

# **Analysis of Tanzania's National Human Rights Institution in Light of International Human Rights and Good Governance Principles**

*By Felix Baptister Mkini*

*PhD Student, Open University of Tanzania, Tanzania*

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## **Abstract**

The Commission for Human Rights and Good Governance (CHRAGG) is an independent government agency established to serve as Tanzania's national focal point for advancing and defending human rights. Protection of human rights and supervising the core principles of good governance is a vital duty of the National Human Rights Institutions. In order to guarantee the preservation of human rights and their promotion, the state must take all required steps as it is required to maintain democracy. The Commission for Human Rights and Good Governance Act, No. 7 of 2001, which came into effect on July 1st, 2001, marked the beginning of the Commission's operations, the Commission was officially inaugurated in March 2002. The nation's constitution typically should establish the terms of the agreement between the people and their representatives in government. A favourable environment for upholding the defence and advancement of human rights can only be established by the state's constitution, which serves as a guide for relevant laws, organisations, and processes that frame government policy. The construction of significant ministries and institutions that comprise the government is a component of good administration. These entities are tasked with maintaining peace, creating the best conditions for the lives of citizens, and advancing democracy.

**Keywords:** National Human Rights Institution, Good Governance, Local Government and Democracy

## **Introduction**

As Tanzania's National Human Rights Institution, in particular "Commission of Human Rights and Good Governance" CHRAGG has the constitutional mandate to independently promote and protect human rights in the country and to monitor, investigate and follow-up on human rights issues. CHRAGG has been operating a human rights complaint handling system since 2014. However, the available system proved not up to the task of offering Tanzania's citizens a dependable way of reporting and seeking justice for human rights violations. By Tanzania to be member of UN has to abide with the requirement of having the NHRI, as declared by both the Secretary-General of the UN and the High Commissioner for Human Rights that NHRIs are one of the principles vehicles for the promotion and protection of human rights. It must be recognised that NHRIs are not the only form of national human rights mechanism, such mechanisms may come in various shapes and sizes and may be established under the Parliament, executive or Judiciary.<sup>i</sup> Besides a NHRI, there could be a national advisory commission on human rights, a national anti-discrimination commission, or an ombudsman.<sup>ii</sup> The Convention on the Rights of the Child requires the creation of the CHRAGG in General Comment No. 2, where the Committee provides that every state needs an independent human rights institution with duty for promoting and defending children's rights.<sup>iii</sup> The main priority of the committee is that the institution, in whatever shape it takes, should be able to independently and successfully monitor, advance, and defend the rights of children.<sup>iv</sup> A country's current human rights institutions should cooperate for the promotion and protection of children's rights to be integrated into society.<sup>v</sup>

Domestically, the Commission of Human Rights and Good Governance Act is the first domestic law with a specific focus on the protection of the human rights and good governance as such, recognising human rights as the part of the good governance in United Republic of Tanzania. Prior to the Commission for Human Rights and Good Governance Act, 2001, the human rights recognised with a number of the domestic laws includes the Bill of Rights and Duties for the first time was introduced in the Constitution of the United Republic of Tanzania of 1977 vide the Fifth Amendment.<sup>vi</sup> Under this amendment, the inclusion of fundamental human rights in the constitution and other judicial and sub judicial bodies marked an important step towards the recognition of such rights.<sup>vii</sup> The enactment of Basic Rights and Duties Enforcement Act of 1994 as amended 2019<sup>viii</sup> was a further step towards that recognition, this

laws gives the High Court the power to protect basic rights as provided in the Constitution. It is therefore that, the general rule is NHRI should be engaged in all the subsidiary bodies of the commission because the establishment of an NHRI is a matter for the legislature of each State and the structure of a particular institution will reflect that State's constitution, local laws and judicial and administrative system, although it is so but the situation in Tanzania is somehow different because NHRI has established in its sole office and it does not have and branches in other area rather than main office.

The national human rights institution stands as the mechanism for the enforcement of the good governance, within it there is segment of human rights protection. The principles of good governance are nearly eight in number which include accountability, equity and inclusivity, transparency, responsiveness, rule of law, and participation. It should be evident that complete good governance is a tough objective to attain and that very few nations and cultures may have nearly approached the goal. Nonetheless, steps must be made to realise this goal in order to guarantee sustainable human growth. The factors that determine good governance include the standard of budget formulation and procurement processes, the clarity of job descriptions within the bureaucracy, the average level of education attained, the professionalism and technical qualifications of the workforce, the state of health and education, and the accessibility of services. Together, human rights and good governance advance democracy, security, and improved living conditions. They complement one other, and many of their fundamental principles are similar. Good governance is primarily about enhancing government service delivery, improving democracy, preserving the rule of law, recognising the necessity of protecting life, liberty, and property to ensure freedom, promoting the growth of civil society, combating corruption, and advancing a free, just, and prosperous economy.

### **General Functions of CHRGG**

The functions of the CHRGG have stipulated in different laws like Constitution of Tanzania and the CHRGG Act.<sup>ix</sup> The Commission duties include handling complaints on violation of human rights and enhancing good governance principles, advising the government on human rights issues, dealing with systemic human rights issues through public enquiry, monitoring and carrying out public education and other sensitization programmes. The Commission for

Human Rights and Good Governance (CHRAGG) in Tanzania has the mandate to visit prisons and places of detention or related facilities with a view to assessing and inspecting conditions of persons held in such places and making recommendations in relation to protecting their human rights.<sup>x</sup> In circumstances where both human rights breaches and violations of administrative justice principles have occurred, the commission hears complaints as well as allegations of such violations and looks into those situations.<sup>xi</sup> At the same time, it carries out research on issues pertaining to administrative justice, good governance, and human rights and, where necessary, educates the public on these subjects.<sup>xii</sup> The commission has the authority to bring legal actions intended to stop activities involving the infringement of human rights, to enforce the right or rights infringed upon, or to breach the norms of administrative justice.<sup>xiii</sup> These core functions are discharged through public awareness creation about human rights and the principles of good governance through its outreach activities including public meetings, seminars and workshops. It advises the government, other public organs and private entities on specific issues relating to human rights and principles of administrative justice.

With regard to its protection mandate, the Commission conducts investigations of complaints which it receives from individuals, or groups of people concerning violation of the aforesaid human rights and principles of good governance. It also conducts inquiries and research pertaining to human rights and good governance and provides legal aid to the needy. In addition, it cooperates with national, regional and international bodies competent in the promotion and protection of human rights. Regardless of the powers conveyed to commission but are limited to the following matters, the constitution provides that for purposes of discharging its functions, that is to say, any matter which is before a Court or any Tribunal, any matter concerning relationship or cooperation between the Government and a foreign government of any country or international organization, any matter concerning powers of the President to award remission; or any other matter that is mentioned in any law.<sup>xiv</sup> The Commission shall not have powers, either pursuant to this Article or any provisions of any law enacted by the Parliament, to inquire into decision of any Judge, Magistrate or of the Court if such decision was made in the course of exercise of the powers in the office; likewise, the Commission shall not have a power to inquire into any decision made by any Tribunal established in accordance with a law if that decision was made in the discharge of its functions.<sup>xv</sup>

The law provides for the commission to be an autonomous department, and without prejudice to other provisions of this Article, in exercising its powers in accordance with this Constitution, the Commission shall not be bound to comply with directive or orders of any person or any department of government or any opinion of any political party or of any public or private sector institution.<sup>xvi</sup> The only person to comply the directives is the President, if the President is satisfied that in respect of any matter or any state of affair, public interest so requires.<sup>xvii</sup> The key minimum criteria are, independence guaranteed by the national constitution or by statute, autonomy from the government, pluralism, including in its membership, a broad mandate based on universal human rights standards, adequate powers of investigation, sufficient resources to maintain an adequate infrastructure and to carry out its mandate; and lastly, members that are appointed by an official act, for a specified period.

The coverage of the commission is the whole United Republic of Tanzania, as Article 6 of Constitution of Tanzania entails that, the provisions of this Article shall apply to persons employed in the service of the Government of the United Republic and those of the Revolutionary Government of Zanzibar, employees and leaders of the political parties who deal with public affairs, members and employees of all Commissions of the Government of the United Republic and the Revolutionary Government of Zanzibar, parastatal organizations and other public or private organs, companies, community, associations, trustees or any other schemes, as prescribed by the law enacted by the Parliament.<sup>xviii</sup> Without prejudice to other provisions of this Article, the Parliament may enact a law pursuant to the provisions of this Constitution for purposes of prescribing provisions in respect of authority of the Commission, procedures for conducting its business and legal immunities for Commissioners and employees of the Commission which shall enable them to discharge their duties without legal constraints.<sup>xix</sup>

### **Reflection of International Human Rights to the Tanzania Legal System**

"Human rights law" is a relatively new phenomena that is strongly linked to the establishment of the liberal democratic State, even if the concept of "human rights" has its roots in the essence of the human being as expressed in all major world religions and moral philosophies.<sup>xx</sup> The concept of majority rule validates laws and the increasingly bureaucratic operations of the

executive branch in these states.<sup>xxi</sup> The earliest records of human rights, such as the 12th-century English Magna Carta, provide a proper basis for tracking the general history of human rights,<sup>xxii</sup> which imposed restrictions on the authority of the English royal government, the time when the King of England gave the people rights, notably the development of the noteworthy idea of equality before the law.

The preamble of Tanzania's constitution, which is based on the ideals of liberty, justice, fraternity, and concord, is where human rights are first acknowledged in legal documents.<sup>xxiii</sup> It highlighted that those ideals can only be realised in a democratic society where the executive is answerable to a legislature made up of elected officials and representatives of the people. The judiciary is impartial and administers justice without fear of reprisal, guaranteeing the preservation and protection of all human rights and the faithful performance of each person's obligations.<sup>xxiv</sup> Tanzania is required to uphold and defend human rights in addition to the constitution because of her participation in a number of regional and international agreements. According to the Tanzania Legal and Human Rights Center report, as of December 2019, Tanzania had ratified ten of the eighteen international human rights treaties.<sup>xxv</sup> Along with ratified conventions that are legally obligatory by definition, there are other laws such as the Universal Declaration of Human Rights that significantly influence human rights without necessitating ratification. Tanzania has ratified and signed a number of international instruments as well as bilateral agreements in compliance with the Vienna Convention. A state may only bind itself to a document by signing, ratifying, or later joining.

Tanzania has ratified several international instruments, including the International Covenant on Civil and Political Rights 1966,<sup>xxvi</sup> and the International Covenant on Economic, Social and Cultural Rights of 1966 by the General Assembly constitute an International Bill of Rights.<sup>xxvii</sup> Preamble of the International Covenant on Civil and Political Rights (ICCPR) admits that the fundamental values of the United Nations Charter which uphold the inherent dignity and equal and inalienable rights of every member of the human family are the foundation for freedom, justice, and peace in the globe. The intrinsic dignity of every human being is the source of these rights.<sup>xxviii</sup> As stated in the preamble of the covenant, everyone's right to exercise their civil and political rights as well as their economic, social, and cultural rights shall be granted in accordance with the Universal Declaration of Human Rights. The idea of free humans living

in civic and political freedom, free from want and fear, can only then be acknowledged.<sup>xxix</sup> An important watershed was reached in the modern history of the international human rights movement with the formal adoption of the UN Convention on the Rights of the Child in 1989. In addition to civil and political rights, it is thought that the convention is the first human rights instrument to incorporate economic, social, and cultural rights.<sup>xxx</sup>

Tanzania is therefore unable to separate itself from the other nations that have accepted the Universal Declaration as the foundation for both law and rights, and it remains the main source of reference for global human rights norms.<sup>xxxi</sup> There is considerable debate regarding the relationship between customary law and international human rights norms, despite the fact that the UDHR is the cornerstone of international human rights law. Issues arise from the differences in cultural customs around the world. States make an effort through their national laws to abide by the standards set forth by international law, but occasionally encounter difficulties. Conventions ensure that everyone has the right to practise their culture freely and that members of minority groups can enjoy their own cultures with other members of their particular communities.

It is crucial to remember that a state's political, social, economic, and cultural position affects its ability to comply with international law. Stated differently, instability in politics affects the state's human rights policies. Other national laws find it difficult to conflict with the fundamental rights previously established by the nation's constitution. The International Bill of Rights embodies many of the ideas and meanings associated with democracy and the rule of law. The rule of law included in the clauses that declare that all people are created equal and have an equal right to protection under the law. The notion that no one's rights or liberties should be infringed upon without cause is another way to look at it. Democracy is based on the fundamental freedoms of peaceful assembly and association, independent thought, and the right to exercise such freedoms either directly or through duly chosen representatives in national governance. Because of its political stability, Tanzania has been able to successfully implement international rules that protect human rights.

## **The Concept of Good Governance**

The term governance implies the manner in which power is exercised by governments in managing a country's social and economic resources.<sup>xxxii</sup> It is challenging to come up with a clear definition of "good governance," the same it is difficult to find out whether there is a meaning that can be agreed upon by everybody. Nonetheless, there's a lot of latitude in how the term is employed. Full respect for human rights, the rule of law, effective public participation, political pluralism, transparent and accountable institutions, an effective public sector, legitimacy, access to information and education, political empowerment of individuals, equity, sustainability, and attitudes and values that promote accountability, solidarity, and tolerance have all been described as components of good governance at different points in time. A major factor in the belief that all of the wickedness in our societies stems from poor governance that are involved.<sup>xxxiii</sup> There is no question that upholding human rights requires supporting good government. The promise of human rights may remain just that in the absence of the independent judiciary, the rule of law, and other institutions that are vital to contemporary society and good government an unmet promise.<sup>xxxiv</sup> The lesson of history is that transparent, responsible, accountable and participatory governance is a prerequisite to enduring respect for human dignity and the defence of human rights.<sup>xxxv</sup> Nearly everybody acknowledge that human rights are inalienable rights that belong to every person.<sup>xxxvi</sup> The notion of human rights recognises that each and every individual has the right to exercise their rights regardless of factors such as race, gender, sexual orientation, language, religion, political beliefs, national or social background, property, birthplace, or any other distinction.<sup>xxxvii</sup> Human rights are the fundamental freedoms and dignity that each and every person in the world is entitled to, and they need to be respected by others. For example, all people are created equal and have the same rights, such as the ability to practise any religion and the ability to work to support themselves.<sup>xxxviii</sup> It is therefore appropriate for everyone to accept others' freedom to behave as they like, provided that it does not cause negative consequences for others.

## **Reflection of Principles of Good Governance in Tanzania**

To put it simply, "governance" refers to the process of making decisions and the method by which they are carried out.<sup>xxxix</sup> There are various situations in which governance finds application, including corporate, national, international, and local government. An analysis of



governance focuses on the formal and informal actors involved in making decisions and carrying them out, as well as the formal and informal structures that have been put in place to reach and carry out the decision.<sup>xl</sup> This is because governance is the process of decision-making and the process by which decisions are implemented.<sup>xli</sup> The Constitution and other laws derived from it, guidelines, manuals, and other policy documents issued by the Central Government, regional authorities and Local Government Authorities are among the many instruments that uphold the principles guiding the decision-making and implementation.<sup>xlii</sup> A good governance system is said to exist if and when these criteria are followed. The systems, guidelines, customs, and procedures pertaining to every phase of formulating policies or making decisions are all included in good governance.<sup>xliii</sup> When these actions are followed and the public is involved, there is good governance in place because services are delivered effectively and efficiently, and the government is responsive to the legitimate needs of the people.<sup>xliv</sup>

There are nearly seven elements of good governance with the exception of responsiveness, which are accountability, transparency, equality and inclusivity, effectiveness and efficiency, and conformity to the rule of law. It adheres to the rule of law and democracy, which guarantees the reduction of corruption, consideration of minority perspectives, and inclusion of the most vulnerable members of society in the decision-making process. Additionally, it responds to the demands of society both now and in the future.<sup>xlv</sup> The promotion of human rights requires good governance, which includes upholding the rule of law. However, this upholding of the law should go beyond simply respecting domestic legislation to include laws that uphold the international human rights framework and provide avenues for the advancement of justice. These eight guiding principles can help political systems avoid having their institutions fail to meet the requirements of the populace and provide public services.

### ***Participation***

Participation goal is to empower the active involvement of people and organisations from sectors other than the public sector, such as community-based organisations, non-governmental organisations, and civil society.<sup>xlvi</sup> Men's and women's engagement is one of the main pillars of good government because it alludes to the chance for every segment of the community to take an active role in the process of making decisions concerning any topic of importance.

Participation may occur directly, through authorised middlemen, or through a representative. The key point is that representative democracy does not always imply that the worries of the most marginalised members of society will be considered when making decisions. Participation needs to be planned and informed. This refers to the rights of membership in an organisation, and presentation.<sup>xlvii</sup> It encourages conditions that facilitate prompt and proper dissemination of essential information empower everyone who participates to share their opinions without fear of adverse effects.

In Tanzania the context of participation can be seen in the aspects such as holding all statutory meetings as required by law and disseminating all decisions made at those meetings for the consumption of the public in general and stakeholders in particular. One way to actively participate is to hold public hearings, encourage the public to attend council meetings, and distribute information about revenue and expenditures as required by law. Another way to actively participate is to make sure that people are able to do so, such as by providing Council/Ward Facilitators with assistance to village leaders and villagers.<sup>xlviii</sup> Since human rights protection is more than the responsibility of the government, public involvement and varied social partnerships are essential. According to this article, policies that uphold economic, social, cultural, and civil and political rights are influenced by public engagement.<sup>xlix</sup>

### ***Rule of law***

The rule of law is a governing principle that holds all individuals, groups, and organizations, public and private accountable to laws that are openly announced, uniformly applied, arbitrated independently, and compliant with international human rights standards. This includes the state itself. The principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, involvement in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency must also be upheld, and these must be ensured by taking the necessary steps.<sup>i</sup> In line with the United Nations Charter and international human rights law, member states have a duty to promote universal respect for and protection of human rights and fundamental freedoms. This is the foundation of the UN's new vision, which places a strong emphasis on supporting states in strengthening their institutions for the rule of law while keeping people at the centre of these efforts.<sup>ii</sup> While expanding on the support and capacity-building initiatives it has historically

offered, the Organization's efforts must be more forward-looking in order to better address growing and diverse demands, such as those relating to the triple planetary crisis and emerging technologies.<sup>lii</sup> The Organisation shall mainstream this Vision across its operations and emphasise the importance of the rule of law in all of its activities in order to accomplish this and UN shall promote unity amongst organisations that support the rule of law, such as special political missions, peacekeeping missions, and country teams, in order to maximise the combined strengths of the entire system.

Therefore, as just legal frameworks are impartially enforced in well-governed societies, the rule of law is the foundation of "good governance." The comprehensive protection of human rights is also necessary, especially for minorities. Fair enforcement of the law can be ensured by a free and independent judiciary and an impartial and trustworthy police force.<sup>liii</sup> It denotes the existence of legal frameworks, the maintenance of law and order, the independence and effectiveness of the court system, the enforcement of contracts and property rights, the application of human rights standards, and the existence of constitutional restraints on the executive branch's authority.<sup>liv</sup> Some scholars distinguish between "rule of law" and "rule by law". "Rule by law" refers to the executive use of law and bureaucracy as an instrument of power, while "rule of law" is when the executive itself is constrained by the same laws that apply to everyone else.<sup>lv</sup> According to international law, Member States must acknowledge that the rule of law entails not only equal protection under the law and equality before it, but also an independent judiciary and an effective public administration.<sup>lvi</sup>

The rule of law is viewed within the Tanzanian government system in the context of local government by looking at three issues: first, conducting council business in accordance with the law and established procedures and regulations; second, treating all citizens fairly, particularly when it comes to the provision of services; and third, encouraging citizens to be aware of, observe, and call upon their local government units (LGAs) to account for their actions.<sup>lvii</sup> Books have been written, published, and distributed to the public via their local government units in response to this. Human rights-sensitive good governance efforts help strengthen the rule of law by reforming laws and supporting the proper implementation of those laws by various institutions, including courts, parliaments, and penal systems. Building

institutional capacity or reforming laws are examples of good governance projects, as is educating the public about the legal system at both the national and international levels.<sup>lviii</sup>

### ***Transparency***

Transparency implies that everyone who stands to gain from such decisions and their implementation can obtain information readily and immediately.<sup>lix</sup> It also indicates that sufficient information is supplied in formats and mediums that are simple to comprehend.<sup>lx</sup> A transparent government makes it apparent what is being done, how and why activities take place, who is engaged, and by what principles choices are made. Rules and procedures must be comprehensible and subject to criticism.<sup>lxi</sup> One of the key tenets supporting the battle against corruption is transparency. Local government is one of the Tanzanian government institutions that must demonstrate transparency. In this context, transparency entails guaranteeing that information flows freely both top-down and bottom-up, meaning that information must flow from the Council to the People and from the People to the Council.<sup>lxii</sup> In Tanzania an Information Management System (IMS) has been designed by the Local Government Reform Project (LGRP) to improve information accessibility within Local Authorities. Additionally, concerted efforts are undertaken to guarantee that channels of communication are always maintained and open. Councils must keep informing the public as mandated by laws, rules, and other directions.<sup>lxiii</sup>

Public access to social services and demand that their rights be protected are made possible by transparency in the creation and execution of public policy. With regard to the things the instances demonstrate suggest is that increasing public access to information may be a very effective tactic for enhancing public spending and defending social rights, employment, health, welfare, and economic education.<sup>lxiv</sup> The concept of responsiveness in good governance is established by transparency, in the same way that good governance mandates that organisations and procedures make an effort to serve all stakeholders in a timely manner.<sup>lxv</sup> Since governments are there to serve the people, or the citizens, all governments, especially municipal ones, have an obligation to attend to the needs and expectations of the populace. For Tanzania's local government authorities, being responsive means, among other things, attending to people's needs and requests in a suitable manner, such as immediately and professionally addressing their interests. Secondly, ensuring that services are provided in the

necessary quantities and quality without individuals or officials engaging in corrupt or unethical practices; and thirdly, addressing the needs and demands of the public in a transparent manner and holding accountable those who do so.<sup>lxvi</sup>

### ***Consensus Orientation***

Consensus orientation, which guarantees that the current structures serve the best interests of society, is another premise supporting good governance. In order to reach agreement or at the very least compromise, methods such as public hearings, referendums, forums for discussion, citizens' legal right to petition leaders concerning policy, and consultative processes can be used.<sup>lxvii</sup> In order to develop a broad consensus on what is best for the community and how it might be achieved, good governance entails mediating the various interests within society. This is only possible if one is aware of the social, cultural, and historical backgrounds of a certain society or community.<sup>lxviii</sup> Tanzania's stance on consensus-oriented governance is that effective leadership is essential to democratic governance in general and consensus-oriented governance in particular; good governance cannot exist without it.<sup>lxix</sup> Consensus-oriented governance in the context of Tanzanian local government suggests that there is open communication on a regular basis between the governed, or the people, and their representatives, or councils. Secondly, public meetings, office visits, and specially designated suggestion boxes allow people to freely express their opinions, needs, demands, and interests without fear of retaliation from their leaders. The interests of all stakeholders are finally considered before decisions are made through participatory planning and other methods, and good governance principles are followed while making decisions on any issue.<sup>lxx</sup>

Building support for the reform of social and legal procedures for the protection of human rights is the foundation of international perspectives on negotiation and consensus. Reforming society, which could be enhanced by several good governance techniques.<sup>lxxi</sup> The aforementioned strategies comprise the following: (1) disseminating reliable and impartial information regarding particular social issues; (2) utilising research findings to promote knowledgeable discourse and interaction regarding social issues; (3) framing discussions using terminology and values that are both familiar to the national setting and consistent with human rights principles; and (4) being transparent in the decision-making process. Consequently, social reform may not be viable in the absence of broad agreement.<sup>lxxii</sup> Elections are one way

to achieve the consensus-oriented and participation ideals, since they allow people to legitimately participate and express their own opinions while also demonstrating freedom of association and expression. Consensus-oriented decision-making guarantees that everyone can accomplish a common minimum even if they don't all get what they desire in the fullest.

### ***Equity and inclusiveness***

Inclusion and representation of marginalised and minority groups in politics and policymaking are two ways that good governance practices for human rights can enable members of these groups to fight for their rights.<sup>lxxiii</sup> Preference must be given to the needs and perspectives of the underprivileged, marginalised, and needy in order to practise good governance. Rawls's Fairness Principles, which are divided into two parts: first, that offices and positions are open to all under conditions of fair equality of opportunity, and second, that they provide the greatest benefit to the least-advantaged members of society, have emphasised the equity and inclusivity principle.<sup>lxxiv</sup> The focus of Rawls' fairness principles is on the fair equality of opportunity concept, which is the first half of the principle and ensures that all citizens with equal aptitude and potential have equal access to job and education regardless of their socioeconomic background.<sup>lxxv</sup> The second component of the concept, referred to as the difference principle, ensures that socioeconomic inequalities are both desirable and inevitable, with the least advantaged people of society benefiting the most from them.<sup>lxxvi</sup>

Tanzania holds the following position on the equity and inclusivity principle: the wellbeing of a society is contingent upon ensuring that all of its members perceive themselves as having a stake in it and are not marginalised within it. To achieve this, it is necessary for all groups but especially the most vulnerable to have access to chances for maintaining or enhancing their wellbeing. Democracy depends on certain ideals, one of which is equity. The following are some of the demands made on local government: people must be treated equally regardless of their gender, race, creed, religion, or any other form of discrimination; everyone must have an equal opportunity to advance in life and to access resources within the community as well as other facilities; local authorities, or councils, must put intentional mechanisms in place to support the advancement of vulnerable groups within their areas of jurisdiction; these mechanisms currently include the current loans to various groups, including women, youth,

and the disabled; and everyone involved must act in a way that guarantees equitable and fair ownership and control of community resources, including leadership and natural resources.<sup>lxxvii</sup>

### ***Effectiveness and efficiency***

Effectiveness and efficiency are also crucial for ensuring "good governance." The sustainable use of natural resources and environmental conservation are also included by the concept of efficiency in the context of good governance.<sup>lxxviii</sup> To achieve effectiveness and efficiency, public service delivery must be standardised and improved in quality. In order to provide public services, government organisations must respond to citizens' needs in a timely and sufficient manner, streamline processes and cut red tape, use appropriate technology when it is practical, and coordinate efforts across different government agencies to remove the need for duplicate information.<sup>lxxix</sup> For an institution to be effective and efficient, decisions made by its processes and institutions must also take into account how best to use the resources available to society. Individual performance goals must also be in line with the programmes.<sup>lxxx</sup>

Within the context of Tanzania's governance framework, "governance effectiveness and efficiency" refers to the ability of institutions and procedures to meet societal needs while optimising available resources. In the context of local government, daily effectiveness and efficiency include, but are not limited to, meeting commitments, carrying out scheduled tasks, and achieving goals and objectives. Guidelines for outsourcing that have been created and distributed for use in councils will be used to monitor the provision and delivery of high-quality services at reasonable costs, the efficient use of resources for the intended purpose, and returns that justify investment. Additionally, the most qualified and advantageous parties will deliver the services.<sup>lxxxi</sup> Generally speaking, government effectiveness measures people's opinions about how well public services are provided, how independent the civil service is from political pressure, how well policies are developed and carried out, and how credible the government is in its commitment to enforcing these policies.<sup>lxxxii</sup>

### ***Accountability***

It alludes to the idea that one must assume accountability for their activities in order for the public and institutional stakeholders to hold decision-makers in the public and business sectors as well as civil society organisations accountable.<sup>lxxxiii</sup> Accountability additionally necessitates

political will in the sense that, people, interest groups, civil society, the courts, the press, and opposition parties must insist that those who govern follow legitimate mandates and explain their actions as well as those demanding accountability must be confident that they can do so safely, that officials will respond honestly, and that social needs and demands are taken seriously.<sup>lxxxiv</sup> There is a tendency to distinguish between vertical accountability, which refers to governments' accountability to their constituents, and horizontal accountability, which involves checks and balances inside the public sector.<sup>lxxxv</sup> Encouraging accountability is crucial for preventing corruption, and it is one of the main goals of the United Nations Convention against Corruption. Each state has to create and implement or maintain efficient, coordinated anti-corruption policies that support public participation and uphold the values of the rule of law, responsible management of public affairs and property, integrity, transparency, and accountability, in accordance with the fundamental principles of its legal system.<sup>lxxxvi</sup> Organisations and institutions are generally answerable to the people who may be impacted by their choices and activities. It should be understood that accountability cannot be enforced without openness and the rule of law, and that all institutions of government, the commercial sector, and civil society organisations must answer to the public and their institutional stakeholders.<sup>lxxxvii</sup>

In Tanzania, accountability meant that public officials made decisions on behalf of all citizens. People and the government (state) are said to be parties to a social compact; as such, the government is supposed to answer to the people for its acts. Furthermore, it is true that the people are the source of any government's legitimacy because they elect the officials who grant them power. In light of this, the public has the right to request an explanation from the government. Also, the citizens uphold their responsibilities, which include paying taxes, taking part in civic affairs, paying taxes, and adhering to the principles of equity, responsiveness, transparency, and the rule of law.<sup>lxxxviii</sup> Adopting sensible laws, putting in place institutional checks and balances, creating procedures for victims of violations to seek compensation, and educating state officials about human rights and good governance practices can all help to increase public officials' accountability.<sup>lxxxix</sup>



## **Conclusion**

The conversation that was just had makes clear that enhancing service delivery is the main objective of good governance. Even though the study showed that good governance principles are widely acknowledged, very few states and communities have fully attained good governance. It should be evident that complete good governance is an ideal that is challenging to attain. The ideology of politics is one of the difficulties in putting good governance into practice. Regarding Tanzania, it is one of the nations that has done an excellent job of implementing good governance policies with regard to the defence of human rights. Another example of evidence that demonstrates how to develop, advance, and uphold the ideal of good governance is the presence of the National Human Rights Institution's "commission of Human Rights and Good Governance." Tanzania focused most of its efforts, despite its complexity, on the local government as that is where the people who benefit from human rights and good governance are located. Thus, the application of good governance at the local government level has served as the foundation for a discussion of seven principles of good governance with the exception of one. Tanzania's goal for good governance is to strengthen democracy by acknowledging that, among other things, promoting freedom of speech is essential to both democracy and good governance, and that local government must act in the best interests of all citizens and think of itself as accountable to them. The study discovered that while it is difficult to enumerate every significant turning point that has been reached in guaranteeing the institutionalisation of good governance principles in LGAs, the government has recognised these achievements on July 1st, which is set aside as a special day to celebrate local government achievements across the nation. Finally, the study outlines the obstacles that must be overcome in order to achieve the intended goal of the international standard. These obstacles include teaching and enlightening the public about the significance and nature of good governance as well as the need to uphold its tenets, which calls for local government units and the populace to behave in a way that upholds these values.

## Endnotes

<sup>i</sup> The importance of NHRIs in the UN system has recently been emphasised by the Secretary-General. In a report published in March 2005.

<sup>ii</sup> Ibid.

<sup>iii</sup> The Committee on the Rights of the Child the Role of Independent National Human Rights Institutions in the Promotion and Protection of the Rights of the Child, General Comment No.2 (2002) CRC/GC/2002/2, para 2.

<sup>iv</sup> Convention on the Rights of the Child, Committee on the Rights of the Child, General Comment No. 5 (2003) CRC/GC/2003/527, General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), para. K.

<sup>v</sup> Ibid.

<sup>vi</sup> Ibid, Constitution.

<sup>vii</sup> As it was held in the case of *Chumchua Marwa v The Officer in Charge of Mara Prisons*, Criminal Case No 2 of 1988, in the High Court of Tanzania, at Mwanza Registry where Mwalusanya J, stated that the provisions of the Deportation Ordinance, 1923 were void because they were against Article 17 of the Constitution of the United Republic of Tanzania, 1977 which allows the freedom of movement.

<sup>viii</sup> The Basic Rights and Duties Enforcement Act No.33 of 1994 [R.E 2019].

<sup>ix</sup> Section 6 (1) (a-j) of Act No. 7 of 2001 and its Amendment Act No. 16 of 2001.

<sup>x</sup> Section 6 (1) (h) of the Commission for Human Rights and Good Governance Act No, 7 of 2001.

<sup>xi</sup> Commission for Human Rights and Good Governance (CHRAGG), 'Report on the Awareness Raising Campaign on Improved CHRAGG' Complaint Management Information System (CMIS) in 8 Regions of Tanzania conducted from 27<sup>th</sup> January – 14<sup>th</sup> February 2021, p. 36.

<sup>xii</sup> Ibid, Section 6 (1) Commission for Human Rights and Good Governance Act, 2001.

<sup>xiii</sup> Ibid.

<sup>xiv</sup> Ibid, Article 131(2) of the Constitution of the 1977[Cap 2 R.E 2002].

<sup>xv</sup> Sub Article 5.

<sup>xvi</sup> Sub Article 2.

<sup>xvii</sup> Sub Article 3.

<sup>xviii</sup> , Article 131(6) of the Constitution of the 1977[Cap 2 R.E 2002].

<sup>xix</sup> Ibid.

<sup>xx</sup> Frans Viljoen, Centre for Human Rights, Faculty of Law, University of Pretoria, South Africa. <https://www.un.org/en/chronicle/article/international-human-rights-law-short-history>.

<sup>xxi</sup> Ibid.

<sup>xxii</sup> Klug, A, Magna Carter for All Humanity, Oxford: Rout ledge 2Park Square Milton Park, Abingdon OxonOx14 4RN, 2015, p.2.

<sup>xxiii</sup> Preamble of the Constitution of the 1977[Cap 2 R.E 2002].

<sup>xxiv</sup> Ibid.

<sup>xxv</sup> LHRC., Tanzania Human Rights Report 2019, Legal and Human Rights Centre Publisher, Dar Es Salaam, 2020. p. 255.

<sup>xxvi</sup> International Covenant on Civil and Political Rights, 1966 (Adopted by UN General Assembly on 16<sup>th</sup> December 1966, came into force March 23, 1976.

<sup>xxvii</sup> Ibid.

<sup>xxviii</sup> Ibid, ICCR preamble.

<sup>xxix</sup> Ibid.

<sup>xxx</sup> Tomkin, J., Orphans of Justice, In Search of the Best Interests of the Child when a Parent is Imprisoned –a Legal Analysis, Geneva: Quaker United Nations Office, 2009, p 11. It provides that, the CRC contains a mixture of the general rights such as rights to life, development as well as welfare-oriented rights. It also provides both civil, political rights and economic, social and cultural rights. The wide-ranging set of the provisions contained in the CRC reflects a broad spectrum of global perspectives on children rights.

<sup>xxxi</sup> The rights enshrined in the UDHR have been further articulated in subsequent conventions such as, the Convention on the Elimination of all Forms of Racial Discrimination (CERD), Convention on the Elimination

of all Forms of Discrimination against Women (CEDAW), the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), and all these Tanzania is the member state having binding status through CHRGG. The Universal Declaration of Human Rights served as the foundation for most of the post-1948 human rights codification. The ideals found in national laws and constitutions served as a source of inspiration for the Declaration's drafters. They mentioned civil law nations as well as communist legal systems in addition to common law jurisdictions. They took this action to ensure that it would be applicable to all of the many international treaties, regional laws, and national laws. So, while the UN General Assembly's 1948 declaration was first merely acknowledged as "a universal benchmark of successful completion for every group of people from all nations," it now has far more profound moral, political, and legal implications than many of its writers had imagined.

<sup>xxxii</sup> Sinha, K.M., *International Legal Studies of the National Research Council of Italy*, Rome. Wallenberg Institute of Human Rights and International Humanitarian Law, 2004-05, Lund, Sweden, page 1.

<sup>xxxiii</sup> Ibid.

<sup>xxxiv</sup> John von Doussa., "*Promoting Human Rights - Good Governance, the Rule of Law and Democracy*", Australian Human Rights and Equal Opportunity Commission, Pacific Judicial Conference, Vanuatu 26-30 July 2005.

<sup>xxxv</sup> Ibid.

<sup>xxxvi</sup> International Conference on Law and Justice, "*Good Governance and Human Right*", Hidayatullah State Islamic University Jakarta, Indonesia, Published by Atlantis Press. (<http://creativecommons.org/licenses/by-nc/4.0/>). *Advances in Social Science, Education and Humanities Research*, volume 162, 2018, at page.149.

<sup>xxxvii</sup> Ibid.

<sup>xxxviii</sup> Ibid.

<sup>xxxix</sup> Sheng, Y. P., "*Poverty Reduction Section UNESCAP*", United Nations Economic and Social Commission for Asia and the Pacific What is Good Governance, UN Building, Rajdamnern Nok Ave. Bangkok, Thailand? Page 1.

<sup>xl</sup> Ibid.

<sup>xli</sup> Ibid.

<sup>xlii</sup> United Republic of Tanzania, "*Good Governance*", Presidents Offices, Regional Administration and Local Government; Mlezi House- Dodoma Tanzania [www.poralg.go.tz](http://www.poralg.go.tz). p. 3.

<sup>xliiii</sup> Ibid.

<sup>xliv</sup> Ibid.

<sup>xlv</sup> Ibid, Sheng, p.2.

<sup>xlvi</sup> Masoomeh, M., "Relationship between Good Governance and Human Rights", Islamic Azad university, Iran, August 25, 2012. Page.1. (Available at SSRN: <https://ssrn.com/abstract=2136129> or <http://dx.doi.org/10.2139/ssrn.2136129>).

<sup>xlvii</sup> Sheng, Y. P., "*Poverty Reduction Section UNESCAP*", Page 2.

<sup>xlviii</sup> Ibid, United Republic of Tanzania; "*Good Governance*", p. 4.

<sup>xlix</sup> The Office of the United Nations., High Commissioner for Human Rights Good Governance Practices for the Protection of Human Rights, United Nations New-York and Geneva, 2007. page.5.

<sup>l</sup> Report of the Secretary-General, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, 2004.

<sup>li</sup> United Nation., New Vision of the Secretary-General for the Rule of Law "In support of efforts to put people at the centre of justice systems, I will promote a new vision for the rule of law." –Our Common Agenda (A/75/982).

<sup>lii</sup> Ibid.

<sup>liii</sup> Ibid, Masoomeh, M., "*Relationship between Good Governance and Human Rights*", Page 5.

<sup>liv</sup> Ibid, Sheng, Y. P., "*Poverty Reduction Section UNESCAP*", Page 2.

<sup>lv</sup> Fukuyama, F., "*What is Governance?*" CGD Working Paper No. 314, Washington, DC: Centre for Global Development, 2013, Page.3. <http://www.cgdev.org/content/publications/detail/1426906>.

<sup>lvi</sup> Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region adopted and signed in Dar-es-Salaam (United Republic of Tanzania) on 20 November 2004; Came into force 1st, December 2006, Article 37.

<sup>lvii</sup> Ibid, United Republic of Tanzania; "*Good Governance*", p. 4.

<sup>lviii</sup> Ibid, The Office of the United Nations., High Commissioner for Human Rights Good Governance Practices for the Protection of Human Rights, United Nations New-York and Geneva, 2007. page.2.

<sup>lix</sup> Ibid, Sheng, Y. P., "*Poverty Reduction Section UNESCAP*", Page 2.

<sup>lx</sup> Ibid.

<sup>lxi</sup> Ibid, Masoomeh, M., "*Relationship between Good Governance and Human Rights*", Page. 5.

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- lxii Ibid, United Republic of Tanzania, Presidents Offices, Regional Administration and Local Government; Good Governance, page 5.
- lxiii Ibid.
- lxiv Ibid, The Office of the United Nations., High Commissioner for Human Rights Good Governance Practices for the Protection of Human Rights, United Nations New-York and Geneva, 2007. Page.5-6.
- lxv Ibid, Sheng, Y. P., “*Poverty Reduction Section UNESCAP*”, Page. 2.
- lxvi Ibid, United Republic of Tanzania, Presidents Offices, Regional Administration and Local Government; Good Governance, page 7.
- lxvii Ibid, Masoomah, M., “*Relationship between Good Governance and Human Rights*”, Page 5.
- lxviii Ibid, Sheng, Y. P., “*Poverty Reduction Section UNESCAP*”, Page 3.
- lxix Ibid, United Republic of Tanzania, Presidents Offices, Regional Administration and Local Government; Good Governance, page 6.
- lxx Ibid.
- lxxi Ibid, The Office of the United Nations., High Commissioner for Human Rights Good Governance Practices for the Protection of Human Rights, United Nations New-York and Geneva, 2007. Page 5.
- lxxii Ibid.
- lxxiii Ibid, Page 6.
- lxxiv Banerjee, M. M, “*Applying Rawlsian Social Justice to Welfare Reform: An Unexpected Finding for Social Work*”, The Journal of Sociology & Social Welfare: Vol. 32: Iss.3, Article 4, 2005. DOI: <https://doi.org/10.15453/0191-5096.3091> Available at: <https://scholarworks.wmich.edu/jssw/vol32/iss3/4>. Page 45.
- lxxv Ibid.
- lxxvi Ibid.
- lxxvii Ibid, United Republic of Tanzania, Presidents Offices, Regional Administration and Local Government; Good Governance, page 6-7.
- lxxviii Ibid, Masoomah, M., “*Relationship between Good Governance and Human Rights*”, Page 5.
- lxxix Ibid, Sheng, Y. P., “*Poverty Reduction Section UNESCAP*”, Page.3.
- lxxx Ibid.
- lxxxi Ibid, United Republic of Tanzania, Presidents Offices, Regional Administration and Local Government; Good Governance, page 8.
- lxxxii Good Governance & the Rule of Law January 2015 Business Priorities for the U.N. Sustainable Development Goals.
- lxxxiii Modise, J.M., “*Improved Public Trust, Integrity and Good Governance with Respect to Corruption*”, International Journal of Innovative Science and Research Technology, North-West University, Potchefstroom, Volume 8, Issue 3, March 2023.
- lxxxiv Ibid.
- lxxxv Ibid.
- lxxxvi Article 5(1) of the United Nations Convention against Corruption, General Assembly resolution 58/4 of 31 October 2003.
- lxxxvii Ibid, Masoomah, M., “*Relationship between Good Governance and Human Rights*”, Page 5.
- lxxxviii Ibid, United Republic of Tanzania, Presidents Offices, Regional Administration and Local Government; Good Governance, page 9.
- lxxxix Ibid, The Office of the United Nations., High Commissioner for Human Rights Good Governance Practices for the Protection of Human Rights, United Nations New-York and Geneva, 2007. Page.6.