



**THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR AND
UNITED NATIONS DEVELOPMENT PROGRAM (UNDP)**

Donor Mapping for Legal Sector Reform

FINAL REPORT

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LIST OF ACRONYMS AND ABBREVIATIONS

AfDB	African Development Bank
ADF	African Development Fund
AGC	Attorney General Chamber
BEST	Business Envelop Strengthening for Tanzania
CHRAGG	Commission for Human Rights and Good Governance
COSOZA	Copyright Society of Zanzibar
CRPD	Convention on the Rights of People with Disability
CRVS	Civil Registration and Vital Statistics
CSO	Civil Society Organization
DANIDA	Danish International Development Agency
DfID	Department for International Development
DP	Development Partner
DPP	Director of Public Prosecutions
EAC	East Africa Community
EU	European Union
FBO	Faith-Based Organization
FILMUP	Financial and Legal Management Upgrading Project
GBS	General Budget Support
GBV	Gender Based Violence
GDP	Gross Domestic Product
HBS	Household Budget Survey
HoRs	House of Representatives
IDA	International Development Association
IICL	Institute of International and Comparative Law
ICT	Information and Communication technology
JAST	Joint Assistance Strategy for Tanzania
LGA	Local Government Authority
LSRF	Legal Sector Reform Fund
LST	Legal Task Force
M&E	Monitoring and Evaluation
MCC	Millennium Challenge Cooperation
MDA	Ministry, Department and Agency
MDG	Millennium Development Goals
MIS	Management Information System
MKUKUTA	Mkakati wa Kukuza Uchumi na Kupunguza Umasikini Tanzania
MKUZA	Mkakati wa Kukuza Uchumi na Kupunguza Umasikini Zanzibar
MOCAGG	Ministry of State (President's Office) Constitutional Affairs and Good Governance
MOICS	Ministry of Information, Culture and Sports
PALU	Pan African Lawyers Union
ZBC	Zanzibar Business Council

I. INTRODUCTION AND OBJECTIVES

1.1 Introduction

1.1.1 UNDP's initiation plan to support the legal sector reform in Zanzibar envisaged the preparation of three studies:

- (i) Capacity and Needs Assessment of the Legal Sector Actors in Zanzibar;
- (ii) Assessment of Justice Needs and Obstacles in Zanzibar; and
- (iii) Donor Mapping for Legal Sector Reform.

1.1.2 Both studies (i) and (ii) above, have been completed. The Donor Mapping Exercise (DME) for the legal sector in Zanzibar, therefore, presents the third and final study which shall be followed by the preparation of Zanzibar Legal Sector Reform Program (ZLSRP). As a result, this assignment will be informed by the results of the above mentioned studies as well as Zanzibar Development Vision 2020; MKUZA II Implementation Plan and other relevant documents.

1.1.3 This report, therefore, will fulfill the Terms of Reference (ToR) requirement by UNDP for the consultant to submit a final report which presents the finding of the assignment. The report is organized as follows: chapter I presents the background and specific objectives of the Donor Mapping Exercise (DME) as derived from the TOR; chapter II presents a historical perspective of the legal sector in Zanzibar; chapter III highlights the approach and methodology used in preparing the report; and chapter IV provides initial findings from literature review. Recent development in the sector are presented in chapter V while chapter VI provides detailed analysis of mobilization of resources for the legal sector . The final chapter VII presents the study conclusions and recommendations for client consideration. The report was presented to ZLSRP Steering Committee on 31 January 2013. The Committee endorsed the report findings, conclusions and recommendations.

1.2 Objectives

1.2.1 The objective of the study is to conduct a donor mapping exercise for the legal sector in Zanzibar with an impact on donor coordination and transparent management for donor funds earmarked to support the legal sector reform in Zanzibar. The assignment will therefore, focus on conducting a situation analysis on past, present and future donor support to the legal sector reform in Zanzibar.

II HISTORICAL BACKGROUND OF ZANZIBAR LEGAL SYSTEM

2.1 Historical Perspective

2.1.1 The Zanzibar legal system has a rich history which dates back to 1883 when the Sultan of Oman adopted Zanzibar as the centre of his empire. During his reign, Islamic law was the basic law of the island. The legal system evolved following successive treaties with Great Britain, United States of America, France, India and several other European states. Owing to substantial foreign interests, the British common law and Islamic Law which was introduced by the Sultan made the foundation of the legal system in Zanzibar.

2.1.2 The 1964 Revolution, radically changed the legal system and introduced People's Courts system in order to address the social, economic and political concerns and interest of the indigenous population. The revolutionary legal system was subsequently abolished in 1985 and the existing system established instead.

2.1.3 In 1996, the Legal Task Force (LST) was established under the Financial and Legal Management Upgrading Project (FILMUP). LST submitted its report which identified a number of major weaknesses in the Zanzibar legal sector and remedial measures. In the same year, however, most donors suspended their support both technical and financial, following the standoff in the first multiparty elections in Zanzibar. As a result, the legal sector problems compounded as it starved of resources.

2.1.4 Zanzibar Development Vision 2020, Zanzibar Strategy for Growth and Reduction of Poverty (MKUZA I) and MAKUZA II identified the following shortcomings in the legal sector in Zanzibar:

- (i) Inadequate institutional and operational capacity;
- (ii) Low public awareness on basic justice processes and rights;
- (iii) Poor institutional infrastructure;
- (iv) Delays in delivery of justice and poor legal practice and procedures;
- (v) Inadequate provision of legal aid services;
- (vi) Absence of a framework to manage and coordinate legal training and education; and
- (vii) Underfunded courts.

2.1.5 These various factors hamper the legal sector's ability to deliver justice efficiently and effectively, improve good governance and contribute positively to pro-poor economic growth and development. These inefficiencies would translate to significant, though difficult to monetize, costs to the society and the economy. Failure to address them could in the medium and long-term suppress the Islands growth potential and poverty reduction.

III APPROACH AND METHODOLOGY

3.1 Approach and Methodology

3.1.1 Based on the findings and recommendations of the preceding studies (see paragraph 1.1.1) and policy papers such as Zanzibar Development Vision 2020 and MKUZA II Implementation Plan, as well as outcome of consultations with relevant stakeholders, the DME will inform the resources mobilization component for the legal sector reform.

3.1.2 Financial data will be gathered from the Aide Management Platform to better equip MoJCA to access funding opportunities to supplement government budget allocation to support a comprehensive legal sector reform. The study will furthermore, prepare possible financial contributions from potential non-conventional donors. The two combined, shall provide estimates of the resources envelop that could be tapped. Further effort will be made to assess status of donor aid in the world and donor coordination and propose possible options to enhance coordination and reduce duplication of donor support for the legal sector.

3.1.3 More specifically, the study methodology will include, and not be limited to:

- Desk review of relevant background documents;
- Stakeholder consultations to get a sense of the current consensus on the direction of the legal sector reform program – priorities and sequence of activities;
- Avoid reinventing the wheel and learn best practices and lessons from other countries that have gone through the protracted and difficult process of legal sector reform; and
- Gather relevant quantitative financial data needed for this assignment from relevant donors, state and non state actors.

IV. INITIAL FINDINGS FROM LITERATURE REVIEW

4.1 Status of the Zanzibar Legal Sector

4.1.1 The Consultants' initial review of literature and consultation with stakeholders shows that there are serious gaps and challenges facing the legal system in Zanzibar. These include: institutional inadequacies; weak operational capacity; low levels of public awareness on basic justice processes and rights; bureaucracy in the delivery of justice, and absence of legal aid. As a result, most, and certainly all legal sector institutions in Zanzibar are characterized by inefficiency and ineffectiveness. This is compounded by the absence of a framework to manage and coordinate support to the sector.

4.1.2 There are 23 state and non state actors/institutions that are involved in the legal sector in Zanzibar. These include:

- (i) Zanzibar House of Representatives
- (ii) Office of the President and Chairman of the Revolutionary Council
- (iii) Office of the 1st Vice President;
- (iv) Office of the 2nd Vice President;
- (v) The Ministry of Justice and Constitutional Affairs (MoJCA);
- (vi) The Judicial Service Commission (JSC);
- (vii) Attorney General Chambers (AGC);
- (viii) Office of the Director of Public Prosecutions (ODPP);
- (ix) The Law Review Commission of Zanzibar;
- (x) Office of the Registrar General;
- (xi) Office of the Registrar of Births and Deaths;
- (xii) The Copyright Office;
- (xiii) Office of the Mufti;
- (xiv) Wakf and Trust Commission;
- (xv) Zanzibar Judicial Officers Association
- (xvi) Zanzibar Law Resources Center
- (xvii) Zanzibar University;
- (xviii) The Commission for Human Rights and Good Governance (CHRGG);

- (xix) The Police Force;
- (xx) The Offenders Education Institute (Correctional Facilities);
- (xxi) The Zanzibar Law Society (ZLS);
- (xxii) Zanzibar Female Lawyers Association (ZAFELA); and
- (xxiii) Zanzibar Legal Services Centre;

4.1.3 There are also other institutions or departments which are primarily not legal sector institutions but have substantial legal sector components in their mandate. These would include: the Probation and Community Services and the Department of Social Welfare which also houses the Children's Protection Unit.

4.1.4 While the proliferation of institutions poses potential challenges in terms of coordination and the management of the legal system in Zanzibar, there is, however, no effective, formal and consistent vertical and horizontal coordination for all the institutions and reforms in the public sector. This is aggravated by the apparent laxity and fragmentation among state, non state actors and private sector. With the exception of informal arrangements which usually depend on personal relationships, there are no formal arrangements which bring these institutions together. Moreover, the private sector which enjoys significant political, social and financial influence in Zanzibar failed in engaging and encouraging the Government to effectively play its leadership role while opening space and solicit support from such institutions. Private sector involvement in the legal sector reform is critical since they have a lot to lose as the cost of doing business goes up; unless they are happy with the status quo.

4.1.5 The legal sector institutions in Zanzibar are scattered and uncoordinated. Each institution develops its own plans and projects and seek limited financial support from donors. In addition, there are donor financed reform projects such as the Public Service Reform Program, the Sustainable Management of Land and Environment (SMLE) and BEST which include legal sector support components, but are implemented by other Government departments. It appears therefore, that legal sector financing – though limited, is scattered. This makes it difficult to get a clear picture of resource flow to the sector.

4.1.6 These above mentioned shortcomings were reiterated in the two recent studies supported by UNDP, namely: (i) Capacity and Needs Assessment of Legal Sector Actors in Zanzibar; and (ii) Assessment of Justice Needs and Obstacles in Zanzibar.

4.1.7 In their assessment of the legal sector, the authors of the above mentioned studies identified the following factors, among others, which made the legal sector in Zanzibar dysfunctional:

- (i) Inadequate institutional and operational capacity; absence of a policy framework to guide administration and coordination of the legal sector as well as limited human and financial resources in most of the institutions. Staffing levels and skills across all legal sector institutions is a critical challenge. For instance LRCZ, JSC, the Copyright Office, and Registrar of Births and Deaths have only their leadership/management positions filled up without being provided with the corresponding sufficient number of technical staff. Institutions such as the Office of the Director of Public Prosecutions have fully completed office premises in some districts but they are not operational due to lack of staff. Most, and certainly all, legal sector institutions in Zanzibar are characterized by inefficiency and ineffectiveness, and often perceived to be adversely affected by the institutional environment and institutional capacities, notably, infrastructure, systems and processes.
- (ii) Unavailability of basic legal texts, including statutory law and judgments from the High Court of Zanzibar (and even from the Court of Appeal of Tanzania), generally due to financial constraints which, in turn adversely affect the effectiveness of judges, prosecutors, police, kadhis and advocates. Government budget for this purpose is often inadequate, as is that for distributing hard copies, even to sector employees. This has negatively impacted on the quality of services rendered and public legal awareness.
- (iii) Weak coordination and partnership between the ministry responsible for justice and legal affairs and other legal sector institutions including institutions working in areas of human rights and legal aid. Intensifying partnership is important for

purposes of increasing efficiency in the legal sector. Best practices in other parts of the world have shown: (a) the need to involve all the actors in planning and budgeting for the key activities and ensure that all actors are involved in the process of determining priorities for the sector; and (b) ministries responsible for justice and legal affairs to facilitate and assist other MDAs such as police and offenders education institutes to advocate for a budget that meets the most pressing needs of the clientele.

- (iv) Absence of prioritization and ownership: The challenges facing the legal sector in Zanzibar are insurmountable. To effectively address these challenges requires considerable financial and human resources. Given the economic status of Zanzibar, it may not be feasible to address all these challenges at once. It is important, however, to recognize that law reform is about institutional change, and institutional change is a lengthy process. Successful rule of law projects promote incremental change and a gradual, targeted response to problems, rather than trying to resolve a number of issues at once. It would therefore be necessary for the sector to go through a rigorous process of prioritization and establish a consensus on a few high impact outcomes that are realizable within a span of five years. The identification of priority activities should be highly participatory, institutions, more widely within Government, and with private sector and civil society stakeholders. During the consultative process, the focus should be on identifying activities which will have a high impact on improving the performance of the legal sector and which are affordable and represent good value for money.

4.2 Lessons From Other Legal Reform Programs

4.2.1 Recognizing the rapidly emerging consensus that [donor support] to the legal sector in many developing countries “has led to few tangible results for women, men, girls and boys living in poverty, partly because state justice sector institutions are of limited relevance for them in obtaining justice; that legal and institutional arrangements cannot easily be imported; and that national elites often resist or capture reform agendas”, the Swedish International Development Agency (SIDA) launched an ambitious study in 2011 “Equal Access to Justice – A Mapping of Experiences.” The study which reviewed and assessed the outcome and

impact of many donor financed projects proposed a new approach on “how state and non-state legal actors can be used to increase poor and otherwise marginalized populations’ control over their lives.”

4.2.2 The study proposes that reform program should aim to (i) empower the rights-holders to access and utilize the state and non-state institutions that are most relevant for them in claiming a right, obtain redress for a grievance or settle a dispute; (ii) take into account the need to strengthen the capacity of institutions considered relevant by the rights-holders; and (iii) strive to empower rights holders to more effectively demand necessary reforms. In addition to these core elements, the study proposes that reform should be grounded in the following, sometimes overlapping, principles and considerations:

- (i) Apply a system-wide perspective: weaknesses in one part of the justice chain can effectively undermine improvements in others parts of the chain, the application of a system wide perspective that recognizes that the legal system is made up of several interlinked parts is essential.
- (ii) Take account of the national or local context There is no universally applicable strategy on how to prioritize and sequence interventions. On the contrary, reform initiatives will always have to be tailored to the specific context in which they are to be implemented. It is essential to not only consider what is needed to ensure better access to justice, but also to carefully consider what is socially, culturally, politically and practically feasible in a particular situation. Laws and institutional setups that work well in one country tend to be difficult to transplant in other countries and contexts.
- (iii) Pay regard to the need for political commitment: Institutional reform initiatives have small chances of success unless national stakeholders are convinced of their benefits and political power holders are prepared to accept the limits to their power that comes with adherence to the rule of law. Thus, due regard has to be paid to the political aspects of justice sector interventions. Assessments need to be made of the extent to which long-term political will to reform exists, the risks that interventions will be undermined by those with vested interests in maintaining

status quo, and the possibilities of building coalitions and devising and implementing other strategies to overcome resistance to reform. The dialogue should be used as a tool to foster political space for reform and for insulating rule of law from undue political interference.

- (iv) Apply a long-term perspective: The nature of most efforts to reform the functioning of legal sector institutions are such that it may take years, or perhaps decades, before any significant changes to the way justice is being delivered become visible. A long-term development perspective must be applied, and the fact that several years often have to pass before impact can be measured must be taken into account before the start of a project or program.
- (v) Promote national ownership: National ownership grounded in the principles of inclusion, participation and transparency should be ensured and reform efforts should preferably grow out of national or local initiatives. Broad coalitions involving key actors from across institutions and sectors are important to ensure that reform efforts receive the support needed and are not undermined. Reform of the courts and other state institutions require strong leadership from within these institutions
- (vi) Support national actors for reform: Linked to the core feature of enhancing the capacity of rights-holders is the need to support national reform constituencies, including human rights organizations, women's groups, professional associations and media outlets, to develop their agendas for reform, conduct public consultations, raise public awareness and take part in public discourses about the functioning of the justice system. The dialogue should be used to ensure that these groups can conduct their activities and raise their voices without undue interference.
- (vii) Ensure donor coordination: Donor coordination and joint programming should be used to increase aid effectiveness in general and to avoid scattered and contradictory legal and institutional frameworks and setups in particular.

Coordination is also essential to ensure that aid efforts do not neglect essential parts of the legal system.

- (viii) *Pay attention to impact assessments and learning:* Structured assessments of justice sector programs have often been sorely missing, or given low priority, in past justice sector reform programs. A system for monitoring and evaluation should be developed during the planning phase of an intervention and baseline studies against which progress can be measured over time should be prioritized.

4.3 Lessons learned from TLSRP

4.3.1 A consortium of donors established a basket fund to support Tanzania Legal Sector Reform Program (TLSRP). These donor which included Canada, Denmark, Finland, Sweden, UK, World Bank, etc. provided resources estimated at approximately \$25 million during the period of 2006-2013. During consultations with donor representatives in Tanzania, a number of revelations came out. Following slowdown in implementation of the program, a number of donors including the World Bank and DfID suspended their support while others who remained engaged ended up disappointed with the results.

4.3.2 As a result, many of these representatives were of the view that the ZLSRP should be informed by the lessons learned from the implementation of the TLSRP. Key issues raised were low capacity of partner institutions, lack of commitment and leadership on the part of the Government. It was also observed that Government showed no interest to even submit request for funds earmarked for building new premises for legal sector institutions. Many were of the view that the lack of interest shown by the Government, may have been primarily due to ongoing union constitutional review exercise which occupied most of the staff of legal sector institutions.

4.3.3 Key lessons which could be drawn from TLSRP are: (a) financial resources are essential, but not sufficient to put the reform program on track; (b) Government leadership and the political commitment and readiness for change by policy makers is a prerequisite for any meaningful reform to take place; and (c) Donor driven processes do not work and are counterproductive.

V. RECENT DEVELOPMENTS IN ZANZIBAR LEGAL SECTOR

5.1.1 In spite of the apparent neglect of the legal sector in more than two decades, the formation of the Government of National Unity and existing political stability provide a unique opportunity for Zanzibar to embark on a comprehensive legal sector reform. On its part, the current Government undertook a number of significant measures that single its commitment to revamp the legal sector in Zanzibar; these include, but are not limited to:

- (i) The creation, for the first time in the history of the Island, of the Ministry of Justice and Constitutional Affairs (MoJCA);
- (ii) Strengthening of the office of the Attorney General of Chambers (AGC) and Director of Public Prosecution (DPP) by appointing new management and increasing the number of lawyers;
- (iii) Strengthening the judiciary by appointing new judges including two women judges;
- (iv) The revival and operationalization of Zanzibar Law Review Commission (ZLRC). The commission was established in 1988 by an act of parliament, but became operational only in 2011;
- (v) Re-instating the Law Day “7th of February” as a day to annually commemorate the legal system in Zanzibar. This presents an important annual forum which brings together all actors to reflect on the status of the legal system in Zanzibar, deliberate achievements and obstacles that need to be addressed. It is important to note that the organization and financing of the event is contributed to by all actors.
- (vi) The construction of new premises for the MoJCA, AGC, DPP and the renovation of the interior of the High Court. It is estimated that at completion, these infrastructures will cost apprixmatly US\$15 million.

5.1.2 These interventions presents important millstones and provide an opportunity to take advantage of and a momentum to build on in order to scale up support to the sector to make it accessible, efficient, accountable and transparent. Delayed intervention will have serious implication in achieving the goals and objectives of Zanzibar Development Vision 2020, MKUZA II and the MDG. For instance, MKUZA II Implementation Plan (2012-2016) is built on the premise that the private sector is the engine of growth. The sector however, is

facing serious legal impediments which continue to constrain its contribution to the socio-economic development of the Island. The Plan also stresses the need for the Government to create an enabling environment for the private sector to effectively participate in socio-economic development by introducing public private partnership (PPP).

5.1.3 What is now required is mobilizing resources from conventional and non conventional sources and adopting a holistic approach towards capacity development and capitalizing on the individual strengths and advantages of institutions – state and non state actors - that form the chain of the legal system.

VI. RESOURCES MOBILIZATION FOR THE LEGAL SECTOR REFORM PROGRAM

6.1 Overall Assessment

6.1.1 Considering the magnitude of the constraints facing the legal sector in Zanzibar, there is need for a significant injunction of resources both financial and technical in order to bring the legal system in Zanzibar at a functionally satisfactory level. There are, however, resources limitations both externally and locally. In this chapter we shall present findings on donor support to the legal sector in Zanzibar, role of the Government and non state actors in financing the legal sector and alternative opportunities that could boost mobilization of resources for the anticipated legal sector reforms..

6.2 Donor Support to Zanzibar Legal Sector

6.2.1 The following table presents the total amount of resources provided by donors to the legal sector and institutional support to Governance in Zanzibar in the past 5 years.

**Donor Support to the Ministry of Justice, Constitutional Affairs.
2006-2012**

Project	Donor	Tshs 000's	US\$ in 000's	%
Strengthening Good Governance	UNDP	607,705	384.62	0.11
Strengthening Muftis office	UNDP	47,101	29.81	0.01
Strengthening Controller Auditors General's Office	UNDP/ADB	55,267	34.98	0.01
Strengthening the Attorney General's Office	UNDP	236,711	149.82	0.04
Strengthening Registrar General office	World Bank	174,010	110.13	0.03
Institutional Support for Good Gov.	ADB	3,111,473	1,969.29	0.55
Strengthening the Judiciary Department	UNDP	54,676	34.61	0.01
High Courte	World Bank	354,375	224.29	0.06
Strengthening DPP Office	UNDP/DFID	1,066,770	675.17	0.19
TOTAL		5,708,088	3,612.71	1.00

6.2.2 Due to the overlap between Governance and legal sector issues, it will be difficult to separate the amount of resources that is allocated to the legal sector. Of the total amount of resources estimated at \$3.6 million provided by donors to Zanzibar during 2006-2011, approximately 34% (\$1.23 million) was allocated to institutions under the MoJCA while the balance of 66% or \$2.4 million was earmarked to institutional support to Good Governance.

It is, however, reasonable to assume that institutions under the MoJCA are also a beneficiary of the institutional support to Good Governance.

6.2.3 Besides, the above mentioned commitments there are also a number of opportunities that could boost resources mobilization for the legal sector. UNDP is the lead donor that is mobilizing support for the legal sector reform in Zanzibar. A quarter (35%) of the resources allocated to institutions under the MoJCA such as the AGC, HC, DPP as well as the MoJCA were either directly provided by UNDP or it has solicited such resources from other donors such as AfDB and DfID. AfDB and DfID also emerged as strong supporters of Government efforts to improve Governance and reforming the legal sector.

6.2.4 There are also a number of other donor funded ongoing projects and programs in which the legal sector public institutions are expected to benefit, these are:

- (i) Zanzibar Public Service Reform Program (ZPSRP) supported by the World Bank aims at strengthen the capacity and capability of Zanzibar public service institutions with a view to improving the delivery of public services. ZPSRP would, therefore, provide opportunities to review the establishments, structures and staffing levels of five pilot ministries which include: President's Office; Ministry of Public Service and Good Governance; President's Office Finance, Economy and Development Planning; Ministry of Health; Ministry of Justice and Constitutional Affairs; and Ministry of Land, Settlements, Water and Energy. The total cost of the project is estimated at \$21 million.
- (ii) The Business Environment Strengthening for Tanzania (BEST): The program aims at lowering the cost of investing in, establishing and operating business in Tanzania by eliminating policy, legal, regulatory and institutional constraints that inhibit a growing and competitive private sector.

6.3 Resources Mobilization for the ZLSRP

6.3.1 Any resources mobilization effort has to be put in the context of the current state of donor aid in the world; the nature of aid recipient institutions in the country, on-going review of the union constitution, and resource mobilization timing.

(i) *Donor Aid put in context:* Donor aid is a dynamic process influenced by political, social, economic and financial circumstances. Traditional bilateral donors in the western world are facing:

- *Financial crises of historic proportion:* The economies of most of these countries are growing at dismal or negative rates and face high unemployment levels and crippling budget deficits. As a result, most of these countries are struggling in tackling the financial crises in their midst. In essence, for the first time in recent history, many of the traditional donors are broke. This is expected to impact negatively on the availability of donor funding, at least, in the short run. By extension, multilaterals (World Bank, AfDB, etc.) who depend on these donor countries to finance their soft loans such as International Development Association (IDA) and the African Development Fund (ADF) will also face serious resource constraints.
- *Donor fatigue:* As a result of pressure to donate to competing priorities, overstretched budgets, and dissatisfaction with mismanaged resources by both the donor and recipient countries. In particular donor fatigue is an inevitable consequence of long-term engagement of donors in the country.
- *Neglect of institution building:* Many development experts are of the view that the impact of conventional donors support has been significantly weakened by being short-term; disbursement driven and focus on infrastructure at the expense of institutional development.

(ii) *Institution Capacity Building:* Based on the findings of the previous studies, planning and policy papers and lessons learned from the rest of the world, as presented earlier, the legal sector in Zanzibar is seriously weakened by the

inadequacy of the institutional capacity. Given the short term and disbursement oriented nature of donor funding, as pointed out earlier, it appears futile to solely rely on them on build institutions which do not produce quick results, in terms of outcome and impact and require long term gestation.

(iii) On-going Union Constitution Review: The ongoing constitutional review process at union level is expected to impact on the legal sector in Zanzibar; particularly on revenue and expenditure burden sharing. These include

- *Sources of Revenue*: Duties and tariffs and how the resources are shared;
- *Physical and Monetary Policy*: Currently changes in monetary and physical policies are made by the Union Government without consulting the Zanzibar Government.;
- *Foreign Affairs*: The current constitution recognizes foreign relation, but does not define international relations and economic cooperation;
- *Access to loans*: This is not covered by the current constitution and if Zanzibar want to borrow it has to secure the consent of the Union Government;
- *Higher education* is a Union matter but not clearly defined in the current constitution;
- *Employment in Union Institutions*: The old constitution presented a quota system for staff allocation in union institutions. At the moment the allocation is done by the Union Government and Zanzibar has limited say on who is employed in these institutions;
- *Income tax paid by the staff of Union Institutions based in Zanzibar*: At present the income tax of such staff which include the army, police, etc. is collected by the Union Government while the Government of Zanzibar meets their cost of social services such as education and health; and
- *Sharing of natural resources such as oil*: This is another contentious issue that need to be defined by the new constitution.

6.4 Resources Mobilization – Commitments and Opportunities

6.4.1 The study TOR implied that the legal system of the Island is heavily dependent on donor support. Consultations with relevant donors in Tanzania, however, revealed:

- (i) Zanzibar legal sector is receiving very limited support from the donor community;
- (ii) Instead, the donor community in Tanzania were fully occupied and allocated resources under their on-going country assistance program to TLSRP;
- (iii) Most of the donors are at the final phase of their current assistance programs to Tanzania and are gearing towards preparing a new country cooperation program. As a result their resources are committed to ongoing projects. It will be also difficult to introduce a new project/program into an ending program of assistance at this late stage; and .

6.4.2 As a result, funds will not be available in the coming two years. This gives the Government and UNDP ample time to prepare the legal sector strategy, program appraisal reports and loop the donor community to ensure the inclusion of the ZLSRP in their program of assistance to Tanzania.

6.4.3 In terms of future commitment, the following table presents donors who showed commitments to support the ZLSRP. It is estimated that none state actors such as the Zanzibar Legal Services Centre, Zanzibar Female Lawyers Association, Zanzibar Law Society, etc. Annually receive from donors approximately UD\$350,000.

Donor Commitments to Support ZLSRP
2011-2014 (In 000's US\$)

Agency	Total Committed Resources
UNDP/EU	1.300
UNDP	1.500
UNICEF/EU	1.500
Other Sources	1.400
Total	5.700

Source: EU, UNICEF and UNDP. Other sources include direct donor support to non state actors

6.4.4 As presented in section 5.2 of this report, UNDP, AfDB, DfID are the only donors that provided, in the past, support to the legal sector in Zanzibar. The European Union is, however, is taking the lead, by committing Euro2 million to the ZLSRP. Upon completion of

its next country cooperation program, the EU is also keen to commit additional funds. It is also expected that non-state actors in Zanzibar will be able to mobilize at least \$350,000 annually or approximately \$1.4 million in the coming five years.

6.4.5 Continuity of UNDP's drive to coordinate support for the legal sector presents an opportunity to mobilize additional resources from conventional donors. A number of donors such as DfID and CIDA expressed interest in principle to support the legal sector reform in Zanzibar through an arrangement coordinated by UNDP. They could not however, make a firm commitment, since they are at the tail end of their program of assistance to Tanzania.

6.5 Resources Mobilization Timing and Sequencing

6.5.1 As previously pointed out most donors are winding down their program of assistance to Tanzania and gearing towards the preparation of new program in the coming two years. As a result most of the donor representative could not commit any support to ZLSRF. This is mainly due to the fact that they have to wait until the new assistance program is approved by their respective governments. Moreover, the Union Constitutional Review Process will continue until 2014 when a referendum is anticipated. Meanwhile UNDP is assisting the Government of Zanzibar in preparing the legal sector strategy and ZLSRP appraisal document.

6.5.2 In light of the above; it is imperative that timing, synchronization, prioritization and sequencing of interventions and activities is a critical factor in the mobilization of resources. In particular learning from the TLSRP and avoiding the pitfall that affected its implementation is paramount.

6.5.3 As a result, the timing of the preparation of the proposed ZLSRP is appropriate and presents an opportunity for Zanzibar to prepare all the prerequisite policy, planning and project documents. Moreover, it avails the Government and UNDP sufficient time to lobby these donors to ensure that support to the ZLSRP is included in their respective program of assistance.

6.6 Building on the Momentum

6.6.1 During consultations with relevant donor representatives it was observed that: (i) there is keen interest among donors to support strengthening governance and the legal sector; (ii) Many believe that Zanzibar has consistently performed better in comparison to the Mainland in the implementation of projects and programs with little or no leakage; and (iii) Zanzibar can provide a show case for success examples due to the visibility of interventions on the ground.

6.6.2 As stipulated in chapter 5 of the report, the formation of the Government of National Unity and existing political stability provide a unique opportunity for Zanzibar to embark on a comprehensive legal sector reform. Moreover, the creation of the Ministry of Justice and Constitutional Affairs; the ongoing strengthening and rejuvenation of the office of the High Court, AGC and DPP; the revival of ZLRC; establishing the Law Day “7th of January” as a day to annually commemorate the legal system in Zanzibar, and the increased Government investment in providing adequate premises for the legal sector institutions, etc. show a clear and undisputable Government commitment to strengthen the legal sector in Zanzibar.

6.6.3 The favorable donor image of development efforts in Zanzibar, combined with demonstrated Government commitment to advance the development of the sector, present a momentum to build on in order to scale up support to the sector to make it accessible, efficient, accountable and transparent.

6.6.4 As a result, the conditions are very favourable and conducive for the Government and UNDP to embark on a drive to mobilize resources for a comprehensive legal sector reform program in Zanzibar. The initial financial support from the EU, UNDP, UNICEF, etc. will be instrumental in supporting the Government in preparing sector strategy and a project/program document to be presented to relevant donors.

6.7 Government Support to the Legal Sector.

6.7.1 All indications are showing that the sector relies entirely on Government financing. It is, however, worth noting that in allocating budgetary resources, the Government is

confronted with competing priority interventions. For instance, infrastructure (roads, transport, energy and water) remain high priority sectors under the MKUZA II and correctly so, receive significant allocation of recurrent and development budget. It is worth noting, however, that most of these projects are at the final phase of their completion. This will open room, in the near future, of boosting the allocation of resources to other priority sectors such as the legal sector.

6.7.2 The following table presents budget allocation for the High Court, Attorney General's Office, Zanzibar Training Center for Offenders (ZTCO), Office of Director of Public Prosecution, Ministry of Justice and Constitutional Affairs, and the Law Review Commission. The average annual share of the legal sector in Government budget is approximately 2.1%. While the allocation to all other institutions widely fluctuated, it is encouraging to note that the allocation to the MoJCA increased by 10 folds since its establishment as a Ministry in 2010 from TZS100 Million to TZS1 Billion or \$62.000 to \$620,000). It is worth noting, however, that if the allocation to Zanzibar Training Center for Offenders is removed from the above list, the balance of the annual budget resources for the remaining 5 legal sector institutions will be less than 0.3% of the total Government budget.

**GOVERNMENT BUDGET ALLOCATION FOR LEGAL SECTOR INSTITUTIONS BY YEAR,
INSTITUTION AND RATIOS (2008-2013)**

Fiscal Year/ Institution/Ratios	Annual Budget in Bil. TZS				
	2009	2010	2011	2012	2013
1. High Court of Zanzibar	0.36	0.42	0.67	0.26	0.58
2. Attorney General's Office	0.22	0.16	0.51	0.10	0.40
3. Zanzibar Training Center for Offenders	0.92	0.75	0.86	0.71	0.97
4. Office of Director of Public Prosecution	0.28	0.27	0.33	0.21	0.19
5. Ministry of Justice and Constitutional Affairs	0	0	0.10	0.30	0.97
6. Law Review Commission	0	0	0.03	0.03	0.06
Total Annual Gov. Budget	338	437	440	613	643
Rate of Growth of Gov. Budget (%)	-	0.23	(0.39)	(0.05)	0.32
Annual Share of Legal Sector of Gov. Budget (%)	1.78	1.6	2.5	1.61	3.17
Total Annual Dev. Budget (Foreign)	173	227	252	341	293
Rate of Growth of Dev. Budget (foreign) (%)	-	0.24	(0.35)	0.14	0.23
Share of Dev Budget (Foreign) in Gov. Budget (%)	0.51	0.52	0.57	0.56	0.46
Share of Legal Sector in Dev. Budget (foreign) (%)	0.011	0.011	0.011	0.011	0.011

Source: Office of the President for Finance, Planning, and Economic Development. Revolutionary Government of Zanzibar

6.7.3 The table also reveals that the legal sector is entirely financed from recurrent budget which constitutes on average 48% of the total Government budget (recurrent and

Development) while the share of the foreign component of the development budget (grants and Loans) is approximately 52% of the total Government budget. The share of the legal sector in the development budget (foreign), however, is estimated at less than 0.01%.

6.7.4 Based on the above analysis, a number of key observations could be drawn: (i) limited overall allocation of resources both recurrent and development to the legal sector. This could be interpreted by many people that the legal sector is not a priority for the Government of Zanzibar. As shown in chapter 5, however, it is clear that the trend is reversing and there are good prospects for a boost of resources for the legal sector; (ii) Government budget allocation is geared towards treatments of offenders (prisons) vis-à-vis prevention of offence. This is attributed to the high number of remanded prisoners - 60% of the prisons population. The slower the processing of court cases, the higher the cost of maintaining this particular group of prison population.

6.7.5 The MKUZA II Implementation Plan for the period 2012-2016 include the Legal Sector Reform Program which comprise of the following three components:

- (i) Improve national legal sector framework, skills and knowledge of personnel and ensure highest standards of service delivery and management of the legal sector institutions;
- (ii) Enhance the review and harmonization of Laws, and
- (iii) Strengthen Compliance of Laws.

6.7.6 Under the Plan, ZLSRP is included among Category II Flagship projects. These are projects that are deemed priority but without secured funding. The total funding required for these activities during 2012-2016 is estimated at US\$23 million. The inclusion of ZLSRP in MKUZA II Implementation Plan as a flagship and priority intervention secures Government commitment to provide counterpart funding estimated at 10% of the total project estimated cost.

6.7.7 The General Budget Support (GBS) is also an important source of funding for the legal sector. GBS appears to be the preferred channel through which most bilateral and multilateral financial institutions prefer to channel their development assistance. Funds under

the GBS arrangement are disbursed in tranches to the Government budget. It is estimated that Zanzibar receives approximately 4.5% of GBS resources allocated to Tanzania. In 2012/2013 budget, Zanzibar is expected to receive Tshs34 billion (US\$22 million) as part of its share of the GBS resources. This arrangement gives the Government more autonomy in the utilization of these resources. As noted earlier, the legal sector is receiving negligible share of GBS funds. Most donors are, therefore, of the view, that it would be appropriate and timely for the Government of Zanzibar to allocate additional GBS resources for the legal sector reform. The aim of the Government is, however, to receive GBS resources not based on the 4.5 formula, but based on need.

6.8 Non state actor's support to the legal sector in Zanzibar

6.8.1 As shown in section 4.1 and 6.4 above there are a number of non state actors which form part of the legal sector actors. These include, the Zanzibar Law Society (ZLS), Zanzibar Female Lawyers Association (ZAFELA); Zanzibar Legal Services Centre (ZLSC); Zanzibar University (ZU), etc. There are also a number of civil society organization such as Save the Children which are actively involved in the legal sector reform – child and women's rights. These institutions rely on their members contribution and donors support. Among the local actors, it appears that ZLSC is the most active and receives regular support from donors. Such donor support is, however, activity based, limited in focus and fragmented. It is estimated that such institutions mobilize approximately US\$350,000 annually.

6.8.2 It is evident, therefore, that non-state-actors are playing an important role in the development of the legal sector in Zanzibar. These institutions are mostly involved in the provision of legal aid and education. These are activities that are complementary to Government efforts in areas that they may have comparative advantage – such as deepening outreach to poor and low income communities and building their capacity to demand justice and become productive citizens by observing the rule of law. They are in essence, the front line soldiers in the prevention and mitigation of miscarriage of justice and crime. This would reduce the cost of treatment and rehabilitation of offenders to the Government and the society at large. It is important, therefore, that the role of such institutions in the development and reform of the legal sector in Zanzibar is fully acknowledge and promoted by all actors.

6.8.3 Moreover, a unique feature of these institutions is that their members and promoters are also advisors and/or heads/staff of key legal sector institutions. This provides them an opportunity to become a conduit to bridge the gap in relations, approaches and thinking between the state and non-state-actors in order to facilitate the process of formulating policies, strategies and plan to reform the sector

6.8.4 In the light of the important role non-state-actors play in the legal sector reforms in Zanzibar, many professionals are of the view, however, that their heavy dependence on donor funding, which is not sustainable; could result killing local initiatives. Considering their local presence in the long run; ZU, ZLSC and ZAFELA, ZLS, etc. offer a unique opportunity to build a permanent and sustainable support system for the legal sector in Zanzibar, as long as they can secure local financing..

6.8.5 There is a consensus, therefore, among legal sectors actors in Zanzibar that the proliferation of institutions with their singular strategies and operations is critically undermining sector relevance, performance, and impact. As a result, there is need to build synergy between the various actors with the aim of facilitating resources mobilization and building a sustainable, effective and efficient legal system in Zanzibar.

6.9 Alternative Approaches to Resources Mobilization

6.9.1 Instead of limiting resources mobilization as implied by the study title of the study “Donor Mapping” there is need to broaden the focus of the study and explore other sources of funding and opportunities that may have not been tapped in the past.

6.9.2 This will call for devising innovative and creative approach to mobilize technical and financial assistance support from conventional and non-conventional sources. The latter which has not been exploited optimally in the past, presents a unique opportunity. Institutions under this category would include the private sector, international and regional academic/professional institutions and networks; bilateral and philanthropic agencies and organizations.

6.9.3 Such proactive and context appropriate approach will ensure: (i) faster mobilization of technical and financial assistance support vis-à-vis the rigid and protracted traditional donor process; and (ii) building local institutional capacity foundation and provide sustained technical support, in the long term, to ensure that the resultant legal system is efficient, effective, harmonized and accessible by all citizens.

6.9.4 In the light of the above, the following three sources are proposed for consideration:

(i) International Academic Institutes and Networks: These are specialized and renown academic law institutes and networks such as the – though not limited to: Pan African Lawyers Union (PALU) in Arusha, Tanzania; Raoul Wallenberg Institute (RWI) of Human Rights and Humanitarian Law in Norway, International Law and Policy Institute (ILPI) in Sweden and Institute of International and Comparative Law (IICL) in Germany.

Such institutions have the potential to mobilize their own resources. For instance PALU – a Pan African Institutions - is mandated to assists Africa countries in legal sector development and reforms. RWI and ILPI have local presence in Zanzibar and the region and have shown keen interest in providing technical assistance support to Zanzibar legal sector. Expanding and developing their programs across the legal sector in East Africa is a key element of their current strategy. ILPI has, for instance, in the past worked with the MoJCA and other legal sector actors in developing legal sector strategy. The process, however, stalled due to primarily lack of resources and possibly due to lack of commitment on the part of the Government. WRI, on the other hand has extensive experience with targeted institutional capacity building institutions or a sector-wide approach to institutional development, depending on the needs.

(ii) Promoting Private Public Partnership PPP) The Islands economy showed high degree of resiliency in light of the current world financial crises and has grown consistently above 6%/annum in the past five years. Though there are no reliable statistics on income redistribution, anecdotal evidence is showing that the private sector is reaping significant benefits out of the political stability, growing economy, growing consumerism culture supported by the emerging middle class, etc. Moreover, the Government has been preoccupied with building the infrastructure (roads, water,

electricity, ICT. etc.) by borrowing and seeking grants from donors, to enable the private sector thrive as an engine of economic growth.

A pointed out in section 6.3 of the report, however, mobilizing donor funding is hard to come by due to on-going world financial crises – prompted by the banking sector, coupled with donor fatigue. Moreover, Government revenue collection is hampered by tax evasion and inherent rampant corruption. In Zanzibar, for instance, the tourism sector is believed to contribute approximately 40% of Gross Domestic Product (GDP). Most of the hotels and hospitality industry, however, benefit from large tax exemption through the Zanzibar Investment Promotion Authority (ZIPA). Under ZIPA laws, these business are granted 5-10 years of tax exemptions and tax holidays while they are allowed to repatriate their profits overseas. In essence, the wealth generated by the sector is neither re-invested in the economy nor does it trickles down to the society. Anecdotal evidence also shows that the private sector in the African continent is heavily engaged in corrupt practices to evade payment of taxes – no tax transparencies primarily due to outdated tax laws with loopholes that many of the scrupulous business take advantage of. Due to lack of effective and enforceable tax laws, many economists believe that African countries continue to lose financial resources that could solve most of its development problems.

At a time when resources are hard to mobilize from conventional sources, it is imperative, therefore, that alternative inward looking resources mobilization policies and plan are introduced. This calls for a collective effort to mobilize resources for legal sector support by building synergy between the public and the private sector. PPP is a key modality build into MKUZA II Implementation Plan for the period 2012-2016. Such arrangement provides a better means of sharing benefits and risks associated with development between the public and private sectors. As a result, planned reforms and projects within the MKUZA II Implementation Plan are aiming at improving the business environment and encouraging and attracting the private sector to play a bigger role in development financing. Increasing private sector participation in social and economic activities would reduce demand for public funding; hence allowing government resources to be channeled to more strategic public investments.

It is expected that the Government would devise clear legal, regulatory, and frameworks, as well as comprehensive incentive regimes to encourage increased private sector participation in development financing, implementation and management of agreed PPP projects. The principles that underlie Public-Private Partnership (PPP), such as affordability, cost effectiveness, value for money, transparency and risk management will form part of the future development of the Island.

Based on the concept of “Corporate Social Responsibility” it is imperative, therefore, that the private sector demonstrate continuing commitment to behave ethically and contribute to economic development and improving the wellbeing of local communities and the society at large.

In order to create an enabling environment, in particular the rekindling effort to promote an effective PPP framework, the Government should formulate the necessary legal framework to enforce PPP policy to guide private sector operations as means for increasing its involvement in the legal sector reform by introducing the *Zanzibar Legal Sector Reform Fund (ZLSRF)* under the Zanzibar Business Council (ZBC). ZBC is the only entity which brings key private sector associations and leading public sector institutions in equal representation. The Council which meets biannual is chaired by the President of Zanzibar and its activities are coordinated by an Executive Secretary under the office of the Chief Secretary and Secretary to the Revolutionary Council .

The aim of establishing such fund is to consolidate legal sector resources and avail it a sustainable source of funding – in the long run. The following list presents possible sources of funding that could be exploited; these include:

- (i) Soliciting voluntary contributions from key private sector businesses in trade, service, transport, tourism, banking, etc.;
- (ii) In close consultation with members of the ZBC, Government may consider imposing a onetime tax on large business;

- (iii) Increasing the tax on tobacco and alcohol by a margin that will accrue to the fund;
- (iv) Introduce Land Hoard Tax or Undeveloped Land Tax. Land is a scarce commodity in Zanzibar. Many individuals and business entities, however, are holding large parcels of land in prime areas without developing it, for years or decades. By keeping the land idle and unproductive, the country is losing significant revenue income that would have contributed to the Islands socio-economic development.
- (v) Transforming prisoners to productive citizens by giving them skills and allowing private sector to employ them while in detention and pay them the minimum wage. By earning income, the detainees could contribute to the cost of their detention and imprisonment which will release government resources that could be deployed in other sector such as the legal sector.

As proposed earlier, the LSRF will be built into the ZBC in order to avoid creating a new structure which would require new staffing and administrative set-up. The following fund institutional arrangement is proposed:

- (i) A board of directors made up of representatives from the ZBC. The board will provide oversight on the overall management of the Fund and provide guidance on policy and operational matters;
 - (ii) A lean management team headed by the Executive Secretary of ZBC. Its main task will be to manage and administer the fund and submit to the Board quarterly and annual financial reports; and
 - (iii) The Department of Planning in the MoJCA to monitor and evaluate program implementation. The department will assess progress in the implementation of activities financed by the Fund; vis-à-vis approved plans by the Board, prepare and submit to the Board quarterly activity progress reports.
- (iii) Bilateral Sources: In mobilizing additional external sources to meet the immediate needs of the legal sector reforms, there is need to be selective and take advantage of countries that have shown good will towards the socioeconomic development of Zanzibar. Oman and India with their historical ties to the legal system

in Zanzibar have both the financial and technical muscle and the institutional capacity to assist. For instance Indian Council General in Zanzibar has been sponsoring individual and groups from the public and private sector to receive training in various fields.

6.10 Resource Management

6.10.1 Currently there is meager financial donor support to ZLSRP. There are, however, prospects to mobilize adequate resources as long as the issues of leadership, coordination, and governance are addressed. This is aimed to avoid duplication of efforts and ensure effective and efficient utilization of resources. To address these issues and ensure sustainability of support to the legal sector in the long run, there is need for a viable and manageable institutional arrangement. With the proliferation of institutions, it is imperative that there is no appetite for the creation of new institutions.

6.10.2 It is proposed, therefore, that the *Zanzibar Legal Sector Reform Fund* under the Zanzibar Business Council is established. The involvement of the private sector representatives in setting policies, plans and playing oversight role in the implementation of activities and utilization of resources enhances the credibility of the ZLSRF; increases opportunities to mobilize additional resources; and minimize duplication of efforts and misuse of funds.

VII CONCLUSIONS AND RECOMMENDATIONS

7.1 Conclusions

7.1.1 In spite of its strong historical foundation, there has been a long neglect of the legal sector in Zanzibar. The legal sector inadequacies that have been identified by the previous studies require a comprehensive legal sector reform. A collective approach towards capacity development and maximizing synergy between individual strengths of the institutions and actors that form the Zanzibar legal sector is critical.

7.1.2 The favorable donor image of development efforts in Zanzibar, combined with demonstrated current Government commitment to advance the development of the sector, present a momentum to build on in order to scale up support to the sector to make it accessible, efficient, accountable and transparent.

7.2 Recommendations

6.2.1 In light of the above it is recommended that:

- (i) The preparation of the legal sector reform strategy, as a collective means of addressing these deficiencies, is fast tracked. However, what is required at the initial stages is sustaining the current political will and commitment – at the national level to undertake a holistic and participatory approach towards the development of the legal sector reform strategy. Ownership of the legal sector reform is paramount;
- (ii) An effective legislative and policy framework to guide coordination and administration of the legal sector resources in Zanzibar is established. This includes strengthening the capacity of MOJCA in coordinating of the legal sector including the legal sector reform program, in formulating relevant policies, regulations and guidelines and monitoring the implementation of a legal sector reforms. In this vein, the MoJCA should seize the opportunity offered by BEST and ZPSRP to address their institutional and human resource capacity challenges;

- (iii) Government to endorse the “Priority” accorded the legal sector in MKUZA II Implementation Plan (2012-2016) and increase its allocation both from the recurrent and development budget. As proposed by donor representatives, Government should also consider allocating additional GBS funds to the ZLSRP;
- (iv) Government build partnership with international academic and professional law institutions that are well-positioned to mobilize own resources and are ready for a long-term engagement to avoid donor pitfalls ensure genuine impact in the long run;
- (v) Introduce instruments to measure the success of interventions by demonstrable and sustained improvement in the institutions capacity to deliver results effectively and efficiently.
- (vi) Government to create an enabling environment, in particular the rekindling effort to promote an effective PPP framework by formulating the necessary legal framework to enforce PPP policy to guide private sector operations as means to increase its involvement in the legal sector reform.
- (vii) Government in partnership with the private sector to establish the *Zanzibar Legal Sector Reform Fund (ZLSRF)* under the Zanzibar Business Council (ZBC); and
- (viii) Finally, UNDP to take the lead, as it has demonstrated in the past to undertake a concerted effort to mobilize resources for the ZLSRP. This resource mobilization drive should be targeted toward agencies that have shown good will and interest to support ZLSRP, particularly, EU, CIDA, DfID and AfDB

ANNEXES

Annex I Expected Outcomes, Work Plan and Risk Assessment

1. Expected Output and Deliverables

The overall expected output and deliverables of the assignment will include: Mapping of past, present and potential future development assistance to the legal sector in Zanzibar focusing on strategy-based mapping, comparative advantage (donor assessment), form of donor assistance to legal sector (financial and/or Technical), country donor preference, donor priority/trends in donor support and identification of emerging donors supporting the legal sector. As a result, the report will inform the legal sector reform strategy specifically in resource mobilization. The expected outputs would include:

- (i) *Inception Report:* An inception report shall be prepared and presented to UNDP testifying the consultant's understanding of the TOR and any new suggestions. The Report shall also detail the proposed work plan for the assignment. The report shall be submitted on 5 December 2012;
- (ii) *1st Draft Report:* The consultant will prepare and submit on 25 December a draft report, which presents the preliminary finding of the assignment;
- (iii) *Final Report:* The final report shall be submitted on 3 January 2012. The report shall cover final details of the assignment which shall have incorporated comments from the client.

2 Time Frame and Work Plan

The assignment is for 30 working days commencing 22nd November 2012. The work plan is summarized below.

Table: The Planned Deliverables

No	Activities	No of Weeks
1	Submission of the inception report.	5 th of December 2012
2	Submission of draft report	25 December 2012
3	Submission of the final report	3 rd January 2013

3 Risks and Mitigation Measures

The time frame for this assignment is 30 days. It is important, however, to recognize that usually December is a holiday season. Most of the expatriate staff working for donors usually take home leave during this period. Their unavailability could present a risk that could delay the submission of deliverables as scheduled above. To mitigate this risk, it is proposed that UNDP arrange meetings with donor representatives as of the 6th of December 2012. These include the Europeans Union, UNDP, African Development Bank (AfDB), UK Department for International Development (DfID), United States Agency for International Development (USAID) and any other bilateral and multilateral entity that UNDP finds relevant. Since these agencies are based in Dar, the consultant would expect that travel and accommodation arrangements are also made for 2-3 days max in Dar.

Upon completion of this first round of donor consultation, the consultant will return to Zanzibar to undertake the second round of stakeholder consultations. These would include state and non state actors as well as the Oman and India Consulates in Zanzibar. The client has the responsibility to make sure that such risk factors are substantially minimized in order to avoid delays in the delivery of the final report.

**Annex II Annual Budgetary Allocations To Legal Public Sector Institutions
2008-2009 TO 2012-2013 in Billions of TZS**

2012-2013

VOTE	Agency	Total recurrent Budget	Deve. Budget (local)	Development Budget (Foreign)	Total Development Budget	Total Budget Rec+Dev.	% share
14	High Court Zanzibar	3,145	600	0	600	3,745	0.58
15	Attorney Generals Office Zanzibar	803	1,800	0	1,800	2,603	0.40
18	Zanzibar Training Center for Offender	5,890	400	0	400	6,290	0.97
35	Office of Director of Public Prosecutions	979	250	0	250	1,229	0.19
36	Ministry of Constitution and Legal Affairs	2,394	660	3,227	3,887	6,281	0.97
46	Law Review Commission	271	145	0	145	416	0.06
	Total Government Budget	301,488	47,937	293,210	341,147	642,635	

2011-2012

14	High Court of Zanzibar	1,324	300		300	1,624	0.26
15	Attorney Generals Office	612			-	612	0.10
18	Zanzibar Training Center for Offenders	3,938	400		400	4,338	0.71
35	Office of Director of Public Prosecution	774	250	284	534	1,308	0.21
36	Ministry of Justice & Const. Affairs	1,672	140		140	1,812	0.30
46	Law Review Commission	174			-	174	0.03
	Total Government Budget	234,175	37,945	340,956	378,901	613,076	

2010-2011

14	High Court Zanzibar	1,391	550	1,011	1,561	2,952	0.67
15	Attorney Generals Office Zanzibar	546	250	1,469	1,719	2,265	0.51
18	Zanzibar Training Center for Offender	3,766			0	3,766	0.86
35	Office of Director of Public Prosecutions	719	500	250	750	1,469	0.33
36	Ministry of Constitution and Legal Affairs	420			0	420	0.10
46	Law Review Commission	0			0	0	0.00
	Total Government Budget	189,153	39,180	252,014	250,894	440,047	

2009-2010

14	High Court Zanzibar	1,298	550		550	1,848	0.42
15	Attorney Generals Office Zanzibar	546	140		140	686	0.16
18	Zanzibar Training Center for Offender	3,261			0	3,261	0.75
35	Office of Director of Public Prosecutions	653	200	315	515	1,168	0.27
36	Ministry of Constitution and Legal Affairs				0	0	-
46	Law Review Commission				0	0	-
	Total Government Budget	169,221	40,625	226,686	267,311	436,532	

2008-2009

14	High Court Zanzibar	1,134	83		83	1,217	0.36
15	Attorney Generals Office Zanzibar	550	200		200	750	0.22
18	Zanzibar Training Center for Offender	3,120			0	3,120	0.92
35	Office of Director of Public Prosecutions	508	300	143	443	951	0.28
46	Law Review Commission				0	0	0
	Total Government Budget	146,162	18,872	173,465	192,338	338,500	100

Annex III

List of People Met

Ali Ahmed Uki	Lecturer, Faculty of Law, Zanzibar University, Zanzibar.
Ali H. Vuai	Executive Secretary, Zanzibar Business Council, Zanzibar, Tanzania
Andres Emanuel	Democratic Governance and Human Rights, Embassy of Sweden, Dar Es Salaam, Tanzania.
Asma Jidawy	Executive Secretary, Law Review Commission of Zanzibar, Zanzibar, Tanzania.
Bawan Kumar	India Council General, Zanzibar, Tanzania.
Bihindi N. Khatibu	Commissioner for External Finance, Presidents Office, Finance, Economy and Development Planning, Zanzibar, Tanzania
Daima Mohamed	Director of Planning; Ministry of Justice and Constitutional Affairs; Zanzibar, Tanzania.
Dr. Keneddy Gastrom	Legal Sector Working group Coordinator, Canadian Cooperation Office, Dar Es Salaam, Tanzania
Donald Deya	Chief Executive, Pan African Lawyers Union, Arusha, Tanzania;
Haji Ramadan	Planning Officer, Ministry of Justice and Constitutional Affairs; Zanzibar, Tanzania.
Hamisa M. Makame	State Attorney, Attorney General's Chambers and Executive Secretary of ZAFELA, Zanzibar. Tanzania.
Harusi M Mpatani	Director, Zanzibar Legal Services Center, Zanzibar, Tanzania
Joseph.....	Country Economist, Tanzania Field Office, AfDB, Dar Es Salaam, Tanzania.
Josh Ounsted	Director, Kenya Office, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Lund, SWEDEN

Jussi Nummelin	Second Secretary, Political Affairs and Public Relations, Embassy of Finland, Dar Es Salaam, Tanzania.
Lars Bo Kirketerp Lund	First Secretary, Governance and Political Issues, DANIDA, Embassy of Denmark, Dar Es Salaam, Tanzania.
Mark Montgomery	Governance Advisor, DFID, Dar Es Salaam, Tanzania.
Maryam R. Ali	Legal Officer, Zanzibar House of Representatives; Zanzibar, Tanzania
Mubarak Maman	Zanzibar Representative, Save the Children in Tanzania, Zanzibar, Tanzania.
Njeri Kamao	Governance Officer, United Nations Development Program, Zanzibar Liaison Office, Zanzibar, Tanzania.
Nora Pendaeli	Program Specialist, UNDP Dar Es Salaam, Tanzania
Prof. Chris Mina Peter	Chairman, Zanzibar Legal Services Center - Zanzibar, Tanzania.
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