LGAs to account for their actions.

This presupposes that the laws are made available to the people and that the people know and understand them. To this effect books have been prepared, published and disseminated to the people through their LGAs.

Transparency

Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is

provided in easily understandable forms and media. In other words, transparency is built on free flow of information. It is premised on processes, institutions and information being directly accessible to those concerned with them, to understand and monitor them.

In the context of Local Government transparency involves ensuring the following:

- There is free flow of information from the top-down and vice versa. This means information has to flow from the Council to the people and from the people to the Council. This goes in tandem with the principle of participation. The LGRP has established an Information Management System (IMS) which will facilitate accessibility to information in Local Authorities.
- Concerted efforts are made to ensure that lines of communication are kept open and maintained at all times.
- Councils to continue disseminating information to people as required by law/regulations and other directives.
- Citizens are mandated by law to request/demand information from Councils in order to follow, among other things, what happens in their councils as well as be able to actively and effectively participate in council affairs.

Consensus oriented

There are several actors and as many views in a given society. Good governance requires mediation of the different interests in society to reach consensus on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given society. Democratic governance in general, and consensus oriented governance in particular, requires good leadership. There is no good governance without good leadership.

In the context of Local Government consensus oriented governance implies the following:

- There is regular and unconstrained dialogue between the

government (councils) and the governed, that is, the people.

- People are allowed to air their views, needs, demands and interests without fear or using inducements from their leaders. People can air their views through public meetings, office visits, and suggestion boxes that have been provided for the purpose.
- Interests of all stakeholders are taken into account through participatory planning and other mechanisms before decisions are arrived at.
- In taking decisions on any matter principles of good governance are adhered to.

Responsiveness

Good governance requires that institutions and processes try to serve all stakeholders within a reasonable timeframe. Governments exist to serve people, the citizens and for that reason any government including local authorities have to ensure they respond to people's needs and demands.

For Local Government Authorities responsiveness entails, among other things, the following:

- Addressing people's needs and demands in appropriate manner, i.e., responding to their interests promptly and in a professional way. In this regard timeframes have been set for provision of various services.
- Providing services in the required quantities and quality without the people resorting to corrupt practices or, the officials soliciting bribes and other unethical practices.
- People's needs and demands are addressed in a transparent manner and responsible officials are held accountable. Various committees have been formed to enhance quality in service provision as well as delivery, e.g., school and water committees.

Equity and inclusiveness

A society's wellbeing depends on ensuring that all its members

feel that they have a stake in it and do not feel excluded from the main stream of society. This requires all groups, but particularly the most vulnerable, have opportunities to improve or maintain their wellbeing. Equity is one of the principles that democratic governance depends on.

In the context of Local Government it calls for the following, among other things:

- Citizens are treated equally without regard to gender, race, creed, religion or any other form of discrimination.
- All citizens have equal opportunity to advance themselves and access community resources and other facilities.
- Those authorities (councils) have in place deliberate mechanisms for the advancement of vulnerable groups in their areas of jurisdiction. Such mechanisms now include the current loans to various groups such as the youth, disabled and women.
- All concerned conduct themselves in a manner that ensures equal and fair ownership and control of community resources including leadership, natural resources and others.

Effectiveness and efficiency

Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in good governance also covers the sustainable use of natural resources and the protection of the environment.

In the context of Local Government, effectiveness and efficiency on a day to day basis means, among other things, the following:

- In fulfilling their obligations, planned activities are carried out and goals and objectives attained.
- Quality services are provided and delivered at minimal costs.
- Resources are used for the purpose they were planned for and in a manner returns justify investment.
- Delivery of service is done by the most qualified and has relative advantage. Where necessary outsourcing must be observed. Guidelines for outsourcing have been produced and

disseminated for use in Councils.

Accountability

Governments conduct their business on behalf of the people, all the citizens. It is assumed that there is a social contract between the government (state) and the people and that the former, i.e., government has to account for its actions (and inactions) to the people. It is also a fact that legitimacy of any government flows from the people for it is the people who give it authority through the electoral process. In that regard the people have the right to demand explanation from the government.

Accountability is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organisations must be accountable to the public and to their institutional stakeholders. In general an organisation or institution is accountable to those who will be affected by its decisions or actions.

In the context of Local Government accountability means, among other things, the following:

- Councils to perform all their functions as stipulated by law.
- Deliver quality services to the people.
- Ensuring judicious use of resources and protection of the environment. In this regard environmental management committees have been formed and functioning. Also Booklet No.5 outlines guidelines for managing financial resources in LGAs.
- People (i.e. the citizens) live by their duties and obligations including paying taxes, participating in elections and other civic duties. Regulations and guidelines have been formulated, disseminated and are in use. For more details refer to Booklet No. 4 on participation and Booklet No. 6 on taxation.
- Observing the rule of law, transparency, responsiveness and equity.
- Staff to conduct themselves in a manner that guarantees fairness, justice and at all times combat corruption.

Fair and transparent electoral procedures

Elections are critical to the life of LGAs. All governments including Councils obtain their legitimacy through duly constituted electoral laws, regulations and procedures. These procedures cater for elections of positions within the Councils as well as committees. It is important to have these electoral procedures because they are part of the legal framework for LGAs. It is also the norm that rules and procedures are followed in all Council and committee work.

In connection with elections for LGAs positive steps have been taken. Regulations and guidelines for conducting elections in LGAs have been prepared, published, disseminated and have been used in these elections in Tanzania.

Objectives of Good Governance

The overall goal of good governance is improving service delivery and specific objectives include the following:

- The strengthening of democracy by recognising, among other things, the need to promote freedom of speech as the primary prerequisite for democracy and good governance; for Local Government to serve the best interests of all the citizens and consider itself responsible and accountable to those citizens.
- The protection of human rights guaranteed by recognising, among others, the need for Local Government to commit itself to uphold the rule of law; to guarantee access to legal and effective remedy to all, even the poorest citizens and to ensure that all – men and women, rich and poor, citizens and non-citizens, majorities and minorities – are equal before the law; the need to promote tolerance and fight discrimination; the need to protect life, liberty and property in order to guarantee freedom.
- The development of civil society by, among other things, recognising the role that civil society in general and the private sector in particular can play in service delivery; creating an enabling environment for the private sector to thrive and contribute to the provision of social services.
- The end of corruption in public life. Corruption can be contained by recognising, among other things, the following: dedicated staff that are impartial and unprejudiced, transparent, cost-effective, output oriented and accountable; staff who follow the highest benchmark of ethical behaviour to ensure that principles of good governance are effectively applied; maintaining open lines of communication allowing free flow of information; remunerating staff adequately.
- A free, fair and vibrant economy. This can be attained by recognising the need to create an investor-friendly environment; the need to ensure (natural) resources are used in the most sustainable, cost-effective and transparent way possible; and the need to remove bureaucratic obstacles to private initiative and human creativity.

Achievements

It is not easy to list all the major milestones that have been attained in ensuring the institutionalisation of the principles of good governance in LGAs. Suffice it to say that given the nature of the principles and the measures necessary for their attainment, the future looks bright as there is in all Councils already a commitment to this noble goal. Specific indicators to that effect include, but not limited to, the following:

- Implementation of the reform programme and consolidation of the government policy on decentralisation by devolution.
- Provision and use of instruments to ensure the rule of law, transparency and accountability as key principles in conducting local governments business. These instruments include: election regulations and guidelines; codes of conduct for Councillors and Staff; financial management guidelines; guidelines for outsourcing service delivery; planning guidelines for villages and mitaa; LGA internal audit manual; and training material for procurement in LGAs.
- Government decision to designate July 1 as a special day to mark Local Government achievements countrywide.

These achievements notwithstanding LGAs still have a long way to go in instituting the principles of good governance. There are still some challenges to overcome. These include educating and informing all the people to appreciate not only the meaning and essence of good governance but also to uphold its principles. This implies LGAs and the people conduct themselves in a manner that guarantees and promotes principles of good governance.

Conclusion:

Good governance calls for a system of public management which is transparent, responsive to popular interests, responsible and accountable; and where officials in the exercise of public management are capable, efficient, ethical and professional in the interest of the served public. The benchmarks of good governance include:

- A Constitution that is adhered to, and which ensures both separation of power and political stability;
- An efficient and effective legislature;
- Safety and security of persons and property;
- Accountability, transparency and integrity in the management of public affairs;
- The rule of law;
- Electoral democracy;
- Protection of human rights and freedom;
- Efficiency in the delivery of services by public officials;
- Participation of citizens in the political, economic and social decision-making;
- An informed and skilled society that is aware of, and ready to legitimately defend its rights and freedoms and to hold its governors accountable;
- Decentralization of governance and bringing public services closer to the end-user;
- Empowerment of local Councils and communities through devolution of powers and functions, public participation and financial decentralization; and,
- Promotion of gender equity and equality.

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