Opening Government?

The Case of Tanzania in the Open Government Partnership

John Jingu and William John
Department of Political Science and Public Administration, University of Dar es Salaam
January 2016

Global Integrity
Transparency and Accountability Initiative (T/AI)

Table of Contents

I. Executive Summary

This study aims to determine whether and how the Open Government Partnership (OGP) has been leveraged to promote a more accountable, open, and responsive government in Tanzania.

To accomplish this aim, the study explores two specific themes: the institutionalization of the broader open government agenda in Tanzania, and efforts to pass a freedom of information bill, with a key focus on the extent to which OGP was leveraged in each of those processes. In examining the institutionalization of the open government agenda, we focus in particular on how reformers working on this issue leveraged OGP to expand the scope, sustainability, and nature and continuity of state–civil society engagement in that agenda. By investigating the linkages between OGP and the push for freedom of information legislation we are able to explore whether and how OGP factored into a substantive reform process.

Using interviews with key stakeholders and relevant literature to investigate the themes above, and to contextualize the journey of open governance efforts in Tanzania, this study reveals that OGP may have pushed high level leaders to maintain their commitment to some aspects of the open government agenda, and that OGP served as a validation mechanism for demonstrating commitments to good governance. It may also have provided a space for more, if still limited, collaboration between CSOs and the government on policy matters.

However, the momentum of advancing a broad and inclusive open government agenda has been affected by the fact that OGP processes are dominated by a small group of actors both in the government and civil society, as well as by domestic political scandals and concerns; a government in which there is little bureaucratic engagement with open government; and the existing agendas of key actors, including donors. These factors, combined with regular government reshuffles, have restricted the ways in which OGP has been able to enhance the scope, sustainability, and participatory nature of open government. Tensions between and within government and civil society remain a prominent feature of the open government landscape, and the leverage reform champions can exert, even when using OGP inputs, is limited, as aptly demonstrated by efforts to pass an access to information bill.

The study therefore shows that OGP may have empowered a few leaders to introduce initiatives that complimented other, pre-existing reform efforts, but not necessarily to carry those initiatives through. Some OGP inputs, like international events and IRM reports, may have helped some actors, especially those in civil society, to navigate the Tanzanian political context more effectively. However, they also provided incentives for those actors to engage adverserially with the government in order to win some modest concessions on open government issues. For the most part, power remains concentrated, and OGP has been of limited usefulness in driving progress on open government in Tanzania.

II. Introduction

This case study focuses on the open government journey in Tanzania, exploring when and how open government reformers have been able to leverage OGP mechanisms, processes, spaces, and assistance to improve government responsiveness and accountability. Specifically, it examines the outcomes generated through the country's engagement with OGP, viewed through the lenses of the institutionalization of the open government agenda, and the presence (or absence) of OGP in the push for legislation on freedom of information.

This study used process tracing to carry out within-case analysis based on qualitative evidence (Collier 2011). This means that the analysis pays close attention to the sequential, fine-grained systematic description of the Tanzanian open government journey. The analysis also considers alternative causal mechanisms (the roles of leadership, learning that improves pro-reform actors' navigational expertise, and coalitions and collective action) by which OGP may have contributed. The analytical tool was adapted in consideration of the contextual limitations (e.g., the novelty of the phenomenon under study), the research time frame (4–6 weeks of fieldwork), and the needs and interests of the project's non-academic target audience.

The study proceeds as follows. The next section (III) introduces the reader to Tanzania's open government landscape. Section IV explores OGP and the institutionalization of an open government agenda in Tanzania. Section V examines OGP and the way it has factored into advocacy for right to information legislation in Tanzania. Section VI recaps and synthesizes the findings. The main insights from this analysis are:

1) High-level leadership played a significant role in introducing the OGP process in the country. However, the deeper institutionalization of open government in Tanzania remains a work in progress.

2) Where institutionalizing the open government agenda is concerned, OGP's value has been to complement existing governance agendas and signal the government's commitment to reform.

3) The establishment of a formal national OGP Steering Committee in Tanzania may have enabled some new dialogue dynamics between government and selected civil society groups, but longstanding aspects of state–civil society relations are resilient to change.

4) The platform provided by specific OGP inputs, like regional summits, IRM reports, and the national action plan cycle, have given a small set of civil society actors a platform for various issues including criticizing proposed freedom of information legislation, and establishing some rapport with the government. That said, local

political conditions, including frequent ministerial reshuffles and the dominant role played by a few actors in agenda-setting, have constrained OGP's usefulness in informing deep changes in Tanzania.

In light of these findings, the final section provides takeaways from the analysis tailored to different stakeholder groups who may be interested in leveraging the OGP platform to advance reforms in Tanzania.

III. Contextualizing the OGP Journey in Tanzania

The open government agenda in Tanzania needs be understood in close connection with the sweeping political and economic reforms that began in the mid-1980s.[1] Founded on neoliberal economic and political principles, the reforms marked the end of a single party era in which the participation of citizens in government affairs had taken place within the framework of a ruling party.[2] The reforms were preceded by the arrival of President Ali Hassani Mwinyi in 1985, replacing President Julius Nyerere who had served for about 24 years.

The new government re-introduced multiparty democracy in 1992 and increased civic space by allowing the creation of civil society organizations (CSOs).[3] CSOs started to negotiate for space in the policy arena, a traditional monopoly of the state. Naturally, traditionalists within the state resisted civil society "encroachment" on public policy processes. However, there were situations where state–civil society cooperation was smooth. This happened when their interests and those of state actors met. The CSOs' success in promoting their agenda to the government became contingent on the nature of the relationship between civil society and state actors, and also flowed from the role they played in providing some public services alongside the state.

The capacity of some of these CSOs grew with increased support from international donors. Tanzania is the largest recipient of aid from DFID's Empowerment and Accountability Programme. The international donors' support for CSOs increased their salience as advocates of the good governance agenda, in a context in which the role of aid as a tool by which donors could influence the politics of the country was growing. In this era, aid flows became linked to the adoption of a good governance agenda (Vener 2007), which included open government initiatives. The good governance contingency tied to aid implies that the government will strive to improve its good governance credentials with international donors in order to maintain aid flows. In support of open government, donors have also channeled funds to major CSOs, which then promote transparency and advocate for open government initiatives. As will be argued in the following sections, Twaweza, for example, which is the most active member of the national OGP Steering Committee,

---

[1] Tanzania is a union of two countries that united on April 26, 1964: Tanganyika (now officially known as Tanzania Mainland) and Zanzibar. The independence of Tanganyika was smooth as it was peacefully attained in 1961. However, the independence of Zanzibar was accompanied by turbulence, leading to a January 1964 revolution that overthrew the Arab government of Shamte, which had been granted independence in December 1963 by the British colonial state. Political turbulence in Zanzibar continued to recur after independence in which the first President of Zanzibar, Abeid Karume, was assassinated in 1972.

[2] From 1965 to 1992, Tanzania was a one-party state, with the Tanganyika National Union (TANU) in Tanzania Mainland, and the Afro-Shiraz Party (ASP) in Zanzibar. Through the 1967 Arusha Declaration, Tanzania embarked on building and consolidating the socialist [*Ujamaa*] policy, which was translated into the nationalization of major means of production and the Villagization Program, which pushed people to live in nucleated Ujamaa Villages. *Ujamaa* is a Swahili term referring to the spirit of togetherness. In the view of President Nyerere, the Ujamaa Policy was based on "African Socialism," as opposed to the Scientific Socialism of Karl Marx (Rodney 1972). In 1977, the two political parties (TANU and ASP) joined together to form *Chama cha Mapinduzi* (Revolutionary Party), which is currently the ruling party in Tanzania.

[3] These were mainly professional CSOs based in Dar es Salaam.

is funded by Hivos, the Hewlett Foundation, and DFID, major funders of OGP.[4] It is Twaweza that first hatched the OGP idea and sold it to the government of President Jakaya Kikwete, who had been elected in 2005. In this aid context, it is not surprising that Kikwete promised:

> My Government will be guided by good governance, transparency and accountability. We will respect the rule of law, and we will respect the principle of separation of powers between the Executive, the Legislature and the Judiciary. And we will empower each branch to discharge its responsibilities. The Fourth Phase Government will strengthen the public service and fight social ills without fear or favor.[5]

To signal that he was following through on these promises, President Kikwete's government instituted the Citizen's Budget in 2007, and strengthened the anti-corruption regime by enacting the Prevention and Combating Corruption Act (Cap No. 329) in 2007 and later the Election Expenses Act in 2010 to control corruption and the misuse of public resources during elections. Most importantly for the purposes of this case study, in 2011 the government of President Jakaya Kikwete also joined the Open Government Partnership (OGP). According to the government, the reason behind this was to "make Government business more open to its citizens in the interest of improving public service delivery, government responsiveness, combating corruption and building greater trust."[6] President Kikwete maintained, "I decided, on my own accord, Tanzania to join this program (OGP) because of the realization of the advantages and importance of having transparency in running the government activities."[7]

In Tanzania, OGP entered an already complex set of open government and multi-stakeholder policy dialogue platforms such as the Annual Policy Dialogue (2009) and the 1998 Public Expenditure Review (PER), involving the government, CSOs, the private sector, and development partners. In addition, several government ministries, departments, and agencies (MDAs) introduced websites and other information, communication, and technology (ICT) systems to increase public access to government information and improve service delivery. Furthermore, Tanzania joined international initiatives such as the Extractive Industries Transparency Initiative (EITI) to promote the agenda of open government.

The two following sections discuss the institutionalization process of the open government agenda and the push for the freedom of information law in Tanzania, and unpack how OGP has played out in the context of Tanzania's open government experience.

---

[4] See OGP's funders at this link: http://www.opengovpartnership.org/finances-and-budget. Twaweza's donors are listed here: http://www.twaweza.org/go/about-us.
[5] OGP Action Plan I, 2012, 2.
[6] United Republic of Tanzania, 2014, 2. In fact, Tanzania was the second African country (after South Africa) to join OGP.
[7] Opening speech of President at the Dar es Salaam OGP Summit in May 2015.

Figure 1: Tanzania Country Profile

Population: 47.4 million people in 2014

Human Development Index (HDI): ranked 159 in 2013

GDP per capita: about US$900 in 2015 (WB projections)

CSO sustainability index: 4.1 for Sub-Saharan Africa, 2013

Open Data Barometer: ranked 68 out 86 countries in 2014

OGP member from 2011

IV. Institutionalizing the Open Government Agenda in Tanzania

This section examines the contribution of OGP to institutionalizing the open government agenda in Tanzania. It examines three dimensions of that agenda: its scope, its sustainability, and the level of civil society–state engagement in it (see Figure 2).

Our research shows that OGP national action plan processes in Tanzania have given some pro-reform actors a forum and space in which to promote aspects of an open government agenda. These processes may have modestly affected the sustainability of open government in Tanzania, and have also resulted in some limited state–civil society engagement that otherwise would not have occurred. The scope of the agenda, however, has not really changed due to OGP. Improvements, when they exist, are tenuous and by no means systemic. In so far as their persistence is highly dependent on the interests of a select group of individual leaders, it is difficult to speak of institutionalization, or the transformation of open government principles and processes on the basis of OGP.

Figure 2: Tracking the Institutionalization of Open Government in Tanzania

	Pre-OGP	Entry into OGP	3–4 years after OGP
Scope	Liberalization of economy and democratization Entrenched secrecy in public bureaucracy	Transparency for service for service delivery and e-government, ICTs	Open Data and ICTs
Sustainability	The reform agenda was stable after 1990	The reform agenda had been stable since 1990 Existence of national elites in support of the agenda. The public was in support of the agenda	Initiatives taken move forward the open government agenda Public support for the agenda
State–civil society decision-making in the OG agenda	Low coordination and confrontational CSO–state collaboration	Low coordination of CSOs Tensions between government and CSOs on policy consultations	Still very imperfect state–CSO consultations in various areas, both within and outside of OGP

Tanzania joined OGP in September 2011 largely thanks to the personal efforts of President Jakaya Kikwete and Rakesh Rajani, a Tanzanian pro-open

government activist. The duo met in New York during the launch of OGP on September 20, 2011 and agreed to work together to use OGP to promote open government in Tanzania.[8] According to one open government expert, President Kikwete and Mr Rajani were motivated to embrace and promote OGP in large part because of its potential to provide momentum to ongoing reform efforts.[9] This step was consistent with President Kikwete's good governance electoral platform (see Section III). For Rakesh Rajani, the mission of the organization he then headed, Twaweza, is and has been deeply committed to open government values in public service delivery. Promoting OGP was his call – in fact Rajani was among the founding members of OGP's global Steering Committee and would later become a civil society co-chair of the Partnership.[10] OGP's norm-shifting potential is a message that Twaweza's leadership has delivered at home as, for instance, at the Dar Es Salaam regional event in May 2015, as well as globally at OGP events.[11] In addition, OGP donors, including Hivos, the UK International Development Department (DFID), the William and Flora Hewlett Foundation, and SIDA, have supported Twaweza.[12] All these funders except SIDA are members of the Transparency and Accountability Initiative (T/AI) that housed and seeded OGP.[13]

OGP started as a voluntary process and was not a donor-mandated initiative. As such donors seem not to have played a direct role in Tanzania's decision to adopt OGP. However, donors' keen interest in promoting open government and transparency in general may have made adopting the OGP agenda ideal for both the government and Twaweza.[14] International exposure, more generally, seems to have been at play as both Kikwete and Rajani served as OGP Steering Committee members and their experience and relationship was showcased in OGP global events, including the London Summit of 2013 and the High Level Side Event to the UN General Assembly Meeting in New York in 2014. In this light, Tanzania's participation in OGP may have been a signaling device by which the government could demonstrate to international partners its seriousness regarding good governance reforms.

---

[8] Interview with President's Office officials, June 2, 2015; interviews with Aidan Eyakuze, Twaweza Executive Director, August 24, 2015.

[9] Interview with Ben Taylor, a Twaweza officer, January 14, 2016. The research team reached out to Rakesh Rajani and was referred to Mr Taylor instead.

[10] http://www.Twaweza.org/go/what-is-Twaweza. This view was further emphasized by Aidan Eyakuze, Twaweza Director, interview, August 24, 2015.

[11] See transcript from the OGP: Citizen Action, Responsive Government High Level Side Event to the 69th UN General Assembly. http://www.opengovpartnership.org/sites/default/files/attachments/2014%20OGP%20HLE%20-%20Full%20Transcript%20FINAL.pdf

[12] For information on the funding links between Twaweza, its affiliates, OGP, and the mentioned donors, please see the following links:
http://www.twaweza.org/go/about-us;
http://www.uwezo.net/about-us/our-donors/ (please note that Uwezo is a Twaweza sponsored initative, and that DFID and SIDA are some of the largest of Tanzania's bilateral donors);
http://www.opengovpartnership.org/finances-and-budget.

[13] https://hivos.org/news/changing-guard-open-government-partnership.

[14] It is worth noting that the OGP secretariat was not directly funded by donors. In addition, each member of the OGP secretariat funded its own engagement in the OGP process.

Upon returning to Tanzania from the OGP Event in 2011, Kikwete tasked the pre-existing Good Governance Unit in the President's Office with coordinating and implementing the initiative.[15] The president then gave Rajani the opportunity to make presentations to the cabinet and other senior government officials on OGP.[16] Twaweza's primary mission since its inception has been to promote a cross-cutting open government agenda.[17] One of its programs for promoting open government is called *Uwazi* (a Kiswahili word whose literal translation is "openness").[18] Twaweza therefore became a key player in promoting OGP in Tanzania.

IV.1 State–Civil Society Decision-Making in OGP

The introduction of OGP created a space in which the government and at least some civil society groups could negotiate the changes they wanted around some narrow reform areas. However, our research found that a small number of government officials and a limited number of CSOs have dominated OGP in Tanzania. OGP in the country is coordinated by a steering committee composed of the government and civil society representatives. The committee's major role is to coordinate the preparation of National Action Plans (NAPs) and monitor their implementation. The NAP process has introduced some regularity to the meetings among its stakeholders, who meet at least once a month. The steering committee was established in 2012, with the government represented by the ministries of Finance, Water, and Health, as well as the Prime Minister's Office of Regional Administration and Local Governments, and the President's Office of Public Service Management. Twaweza drove the selection of other CSO representatives in the steering committee. It was claimed that there was an attempt to get other influential CSOs like Policy Forum, SIKIKA and HakiElimu interested in the process but such efforts were not successful, as they were skeptical that OGP may be little more than a public relations tool for both the president and Twaweza.[19] In the end, REPOA[20] and Media Council of Tanzania (MCT)[21] joined Twaweza as CSO representatives on the Steering Committee.[22] These CSOs were selected because they were all engaged at different levels in promoting the open government agenda in the country. Moreover, both REPOA and MCT had previous experience working with both the government and donors on policy dialogues and matters related to the open government agenda. For example, both organizations had been involved in various research and trainings in this sector, as well as in the design and review of the National Anti-Corruption Strategy and Action Plan. These CSOs were also able to bring experience and

---

[15] Interview with officers in the President's Office, June 2, 2015.

[16] http://twaweza.org/go/open-government-partnership-takes-off-in-east-africa.

[17] http://twaweza.org/go/what-is-twaweza.

[18] http://www.twaweza.org/go/uwazi.

[19] Interview with Ben Taylor, January 14, 2016.

[20] REPOA led the establishment of the Tanzania Governance Noticeboard (TGN), an experiment to establish a one stop center for accessing government information. As such, it was deemed useful in providing insights for promoting the open government agenda. It also had experience working with the government, the World Bank, and Twaweza, which made it even more suitable. More at http://www.repoa.or.tz/.

[21] MCT is an independent and voluntary NGO media watchdog, and has long campaigned for freedom of information issues in Tanzania. http://www.mct.or.tz/.

[22] Interview with Jamal Msami, the first REPOA representative in the OGP Steering Committee in Tanzania, January 14, 2016

capacity to engage the government on policy matters. They joined the Steering Committee under the conviction that they would be able to engage the government and shape policies and National Action Plan initiatives to bring meaningful changes to the governance of the country. Notably, both organizations were funded by donors that contributed to both Twaweza and OGP.[23]

The OGP Steering Committee was initially seen as a platform on which these CSOs and the government could consult and engage in the process of making National Action Plans through consensus.[24] Members of the committee reported that CSOs and government representatives were on an equal footing in the committee deliberations. However, the actual participation of CSOs in the committee differed substantially. Twaweza, for example, has been the clear de facto leader of Tanzanian civil society on OGP issues. REPOA's participation on the committee, however, began to decline after 2012, while MCT attended only a handful of committee meetings. The eventual lack of high-level commitment from REPOA and MCT arose from their perception that OGP was not directly linked with their priorities. In addition, both CSOs became pessimistic about the ability of OGP to deliver desired changes.[25] Nonetheless, Twaweza continued to invest resources in promoting OGP as a strategic tool for promoting transparency and accountability in government.[26]

Tanzania made 25 commitments in its first NAP (2012–2013). Twaweza was very much involved in the details choosing priorities for the Steering Committee, but not part and parcel of the final decision-making.[27] Stakeholders' views were solicited through the mass media by the national Steering Committee to discuss and propose commitments to be involved in the action plan. The draft of the OGP action plan was also posted online for people to comment through emails, by phone, and by letter. It was reported that more than 100 respondents expressed their concerns through emails. There was scant participation from stakeholders in other sectors, such as media, the private sector, and others. However, in addition to those already on the Steering Committee, more than 50 civil society organizations participated in the consultations. Amongst them was FCS, an umbrella organization representing many different civil society agencies, many of which work on transparency issues. FCS is a prominent figure in this space in Tanzania. It is funded by the Swiss Agency for Development and Cooperation (SDC) and the Danish International Development Agency (DANIDA), both of which have expressed their interest in promoting an open

---

[23] REPOA, 2014 Annual Report, p. 50, names DFID as a donor. See here: http://www.repoa.or.tz/documents_storage/REPOA_2014_Annual_Report.pdf. MCT has received funding from SIDA. See memorandum here: http://www.swedenabroad.com/Pages/StandardPage.aspx?id=13214&epslanguage=en-GB.

[24] It should be noted again that no funding was directly provided to organizations that joined the Steering Committee, indicating that the primary incentive for participation was to gain new access to government officials, or to otherwise further organizational interests.

[25] Interviews with officials of OGP Coordination Unit, June 11, 2015; interview with MCT representative in OGP Steering Committee, June 2, 2015; interview with Ben Taylor, January 14, 2016.

[26] Interview with Ben Taylor, January 14, 2016.

[27] Ibid.

government agenda in Tanzania.[28] Accepting an invitation to participate in the consultation process was ideal for FCS as it was in the interest of its members and funders. Moreover, and perhaps most importantly, FCS raises funds from a variety of donors to support its CSO network, and many of them are supporters of OGP. As such, participation in the consultation process was sensible both programmatically and financially.[29]

The second steering committee was formed in 2014. It involved more actors from both the government and CSOs, the view being that this would improve its effectiveness. For its part, the government had been embarrassed by the negative assessment of the first OGP Independent Reporting Mechanism, which found that the 25 commitments on the first action plan were too ambitious, and that few of the selected commitments had been successfully implemented. To avoid this sort of situation, the government was even more involved in selecting priorities in 2014.[30] Two ministries were added to the committee: the Ministry of Land and the Ministry of Minerals and Energy. Their participation was sensible due to the burgeoning investment in land and extractives in Tanzania. Having both on the Steering Committee signaled to key constituencies, including investors, donors, and the general public, the government's added motive to promote openness on land and extractive industries. Moreover, these two ministries attract many complaints related to inadequate public service delivery and perceived rampant corruption, so including them in the committee could be a useful way of improving their image and performance. In fact, protracted public demand for effective measures against the perceived maladministration of land and extractive sectors was reported to have been a major motivation for including the two ministries.[31] In addition, Tanzania's commitments on the Extractive Industries Transparency Initiative (EITI) provided an added incentive for including the ministry responsible for extractive industries. Tanzania joined EITI in 2011 to promote transparency, credibility, and accountability in the extractive industries.[32]

Two new CSOs included on the Steering Committee were the Tanganyika Law Society (TLS) and FCS, both of which are amongst the largest CSOs in the country. TLS and FCS were selected and invited through Twaweza because other members of the Steering Committee, MCT and REPOA, had effectively stopped

---

[28] http://www.thefoundation.or.tz/index.php/en/aboutus.

[29] During the course of this research, multiple attempts were made to get hold of those at FCS who were originally involved in OGP. Those attempts were unsuccessful. The current leadership could not provide a definitive reason as to why FCS refused to participate in the Steering Committee but was willing to join consultations. It is possible that participation in the Steering Committee could have involved a higher degree of commitment, whereas nominal participation in consultation allowed FCS to signal its intereset in open government to donors and partners without expending significant resources. This reasoning, however likely, is unconfirmed.

[30] Interview with Ben Taylor, January 14, 2016.

[31] In response to public complaints on land administration in the country, the Minister for Land, Housing and Human Settlements Development promised during his 2015/2016 Budget Speech that the government would introduce measures to improve transparency in land administration.

[32] See http://www.teiti.or.tz/history-of-teiti/. It must be noted that interviewees from government, CSOs, and DFID report that donors did not directly influence the decision to join EITI, or the inclusion of EITI matters as commitments in the second NAP. As noted elsewhere, their indirect influence was certainly present, but donors do not appear to have directly affected these decisions.

participating in meetings. These two groups were seen as good candidates for the OGP process because of their broad reach throughout the country, which could boost OGP's domestic legitimacy. As an umbrella organization, FCS has many constituent member CSOs, and all registered attorneys in Tanzania belong to TLS. Both organizations work towards transparency, which made participation in OGP attractive, as it might present an opportunity to further their policy agendas. Furthermore, their donors also happen to fund OGP, so orienting themselves within the priority sectors of donors and the government made sense, organizationally speaking.

The commitments in the second action plan were selected according to consultative discussions involving stakeholders invited by the Steering Committee. The selection of priorities was deemed to have been based the country's priorities outlined in the five-year development plan 2011/12–2015/16. The chosen priorities were also meant to contribute to achieving overall government objectives, including those integrated into other initiatives like TEITI.[33] The selected commitments were also supposed to demonstrate the government's commitment to address governance deficits that were receiving substantial publicity.

Other OGP inputs also provided some support for broadening participation and voice in the open government agenda. OGP international and regional events were particularly key in this respect. These include the London 2013 Open Government Partnership (OGP) Annual Summit and the 2015 Second OGP Africa Regional meeting in Dar es Salaam. These international and regional events provided space for debate on various policy issues and challenges in promoting open government. They may have allowed the government and CSOs to draw experiences and expertise from other countries, and also enabled CSOs and the government to vent their complaints and frustrations with each other. For example, as will be discussed in Section V, during the May 2015 OGP Africa Regional meeting, CSOs accused the government of not honoring its OGP commitments by pushing for what they considered prohibitive laws such as the Cybercrime Act of 2015, the Statistics Act of 2015 and the Access to Information bill. The government, for its part, accused CSOs of not walking the walk by avoiding transparency in their funding and activities.

Clearly, Twaweza played a, or perhaps the, key role on the Steering Committee, at least where civil society was concerned. The committee served a purpose, giving a few members of civil society the opportunity to engage with and give feedback to the government on the commitments selected. The committee's usefulness must be highly qualified, however. Sources at REPOA interviewed for this research state that there was not a regular meeting schedule, and that the committee came together only sporadically. This meant that some members barely

---

[33] Interview with Jamal Msami, January 14, 2016.

participated – Twaweza being the clear exception.[34] These concerns were also expressed at the OGP event held in Dar es Salaam in May.

In sum, OGP has provided a forum, by way of the OGP Steering Committee, consultations, and international events, through which some CSOs and government agencies interact. Their dialogue focuses on the challenges of open government, although substantive partnership is somewhat unequal, and mistrust and tensions between and among CSOs and governmental actors continue to hinder the advancement of a collaborative open government agenda in Tanzania.[35] Indeed, due to the distrust and unequal power dynamics, both within civil society and between civil society and government, equitable cooperation is often lacking. Mistrust has consequences, including the low rates of civil society participation in the Steering Committee – these participation deficits limit the expansiveness and depth of OGP's influence, and inhibit the quality of civil society engagement in some open government processes.

IV.2 Scope of the Open Government Agenda in OGP

In Tanzania, the effective delivery of public services has long been an issue on the government's agenda. Service delivery receives considerable emphasis in government strategy documents, especially in the sectors of water, health, and education. These are also issue areas where Twaweza concentrates its efforts to promote transparency, and where the government directs more financial resources. Natural resources were also an area of emphasis prior to OGP, as shown by Tanzania's participation in EITI. The government has also long committed to the use of information and communication technologies (ICT) to improve public access to government data and citizen participation in decision-making processes. ICT is also an issue prioritized by elites, who regularly make use of the Internet and other tools, though many Tanzanians have little access to such resources. It is the elites who tend to be more influential on government behavior than the masses, even (or especially, in this case) in OGP processes.[36]

A substantial number of the open government issues that were focused on, therefore, addressed pre-existing priority areas, some of which would have little impact on the lives of many Tanzanian citizens.

Specific commitments in the first National Action Plan (2012–2013) were chosen with these incentives in mind. The process of selecting commitments for the second plan was similar. Various stakeholders and the general public were invited to

---

[34] Interview with Jamal Msami, January 14, 2016
[35] President Jakaya Kikwete's speech during the opening of the second OGP Africa Regional Meeting in Dar es Salaam, May 20, 2015.
[36] The government claims that its focus on ICT as a key part of its open government agenda was prompted by the strategic nature of ICT in enhancing the agenda. That said, the government's strong emphasis on ICT also raises questions about its approach to open government – other topical areas may have been more salient for addressing the open government needs of a majority of Tanzanian citizens, indicating that other incentives may have been at play in driving the Kikwete administration's focus areas.

submit their thoughts regarding the commitments. An advertisement was posted on the OGP website, and there was a form which people had to download, fill out their concerns and send back to the OGP secretariat. Suggestions on the commitments were also received through emails.

Not all the commitments in the first NAP were realized. In fact, an evaluation of the implementation of the first plan made by the Independent Reporting Mechanism (IRM) concluded that only four out of 25 commitments had been fully implemented. The evaluation also concluded that having 25 commitments was over-ambitious. The report recommended that the next NAP have fewer commitments to allow for more effective implementation.[37]

On the basis of similar feedback mechanisms, as well as the experience in implementing the first NAP, preparation of the second NAP (2014/15–2015/16) reduced the number of commitments from 25 to just five, suggesting that OGP inputs, like the IRM and the government's self assessment reports, provided incentives to focus NAP targets. Such commitments include enacting the Access to Information Act, establishing an open data system, creating systems for open budgets, more land transparency, and improved extractive industries transparency. This last commitment is also aligned with the EITI campaign. The commitments were chosen in a meeting involving representatives from multiple stakeholders across various sectors. The commitments chosen, as with the first action plan, were aligned with government priorities contained in the 2011/2012–2015/2016 development plan. It was reported that the government retained its calling card on the selection of commitments as it was agreed by members that selection of commitments should compliment the overall objectives of the government.[38]

An overview of the implementation of the second NAP shows completion or significant progress in implementing all five commitments. Such successes include the establishment of the Open Data website (opendata.go.tz), where data from different government agencies can be accessed (as noted in Section III). The government gazette can now be accessed online instead of seeking a hard copy. The government budget is displayed on the Ministry of Finance website, providing public access to budget information. The budget is also produced in a popular version that makes it accessible to the general public.[39] However, many Tanzanians are unable to access this information. Indeed, the effectiveness of these new technologies in making the government more open is constrained by their limited accessibility.

The practices of real-time television and radio broadcasting of national budget discussions in the national parliament and increased space for public participation in the budget processes are now well established. In addition, the Tanzania Extractive

---

[37] *Independent Reporting Mechanism Tanzania: Progress Report 2011–2013*, 10.
http://www.opengovpartnership.org/sites/default/files/Tanzania%20OGP%20IRM%20public%20comment%20%28Eng%29.pdf.
[38] Interview with Jamal Msami, January 14, 2016.
[39] http://www.mof.go.tz/index.php?option=com_content&view=category&layout=blog&id=20&Itemid=560.

Industries (Transparency and Accountability) Act, 2015 has been enacted to provide for transparency in the extractive industries.[40] Among other things, the law provides for disclosure of contracts and concessions between the government and extractive companies. It is important to note that the demand to end secrecy and confidentiality in extractive industries contracts has been long called for both within and outside parliament. OGP provided additional resources to consistently promote the openness of government operations and hence advance an open government agenda.

OGP tools introduced through action plans gave some traction to the open government agenda. This is not to say that such tools, like the Controller and Auditor General Reports, came into being solely because of OGP. As noted, the open government agenda in Tanzania is a longstanding phenomenon that predates OGP's arrival. None of OGP's inputs, at either the international or national levels, played more than a complimentary role in expanding or broadening the scope of the open government agenda. The topic areas included in OGP NAPs, especially those involving ICT, are yet to reach the wider part of the Tanzanian population.

IV.3 The Sustainability of the Open Government Agenda during OGP

The Tanzanian government's commitment to the open government agenda has been fairly stable since the 1990s, when longstanding reform programs focused on good governance began. OGP was introduced to give impetus to such reforms. However, it does not appear that OGP inputs have meaningfully enabled a deepening of the open government agenda in Tanzania. This is in part because a few, high-level actors dominate most open government initiatives, including OGP. In the case of OGP, the leadership of former President Jakaya Kikwete was especially instrumental, as was that of Rakesh Rajani and Twaweza. These leaders, as has been explained, were key figures in the adoption of OGP in the country.

Kikwete's term ended in 2015. It remains to be seen whether the commitment to open government, or to OGP, will continue under his successor, John Magufuli. The government's commitment to demonstrating its good governance credentials is likely to persist, which may make OGP a salient initiative, even after this change in leadership. Without a broad-based coalition supporting it, OGP's future in Tanzania may be vulnerable.

Commitments to open government more broadly are likely to continue, though the substance of those commitments, and the outputs they are able to generate, is also highly contingent on leadership. For example, the situation surrounding the access to information bill (discussed in detail in the following section) indicates that ministerial reshuffles, which resulted from domestic political dynamics, played a role

---

[40] Tanzania was suspended from EITI on September 2, 2015 due to its inability to meet the June 30, 2015 deadline for publishing the 2012–2013 EITI Report. The suspension was lifted on December 18, 2015 after the report was published. See http://www.teiti.or.tz/wp-content/uploads/2015/12/Lifting-of-EITI-Tanzania-Suspension.pdf.

in hindering effective collaboration between civil society and the government on ATI legislation. This reshuffling ensured that, especially on the government's side, the process of learning about how to successfully navigate political processes in pursuit of reform had to restart with each new leader.

In summary, the extent to which OGP is providing leverage for institutionalizing open government in Tanzania is not quite clear. The initiative appears to have enabled a narrow set of leaders (namely, high-level government officials and CSO leaders like Twaweza) to further their pursuit of pre-existing reform efforts, but the scope of open government has not really changed. OGP inputs have provided some opportunities for engagement between the state and civil society, but they have not fundamentally reshaped the power dynamics between them, or created new coalitions that have changed the complexion of negotiations on open government. For example, the Steering Committee, as well as consultations, enabled some highly qualified and government-dominated exchanges between some civil society groups and the government. Likewise, OGP is not helping reformers more effectively navigate political processes to achieve deep reform. Because so few actors dominate the agenda, its sustainability does not seem to have deepened due to OGP, though it may have helped introduce measures that eventually have had the effect of consolidating the open government agenda.

These findings indicate that OGP is being used as a validation tool by which the government can signal its commitment to good governance to international partners, including donors and other governments. This, as well as the lack of profound change on the dimensions of institutionalization just covered, limits the substance of the open government reforms that have been accomplished through OGP. This is made clear by the situation surrounding the push for freedom of information legislation in Tanzania.

V. OGP and Freedom of Information in Tanzania

As argued in the previous sections, OGP has been of modest use to reformers working on open government in Tanzania, providing a small boost by which a limited number of reform-minded actors could attempt to collaborate and advance open government issues. Many, if not most of the reforms undertaken as part of OGP would have likely been accomplished anyway, as they were already part of the government's reform agenda, and were supported, directly and indirectly, by donors. This section shows how OGP inputs have been of some limited use in pushing for and against freedom of information legislation in Tanzania. It posits that OGP Steering Committee meetings and consultation processes provided a forum for CSOs to lobby for the inclusion of freedom of information items in National Action Plans I and II. It makes a case, however, that government commitments to enact a consensual freedom of information law never materialized because of the contrasting perspectives of politicians heading the Ministry of Information and the Ministry of Legal Affairs. Some ministers accepted the open government agenda and initiated discussions with CSOs about a freedom of information law. But others were reluctant, and thus paralyzed the process. This led to a situation in which CSOs, in part through OGP events and the opportunities they provided, were able to exert enough leverage to prevent the passage of unsatisfactory bills included in OGP processes, but not enough to make proactive gains in access to information.

At the same time, bills focused on statistics and cybercrime were criticized by CSOs for reducing the transparency of government in Tanzania, and despite OGP civil society could do little to oppose these bills. This section thus provides a lens by which to understand when and how pro-reform actors have been able to leverage OGP processes, spaces, and resources in reference to specific freedom of information legislation, a key aspect of the open government discourse in Tanzania. The timeline of these processes in Tanzania is summarized below.

Figure 3: Freedom of Information in Tanzania

	Pre-OGP	OGP Action Plan 1 (2012–2013)	OGP Action Plan 2 (2014–2015)
Two bills focusing on openness – media and FOI	Government released Freedom of Information Bill in 2006 for stakeholders to comment. CSOs opposed the bill since it combined media services and freedom of information	Government committed to study global best practices enabling it to enact freedom of information law	Government expressed intention to table Freedom of Information and Media Services Bills under certificate of urgency. Bills opposed by CSOs because did not draw inputs from CSOs. Government accepted withdrawing the two bills from the National Assembly
Two bills focusing on data – statistics and cyber crime		Government through Deputy Minister for Science and Technology announced intention to enact cybercrime law	Cyber Crime and Statistics Bills tabled to the National Assembly under certificate of urgency, and subsequently passed into law despite opposition from CSOs

Section 18 (d) of the Constitution of Tanzania (as amended in 2005) provides that without contravening other laws in the country, everyone "has a right to be informed at all times of various important events of life and activities of the people and also of issues of importance to the society." This right is also enshrined in Article 9 of the African Charter on Human and Peoples' Rights, which requires that "every individual shall have the right to receive information."[41] Whereas these provisions may be taken as basis for freedom of information, there is no enabling law in Tanzania requiring those who have control over public information, in particular officials and departments, to share it.[42] In this respect, since government officials are never legally compelled to release information, they have the option to respond or not to respond to any requests for information submitted by the public. A 2005 study by HakiElimu, the Legal and Human Rights Centre (LHRC), and REPOA revealed that responses to requests for information, submitted to different agencies of the state, were exceptionally low. According to the study, out of 46 requests submitted to the central government, only 15 received a response, one request received a partial

---

[41] African (Banjul) Charter on Human and Peoples' Rights, adopted on June 27, 1981 and entered into force on October 21, 1986.
[42] This is also the case in many other countries of Africa, of which as of 2013 only eleven – Angola, Ethiopia, Guinea, Liberia, Niger, Nigeria, Rwanda, Sierra Leone, South Africa, Uganda, and Zimbabwe – had enacted legislations on freedom information (UNESCO, http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/freedom-of-information/foi-in-africa/).

response, and 30 received no response at all.[43] In essence, therefore, despite the adoption of the open government agenda in the mid-1980s, access to information remains problematic in Tanzania because the government and its officials cannot be legally held accountable when they fail to disclose information requested by citizens.[44]

These issues have, over the last decade, effectively been a battleground in Tanzania, between government and civil society. The freedom of information movement is far older than OGP. In 2006, the newly elected government of President Jakaya Kikwete released a Draft Bill on freedom of information for stakeholders to discuss.[45] The bill, which combined right to information and media services, received stiff opposition from key stakeholders, in particular MCT and the Media Institute for Southern Africa, Tanzania Chapter (MISA-TAN). These stakeholders suggested that freedom of information and media services be separated into two different laws – one dealing with the right to information, and the other dealing with sectoral regulations of the media industry.[46] In response, the government withdrew the bill in order to incorporate the concerns raised by CSOs. To effectively pursue their demands, CSOs, namely the Tanzania Women's Media Association (TAMWA), MCT, and MISA-TAN, joined efforts to form the Freedom of Information Coalition. In later years they were joined by eight other CSOs, including Twaweza.[47]

After about a year of public consultations, in 2007 the coalition submitted its recommendations to the Ministry of Information, which was by then headed by Mohamed Seif Khatibu. The recommendations were similarly submitted to other agencies of the government and non-state actors. Later in October 2008, the coalition also submitted a proposal for the Media Services Bill. However, in 2008, Seif Khatibu was transferred to the Vice President's Office, Union Matters following a cabinet reshuffle. The government reshuffle in 2008 resulted from the resignation of the Prime Minister, Edward Lowasa, following a corruption scandal involving the Richmond Company, a controversial private energy firm contracted to save the country from its power rationing problem. This meant that the coalition had to initiate consultations and discussions with a new minister, George Mkuchika, who headed the Ministry of Information from 2008 to 2010. But after the 2010 general election, another new minister, Dr Emanuel Nchimbi, was appointed to head the Ministry of

---

[43] HakiElimu, LHRC, and REPOA 2005. It should be emphasized that this data was collected ten years ago, well before Tanzania's entry into OGP. A new study along similar lines should be conducted now, to see if anything has changed since.
[44] It is worthwhile noting, however, that even though Tanzania does not have concrete legislation on freedom of information, recent government reforms have empowered citizens to take part in administrative issues of the government. Such reforms are fundamentally reinforcing transparency, participation, and the right to information in the country. Notable initiatives of this nature include local government reforms that call for the devolution of government power and resources, as well as the client charter services introduced in government agencies. The relatively recent increase of private media and CSOs has also widened room for citizens to seek and receive information from the government.
[45] URT 2006.
[46] Media Council of Tanzania 2015.
[47] The Freedom of Information Coalition constitutes other CSOs – namely the Media Institute of Southern Africa, Tanzania Chapter (MISA-TAN); the Bar Association of Tanzania Mainland (TLS); Legal and Human Rights Centre (LHRC); Tanzania Network for Legal Education (TANLET); National Organization for Legal Assistance (nola); Media Owners Association (MOAT); Twaweza; and Tanzania Gender Networking Program (TNGP).

Information. In comparison with previous ministers, Nchimbi was progressive and cooperative to the extent that he supported the formation of a task force to focus on freedom of information legislation.[48] In one of the stakeholders' meetings held in 2011, Dr Nchimbi stated, "The government will do everything possible to make sure that the (information) bill is enacted and implemented accordingly."[49]

But in 2012 another cabinet reshuffle took place, leading to the transfer of Nchimbi to the Ministry of Internal Affairs and the promotion of Dr Fenela Mukangara to the position of Minister for Information.[50] The 2012 reshuffle resulted from a report of the Controller and Auditor General (CAG). The report established cases of misuse of public resources in several ministries, including the Ministry of Energy and Mineral Resources and the Ministry of Finance. Mukangara's elevation to the role of Minister effectively ended the ministry's discussions with civil society about the freedom of information law. During interviews conducted during the course of this research, a member of a CSO engaged in the issue reported: "When Fenela (Mukangara) took over the Ministry of Information, she did not want to talk to us about freedom of information act."[51]

This state of affairs meant that freedom of information advocates had to adjust their plans. This also coincided with the launch of discussions and consultations between the government and CSOs regarding Tanzania's first NAP. CSOs took advantage of the window of opportunity provided by OGP and, specifically, the consultation step in the NAP cycle, to maintain their push for a right to information law. They were not hugely successful. The government did not commit directly to enacting a new law, as part of the plan, although it did agree "to study best practices on freedom of information law in order to generate input for preparation of a potential freedom of information bill."[52] Important to note here is that although an access to information law is essential for guaranteeing the public's right to information, and is critical to the spirit and practice of open government, OGP membership criteria do not compel members to have such a law.[53]

However, the Freedom of Information Coalition questioned the merit of this commitment, reinforcing historical adversarial dynamics between state and civil society actors (rather than helping them learn how to work together towards the co-production of plans and reforms). In the view of the coalition, the appropriate starting

---

[48] Interviews with officials of MCT, TLS, and nola.
[49] Uhuru 2012.
[50] BBC 2012.
[51] Interview with one of the officials of COSs, June 2, 2015. The evidence also suggests that these frequent reshuffles were undertaken, in part, in response to public outcry in an effort to restore the administration's credibility.
[52] Independent Reporting Mechanism (2013, 38).
[53] See OGP membership criteria here: http://www.opengovpartnership.org/how-it-works/eligibility-criteria#sthash.nwR2PjeX.dpuf. The access to information section states: "Access to Information An access to information law that guarantees the public's right to information and access to government data is essential to the spirit and practice of open government. Measurement: 4 points awarded to countries with access to information laws in place, 3 points if a country has a constitutional provision guaranteeing access to information, and 1 point if a country has a draft access to information law under consideration. Countries with both a constitutional provision and a draft law under consideration will only be awarded the 3 points for the constitutional provision."
From the criteria, Tanzania would receive points towards membership even without an ATI law, which may reduce the extent to which OGP provides incentives for enacting meaningful reform on ATI issues.

point for any review would have been learning from and cementing the domestic efforts leading up to the rejected 2006 Information Bill. According to the coalition, another suitable starting point would have been learning from previous submissions made by them to the Ministry of Information.[54] In this respect, OGP was a parallel process for pursuing a pre-existing priority, which limited its impact on reshaping the reform landscape or the positions of the actors working within it.

However, the situation being what it was, the coalition decided to approach the Ministry of Legal and Constitutional Affairs, which despite not being part of the OGP Steering Committee had been tasked with studying global best practices due to its expertise in legal issues. In approaching the ministry, the coalition hoped to reinforce its previous efforts and make progress on the development of a freedom of information law. And in fact, the ministry, led by Minister Mathias Chikawe, opened discussions about the right to information agenda. Chikawe appointed a team of personnel from his ministry to work with the coalition to draft a freedom of information bill. By 2013, the coalition and its ministry counterparts had gone so far as to draft a cabinet paper on freedom of information legislation. And then another cabinet reshuffle occurred. Chikawe was transferred to the Ministry of Internal Affairs, effectively torpedoing the progress the coalition and its high-level partners had made.[55] The difficulty of the reshuffling was compounded by the fact that few people within the Ministry of Legal Affairs, beyond the leadership and the team tasked by Chikawe to work with the coalition, were especially familiar with OGP, the commitment, or the initiative's aims.

The 2013 reshuffle of the cabinet was caused by the resignation of four ministers – the Minister of Internal Affairs, the Minister of Defense, the Minister of Livestock and Development and the Minister of Tourism. Their resignations emanated from complaints over human rights violations during the implementation of Operation Tokomeza (Operation to Eradicate Poaching). The new Minister of Legal Affairs, Dr Asha-Rose Migiro, never paid due attention to the discussions and progresses initiated by Chikawe. In fact, the room for discussions between the Ministry of Legal Affairs and the Freedom of Information Coalition was padlocked when Dr Migiro took over the Ministry of Legal Affairs.[56] In short, the process had repeated itself. In 2012, Nchimbi's transfer from the Ministry of Information had impeded efforts to advance freedom of information legislation, and in 2013, Chikawe's departure from the Ministry of Legal Affairs cast another formidable obstacle into the coalition's path. Reflecting the dynamics described in Section IV, this incident indicates that up to now CSOs have been unable to use OGP to navigate the transitions in getting the government pass an acceptable access to information law.

---

[54] Interviews with officials of MCT, TLS, and nola. Also see Tepan (2013), Independent Reporting Mechanism, Tanzania.
[55] *Guardian* 2013.
[56] Interview with a CSO official, June 2, 2015.

Further complicating these matters was the fact that neither the Ministry of Information nor the Ministry of Legal and Constitutional Affairs were formally linked to or involved in the implementation of the first and second NAPs because their activities were not connected to government priorities implemented by OGP.[57] The Ministries of Education, Health, and Water, the e-Government Agency, and the Prime Minister's Office, as well as Regional and Local Government Authorities, were the bodies charged with implementing OGP commitments. These government bodies were involved because of the issue areas covered by the commitments made during the plan, as discussed in Section IV. However, the absence of any formal linkage between, on the one hand, the ministries in which freedom of information was pursued and, on the other, OGP, made achieving progress even more difficult. In part, this limited the usefulness of inputs like the IRM report, for example. In general, ministries directly connected to OGP cared about the IRM – the government often referenced the IRM in its explanations of what was and was not working in OGP.[58] In the Ministries of Information and Legal and Constitutional Affairs, however, the salience of tools like the IRM depended on the ministers in charge. The frequent reshuffling of minsters, and the different perspectives each minister brought, meant that the leverage such tools offered was highly variable, especially since OGP awareness was highly concentrated at the top of government power structures, and was not disseminated throughout the bureaucracy. Where the push for access to information was concerned, therefore, negative IRM reports and other OGP inputs only went so far.

Even though the government adopted a mechanism to drive the NAP cycle, domestic political imperatives, which resulted in regular cabinet reshuffles, combined with a dearth of institutional buy-in to the OGP Tanzania process to hinder the extent to which OGP inputs were useful.[59] Throughout, the role of donors in the push for access to information legislation appears to have been indirect. The influence of donors like DFID, for example, was most apparent through the financing of CSOs like Twaweza, FCS, and MCT that supported reform in this area.[60]

Nevertheless, the Freedom of Information Coalition continued to lobby for a new law, and did so through discussions and consultations on the second NAP. They again focused their efforts on senior government officials. Since the government had promised in the first NAP to study best practices on ATI, the coalition saw this as an opportunity to push the government to translate that promise into action. This time, at least initially, the signs were more promising – the

---

[57] The Ministry of Information and the Ministry of Legal and Constitutional Affairs were not included in the OGP Steering Committee because they are not implementing agencies of the government priority sectors, such as education, health, and water.
[58] The influence of the IRM, as noted, is evident in the differences between the first and second NAPs. The second was streamlined in response to critiques leveled by the first IRM report.
[59] As noted earlier, in the first NAP the government committed to studying global best practices on FOI legislation. Nevertheless, no OGP resources (such as sponsored study tours, visits, or exchanges) featured in that study, although the Ministry of Legal and Constitutional Affairs did study FOI laws in India, the United Kingdom, and South Africa in its review of best practices.
[60] Interview with Zabdiel Kimambo, DFID governance advisor, February 2, 2016.

government agreed to commit to actually passing and enacting freedom of information legislation in the Second NAP.[61] Interviewees from Twaweza and other civil society organizations state that they obtained support from policy-makers by using the Steering Committee to lobby for the inclusion of ATI in the OGP agenda and government commitments.[62] To strengthen matters further, the government's obligation to fulfilling the new commitment was publicly reinforced by President Kikwete during the OGP London Summit in October 2013 during a plenary session discussion with Rakesh Rajani of Twaweza,[63] as well as during the OGP event that took place on the sidelines of the UN General Assembly in September 2014.[64]

Note that these promises were made after Kikwete's administration had already made commitments in relation to access to information. According to the government, the eventual failure to pass a law on this topic was due to a lack of time. This could have led to the events described below, in which the government rushed the legislative process. Kikwete's pronouncements also show how OGP events have been used to rhetorically signal the government's commitments to open government, but have not necessarily delivered the promised reforms on the ground.

In March 2015 the government, this time through the Attorney General, expressed its intention to table the Freedom of Information Bill and the Media Services Bill to the National Assembly under a certificate of urgency. Surprisingly, neither of these bills had ever been made public on any of the government websites; nor had they been thoroughly discussed with the Freedom of Information Coalition, whose members reacted by severely criticizing the government and its actions. Several Members of Parliament also opposed the bills due to the opaque way in which they had been tabled. Members of the coalition met with MPs and the Speaker of the National Assembly to make their concerns with the controversial bills very clear. A broad spectrum of critics publicly criticized the bills in various ways:

> The whole process of this issue is surrounded by secret, which is worrying us stakeholders. We are asking ourselves, what is this secret about?[65]

> This bill is bad … there is no debate about this. The government should not hurry, this bill is taking us back as a nation. It should not be taken to the national assembly until when all stakeholders have voiced their opinions.[66]

---

[61] Interview with an official of Twaweza, August 24, 2015.
[62] Ibid.
[63] URT 2014; *Guardian* 2013. During the OGP London Summit in October 2013, the President said: "We are now working to enact a freedom of information law. By April next year, the parliament will enact this bill, giving the common citizen the right to have information from government. If people want this information on how medicines are distributed, if people want information on budgets for their primary school, they should have the right to that information … Again, during the Dar es Salaam OGP summit in May 2015, President Kikwete emphasized "Already the freedom of information bills have been submitted to the National Assembly, they were taken for the first time. It is my hopes that members of parliament will discuss them before the ongoing national assembly budget session get to an end so that I can also sign within remaining time in my office" (*Nipashe*, May 21, 2015).
[64] In remarks from the floor, Kikwete pledged to have an ATI law in place by February 2015. See http://www.opengovpartnership.org/sites/default/files/attachments/2014%20OGP%20HLE%20-%20Full%20Transcript%20FINAL.pdf, p. 7.
[65] Simon Nyala, Managing Director of Sahara Media Group (Issa 2015).
[66] RostamAzizi, owner of New Habari Corporation (Kisimbilu 2015).

The basis of law making is to involve all stakeholders. Instead of helping to get hold of information for citizens, the bill is restricting access to information and threatening those seeking to access information. A journalist can be jailed for 15 years for committing something that we think is not an offense …[67]

This bill on freedom of information has so many problems. We do not want it; we would rather remain with the current state of affairs than having this bill.[68]

Those opposed to this law who were involved with OGP, including members of the coalition, were able to use an OGP Regional Summit held in Dar es Salaam in May 2015 to express their discontent. CSOs and NGOs thought that they should not participate in the summit because the government, on the basis of its recent actions, did not seem to embrace its commitments to the OGP. During the summit, some representatives of CSOs also threatened to walk out during the opening speech of the president to exhibit their dissatisfaction regarding the recent controversial bills and acts constraining the open government agenda. Furthermore, concerned CSOs used the summit to submit a joint statement asking the government to reconsider its position on the bills.

In response to this widespread opprobrium, the government withdrew the two bills. It has yet to publicly explain its position on the matter, but several senior officials have defended the proposed legislation. For example, when submitting the 2015/2016 financial budget of her ministry, the Minister for Information, Dr Mukangara, argued that the bills would have revolutionized access to information in Tanzania.[69]

In sum, due to the convergence of a number of contextual factors, including the government's electoral commitments and longstanding reform program; the incentives facing local civil society organizations and the government regarding OGP; and longstanding political dynamics, two things happened. First, access to information advocates could use OGP (specifically, the Steering Committee and consultations) to obtain nominal commitments from the government to pursue access to information, although they were apparently unable to ensure that they had a role in actually drafting legislation. Second, reformers could use OGP-provided spaces (like international summits and the Steering Committee) to voice their discontent with the proposed bills, which may have played a role in the government's withdrawal of the legislation. In this light, OGP has been of some use but not in the ways in which OGP expects to support state-civil society constructive engagement; instead of boosting collaboration, it promoted adversarial relations, and turned into more of a shaming platform that was invoked by CSOs to oppose the proposed freedom of information bill.

---

[67] Deus Kibamba, chairperson of Constitutional Forum (Kisimbilu 2015).
[68] Interview with one of the officials of MCT, June 2, 2015.
[69] Mchira 2015.

Contrast this with Tanzania's experience with the Cyber-Crimes and Statistics bills that were passed into law in early 2015. Both of these laws were the subject of vociferous complaints from CSOs and other non-government actors. The Cyber-Crime law, for example, was variously described as restricting free speech, giving the government undue powers, and overly harsh.[70] However, the topical areas covered in the law do not overlap as cleanly as access to information does with the incentives driving Tanzania's open government agenda. The government had no longstanding commitment to reducing Internet-centered crime, and few donors or CSOs connected to OGP were explicitly focused on the issue, despite its relevance as part of a broader open government space. Therefore, the Cyber-Crime act was not addressed in OGP. The ministries in charge of this law, as well as the Statistics act, were not linked to OGP. CSOs were not involved in either bills' drafting, and they were not consulted prior to their passage. OGP therefore provided little leverage to CSOs who were not in favor of the laws. This illustrates the extent to which forces within the administration opposing some open government measures, like access to information, are still strong, as well as the constraints that reduce OGP's already limited influence in exercising leverage on debates not formally included in the open government agenda.

To conclude, Tanzania's experience with the bills discussed in this section illuminates some important aspects of the country's open government journey. First, the frequent ministerial reshuffles, which resulted from domestic political issues largely unconnected to OGP, regularly short-circuited the efficacy of the limited government and civil society consultations that occurred. This meant that civil society inputs were not really reflected in the restrictive bills that the government eventually tried to pass. However, because the right to information law had been folded into the OGP national action plan as a commitment, civil society had some leverage to push back against it. Civil society's dissent combined with public opprobrium, some of which was voiced at OGP events, and some dissatisfaction from MPs (both of which were outcomes of the proposed legislation's dissonance with the government's ostensible focus on continuing to improve transparency), and eventually led to the legislation's defeat.

This outcome further underlines the way in which friction and mistrust between civil society and the government affected the OGP process in Tanzania. These problems arise from a variety of factors, including the limited number of CSOs that are able to engage with OGP, the government's apparent use of OGP to validate its existing reform agenda instead of expanding or deepening it, and a legacy of dissonance between civil society and government.

Therefore, although OGP widened to a small extent the scope of participation of citizens and CSOs in some government decision-making processes, it did not overturn the balance of power, nor did it provide enough leverage to either ensure

---

[70] http://www.loc.gov/law/foreign-news/article/tanzania-cybercrimes-bill-enacted/.

passage of an acceptable Access to Information bill or to inform discussions on the Cybercrime and Statistics bills.

VI. Rethinking Tanzania's OGP Journey

What would have happened in Tanzania had the country not become a member of the OGP, or if the OGP had never come into being? Have the causal mechanisms associated with OGP's theory of change, including the empowerment of pro-reform leaders, furthering learning that improves pro-reform actors' navigational expertise, and strengthening open government coalitions and collective action to rebalance power, been at play in Tanzania?

To answer these questions, this study has traced the actions and decisions taken by key actors in Tanzania throughout the country's OGP experience, as well as through the debate surrounding potential freedom for information legislation. By comparing the general institutionalization of the open government agenda to a specific reform experience, the study explores the ways in which stakeholders have leveraged OGP inputs (or not) to advance their aims. In both instances, we find that OGP's expected contribution may not be playing out quite as intended.

VI.1 Improving Navigational Skill?

To an extent, reformers have learned how to better navigate the OGP process. For instance, the government changed its approach in the second NAP in response to IRM recommendations. However, it is unclear that those processes fit the broader open government politics or deliver substantial open government outcomes. In fact, different OGP processes serve different purposes for different actors. For example, for the government, the IRM is an informational *and* a messaging tool – that is, IRM reports enable the government both to understand whether and how commitments are achieved, and to communicate and explain its progress (or lack thereof) domestically and abroad.

For civil society, on the other hand, IRM reports are a good monitoring tool, and also a means by which to push for more government action. The reports help CSOs understand the extent to which commitments are met, and offer an easy roadmap for demanding more government activity. CSOs and the government regularly refer to the IRM, highlighting the extent to which IRM reports in Tanzania have both enabled limited learning within the context of OGP, and served as a source of leverage for reformers working on open government issues.

International OGP inputs also serve different purposes. For the government, they are an opportunity to boost its good governance credentials in the eyes of international partners and donors, and to demonstrate its commitment to reform to domestic audiences. This holds true for summits, as well as the participation of Tanzanian individuals in OGP's global Steering Committees, and underlines the fact that OGP is a validation tool at least as much as it is a reform engine.

For CSOs, international inputs, and especially OGP events, appear to be one of the few ways in which they can get the government's attention on select issues, as was evident in the events surrounding the proposed freedom of information

legislation. This indicates that tools like the IRM and events are helping civil society learn how to use OGP to engage with the government adversarially, not cooperatively, as few inclusive and cooperative processes exist within the initiative, turning OGP's expected contribution on its head.

VI.2 Solving Collective Action Problems?

OGP provided an arena for increasing interactions between the government and a very small number of civil society groups (at least a few of them valued the inputs sufficiently to stay in the process). Collective action is possible among civil society groups, as indicated by the formation of the Coalition for Freedom of Information. However, such dynamics are not happening through or thanks to OGP. It seems that the lack of a critical mass of CSOs with the capacity to obtain and exercise strategic positioning impedes the effectiveness of the coalition to influence government decisions. Mistrust and "turf wars" among CSOs also appear to be another factor standing in the way of successful collaboration – OGP seems to have minimal influence on these factors, and as seen through the Steering Committee experience may have had a negative effect on them.

The realization of the OGP initiative in Tanzania is still a work in progress due to the entrenched and tangled politics in which OGP is operating. Even though OGP has enhanced the participation of some CSOs in policy-making, there is still a relatively high degree of mistrust and antipathy between CSOs and the government. The extent to which the government and civil society are able to meaningfully collaborate within OGP is also highly variable. Moreover, although OGP offers some space for more participation, some CSOs have had more influence than others, and even then their reach has been limited, as has been shown.

VI.3 Empowering Pro-Reform Leaders?

Leadership is important to understanding why Tanzania joined OGP. It was, for example, Twaweza that first promoted OGP in the country, and Twaweza today remains the most active and influential member of the Steering Committee. The organization typically provides the details and content for Steering Committee initiatives,[71] and also foots the bill for the Committee when necessary.[72] Other members of the Steering Committee, like MCT, REPOA, TLS, and others, have been far less active. This means that decisions emanating from the OGP Steering Committee are relatively dominated by the agenda of the government and Twaweza.

It is not clear that leaders suffice for moving beyond setting the open government agenda and really advancing reforms consistent with OGP's approach. As the narrative shows, the relevant government leaders are not always included in open government efforts in OGP (as, for example, in the freedom of information

---

[71] Interview with Ben Taylor, January 14, 2016.
[72] Interview with Jamal Msami, January 14, 2016

reform efforts). Ministers are often rotated, consultations do not involve all relevant stakeholders, and those who are involved cannot on their own unilaterally drive through reforms.

Donor support across these areas is limited to financing the activities of some CSOs engaged in open government activities, and has not yet contributed to the emergence of rebalanced power dynamics or enhanced learning for navigation purposes. Good governance programs, including OGP, appear to serve as a validation mechanism by which high-level leaders in the government and civil society signal their commitment to reform to donors and other partners. More support for a broader network of CSOs could potentially help build a stronger open government coalition that could exercise more influence, both inside and outside OGP, which could help translate nominal commitments into substantive outcomes.

The characteristics of the Tanzanian open government journey described in this study both reflect and, to an extent, cause the problems related to the institutionalization of open government in the country. Although the open government agenda may be somewhat sustainable in Tanzania, OGP is a complementary piece of a broader puzzle, not the driving force behind transparency and openness. The scope of open government remains limited, especially when seen through the lens of OGP, and civil society's participation is idiosyncratic, not always robust, and limited in its influence. The efficacy of the potential causal mechanisms studied for this research is restricted in the Tanzanian context, in which OGP has complimented the reform agenda of a few actors, validating existing efforts without substantively broadening the inclusiveness or enhancing the depth of the open government landscape.

VII. Recommendations for Key Stakeholders in Tanzania

a) Government

High-level government leaders should step up their efforts to promote a wider appreciation of the value of open government within government machinery, including in and across ministries and the bureaucracy, with a view toward building more internal and sustainable support for transparency and accountability, which might help open government commitments survive leadership transitions (at both ministerial and higher levels). As part of this, leaders could focus on building a broader awareness of OGP.

The government should seek deeper collaboration with a broader swathe of civil society organizations and the relevant ministries and agencies that are involved in action plans, with a view toward co-creating commitments that may better answer the open government needs of citizens, including improvements in making government information more accessible and useable.

Similarly, the government should restructure the Steering Committee to give civil society more of a voice and influence on commitments, their implementation and their monitoring, giving such groups more of a stake in the NAP process.

b) CSOs

To enhance their ability to more substantially engage in cooperation and partnership on matters of public interest, such as the enactment of the right to information law, CSOs should improve their technical capacity, and their strategic thinking on how/when to productively engage with the government and each other.

Civil society should also build on the experience of collectively opposing the proposed freedom of information bill, and work together, via OGP inputs or otherwise, on future joint efforts, and use that experience to inform future consensus-building efforts, within and across sectors.

c) Donors

Donors should provide funds and technical assistance that give the government incentives to collaborate more meaningfully with CSOs, via joint meetings, deliberations, and idea exchanges, for example. Incentivizing the government to structure civil society–state relations within OGP might also be useful.

Donors should also give civil society more incentives, via funds and technical assistance, to get involved with (and stay involved with) OGP processes. Whether supporting more engagement with OGP would drive progress towards more open governance is an open question, but it may be worth considering.

d) OGP support unit

The Support Unit should reconsider OGP's membership criteria, and give more weight to initiatives, like the actual enactment of an access to information law, that are essential to the spirit and practice of open government. In doing so, they would give governments like that of Tanzania more of an incentive to adopt and implement this kind of legislation.

References

Literature

BBC. 2012. Kikwete asuka baraza. May 4. http://www.bbc.com/swahili/habari/2012/05/120504_kikwete_mawaziri.

Guardian. 2013. Kagasheki, Nahodha, Nchimbi, Mathayo sacked as heads roll. December 21. http://www.ippmedia.com/frontend/?l=62864.

Guardian. 2013. Closing in on Tanzania's Open Government Plans. November 1.

HakiElimu, LHRC, and REPOA. 2005. *Access to Information in Tanzania: Still a Challenge. A Research Report*.

Independent Television (ITV). 2015. Wadau Wapinga Miswadaya Habari.

Mchira, P. 2015. Government defends Media Bill in House. *Guardian*. May 29.

Issa, H. 2015. MOAT yatuma timu bungeni kupinga muswada wa habari. *Mwananchi*. May 27.

Kisimbilu, I. 2015. MOAT: Muswada huu wa habari usipelekwe bungeni. *Nipashe*. June 23.

Kitomary, S. 2015. Muswada tata wa habari 'waondolewa' bungeni. *Nipashe*. June 25.

MCT. 2015. Tamko la Wadau Kuhusu Azma ya Serikali Kupeleka Miswada ya Haki ya Kupata Habari na Huduma za Vyombo vya Habari kwa Utaratibu wa Hati ya Dharula. March 20.

Organization of African Unity. 1981. African (Banjul) Charter on Human and Peoples' Rights. http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf.

Tepan, N. 2013. *Independent Reporting Mechanism, Tanzania: Progress Report, 2011–2013.*

Rodney, W. 1972. Tanzanian Ujamaa and Scientific Socialism. *African Review* 1(4), 61–76.

Uhuru Blog. 2012. History of Freedom of Information legislation in Tanzania. May 28. http://uhuruyamawazo.blogspot.com/2012/05/history-of-freedom-of-information.html.

UNESCO. 2013. Freedom of Information in Africa. http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/freedom-of-information/foi-in-africa/.

United Republic of Tanzania. 1977. *Constitution of Tanzania as Amended in 2005.*

United Republic of Tanzania. 2006. Draft Bill for the Freedom of Information.

United Republic of Tanzania. 2011. CAG Awasilisha Ripoti za Ukaguzi za Mwaka 2012/2013 kwa Raisi wa Jamhuri ya Muungano wa Tanzania.

United Republic of Tanzania. 2014. *OGP Action Plan II.*

United Republic of Tanzania. 2015. *Access to Information Bill.*

United Republic of Tanzania. 2015. *Media Services Bill.*

Venera, J.I. 2000. Prompting Democratic Transitions from Abroad: International Donors and Multi-partyism in Tanzania. *Democratization* 7(4), 133–162.

World Bank (2013). Project Performance Assessment Report: The United Republic of Tanzania Public Service Reform Project (IDA-33000-TZ AND IDA 3300A-TZ), Washington DC: Independent Evaluation Group/World Bank (78779).

Interviews

Interview with Christina Maganga Coordinator – Good Governance, President's Office – Good Governance Department

Interview with Kaleb Gamaya, CEO, Tanganyika Law Society

Interview with Susan Mshakangoto, Coordinator, E-Government and Open Data Department

Interview with Judith Kapinga, Assistant Program Officer, Tanganyika Law Society

Interview with Aidan Eyakuze, CEO, Twaweza

Interview with Pili Mtambalike, Regulation & Standard Manager, Media Council of Tanzania

Interview with Stephen Msechu, Program Officer, Tanganyika Law Society

Interview with Hadija Magid, OGP Coordinator, Ministry of Education

Interview with James Malenga, Former Program Officer, nola

Interview with Flaviana Charles, Vice President, Tanganyika Law Society

Interview with Bashiru Ally, Lecturer, University of Dar es Salaam

Interview with Henry Muhanika, Executive Secretary, Media Owner Association of Tanzania

Interview with John Ulanga, Former CEO, Foundation for Civil Society

Interview with Alexander Makulilo, Senior Lecturer, University of Dar es Salaam (Ph.D.)

Interview with Francis Kiwanga, CEO, Foundation for Civil Society

Interview with Ben Taylor, Analyst, Twaweza

Interview with Stephen Mobela, Researcher, REPOA

Interview with Jamal Msami, Researcher, REPOA

Interview with Zabdiel Kimambo, Governance Advisor , DFID Tanzania