



THE UNITED REPUBLIC OF TANZANIA

MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS

**TRAINING NEEDS ASSESSMENT
IN LEGAL SECTOR INSTITUTIONS**

FINAL REPORT – VOLUME ONE

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EXECUTIVE SUMMARY

This constitutes the final report on a study contracted by the Ministry of Justice and Constitutional Affairs. The purpose of the study was to identify the priority training needs of legal sector institutions in the country, with a view to facilitating and enhancing the quality of human resources development initiatives. The terms of reference required the consulting team not only to list the priority training needs facing the institutions in question, but also to design the actual training programmes that would address those needs, identify local institutions that are capable of delivering the programmes, and also indicate the measures that need to be taken to strengthen those local training institutions. Finally, the consulting team was required to produce an indicative budget for implementing the training programmes.

The study has covered eleven institutions.¹ Though all these are in the legal sector, they differ a great deal in function, size, complexity, and other parameters. On the one hand, they include, for instance, the Judiciary – which comprises the Court of Appeal, the High Court, Resident Magistrate’s Courts, District Courts, Primary Courts, as well as various Support Departments and Units. On the other hand, they also include the Registrar of Societies – an office with a staff strength of less than five employees. For this reason, the study had to examine the peculiarities and needs of each particular institution rather than treating all of them as if they are fundamentally the same.

Despite the differences, though, there are also a number of similarities – particularly with respect to the question that is the subject-matter of this study: training needs. Shortage of resources has for a long time hindered concerted human resources development efforts in the public service, and for this reason practically all of these institutions desperately lack the skills that are required to enable the institutions cope with the growing and changing demands that are placed on them by the public. For this reason, this study did not set out to find if there are training needs, rather it set out to identify what the *priority* needs are. All these institutions face numerous performance problems, and inadequacy of skills, knowledge, and experience is definitely one of the fundamental roots to these problems. The training needs that have been highlighted are those considered to be very significant currently in uplifting institutional performance.

Apart from the extensive consultations that the consulting team had with officials of all these institutions in the course of the study, two stakeholder workshops were also organised. At these workshops – involving not only Government of Tanzania officials but also representatives from Donor Agencies – the functions and needs of the various institutions were closely examined. Comments and recommendations were made as what

¹ These are (1) the Ministry of Justice and Constitutional Affairs, (2) the Judiciary, (3) the Faculty of Law of the University of Dar es Salaam, (4) the Faculty of Law of the Open University of Tanzania, (5) the Faculty of Law of Mzumbe University, (6) the Institute of Judicial Administration, (7) the Business Registration and Licensing Agency, (8) the Registrar of Societies, (9) the Registrar of Titles, (10) the Commission for Human Rights and Good Governance, and (11) the Law Reform Commission.

kind of training is required for what kind of staff in all the institutions involved in the study. The consulting team has taken serious consideration of all those comments and recommendations in preparing this final report. Thus, the list of priority training needs appearing at the end of each section of Part Two of this report (i.e. Sections 3 to 7 inclusive) represents consensus views of not only the consultants but also the stakeholders. By and large, the training needs that are most critical are those connected with the abilities of staff in legal sector institutions to handle newly emerging spheres – such as cyber-crime, e-commerce, alternative dispute resolution, etc. But other “ordinary” spheres – such as negotiations skills, records management, research methods, etc – are also important as in many cases they play a crucial part in the performance of some of the institutions of the legal sector.

To address the training needs identified, the consulting team has designed a total of 44 training programmes. These range from fully-fledged academic courses to seminars, weekend conferences and study tours, and they fall in four broad categories:

- (a) training programmes in general and specialised legal education,
- (b) training programmes in technical and operational function of legal sector institutions,
- (c) training programmes in good governance, and
- (d) training programmes in institutional management and leadership.

Part Three of the report (sections 8 to 11 inclusive) gives details of each of the 44 programmes – the type of the programme, the target group, objectives of the programme, programme contents, and the suggested duration of each programme. Needless to say, all these details are meant to be indicative rather than prescriptive. So is the three-year schedule for implementing the training programme and the budget - both appearing in Volume Two of the report. The consulting team surveyed training institutions in the country and found that, happily, the bulk of the 44 training programmes can be conducted locally. Indeed, for some of the programmes there are numerous competing institutions with adequate capabilities – for such programmes the team has recommended that the tendering method should be utilised in selecting the institutions to deliver the training. For other programmes, there are only a few institutions – in some cases only one or two – that have the required resources, and in such cases the team has pin-pointed the specific institution that should host a particular programme. There are, nevertheless, a few programmes for which officials will have to travel abroad. Again, the details given for those programmes are meant to be indicative.

The key institutions that will conduct the bulk of the programmes are the legal sector training institutions themselves. For this reason, all four were requested to indicate the type of support and assistance they would need if they are to conduct those programmes at the required standard. There is a need for the institutions to team up with external trainers in delivering some of the programmes in specialised areas. The budget therefore also incorporates expected expenses for such support.

PART ONE: INTRODUCTION TO THE REPORT

1. OBJECTIVES OF THE STUDY

This consulting assignment was commissioned by the Ministry of Justice and Constitutional Affairs as part of the Government's efforts to strengthen human resources capability in public legal sector institutions. Its main purpose was to identify the priority training needs of legal sector institutions with a view to facilitating the formulation and implementation of training activities in the sector institutions. The Terms of Reference for this study listed three specific objectives:

- a) To identify and prioritise the training needs taking into account gender issues, functions of each institution and the institutional systemic constraints that affect the quality of legal training opportunities,
- b) To develop a strategic gender sensitive training programme supported with an action plan and cost estimates together with options of achieving the training programme, and
- c) To identify training institutions to be used in the implementation of the programme including necessary measures for enhancing the capacity of the legal institutions in the provision of continued vocational training programme for the legal sector personnel.

This constitutes the final report of the study. The consulting team submitted a total of four progress reports, each one capturing the findings of each particular phase of the assignment. Of the four reports, two were presented to stakeholders' workshops that made very useful comments and recommendations on the reports. The first report that was presented to a stakeholders' workshop gave the areas in which the legal sector institutions needed training, and listed each institution's training needs. The second report that was also presented to a workshop consisted of the actual training programmes that were designed with a view to addressing the needs identified in the earlier report. The workshops deliberated the reports and added very useful input.

This final report has been prepared taking into account the observations and recommendations of those workshops. Naturally, it has not been possible to accommodate in this report each and every idea. After all, views tend to change over time and because the exercise of assessing training needs has inevitably taken considerable time the consulting team has noted differing views from the institutions concerned as to what constitute priority needs for their staff. It is for this reason that we are attaching in the Appendix the reports of the two

stakeholders' workshops. This report should therefore be read in conjunction with those two reports.

The legal sector institutions that are the subject of this study are ten, and these fall into five broad categories:

- a) The Ministry of Justice and Constitutional Affairs – more specifically, the various Directorates of the Attorney General's Chambers and the different support units in that Ministry;
- b) The Judiciary Department – encompassing the Court of Appeal, the High Court, the Resident and District Magistrates Courts, and the Primary Magistrates Courts;
- c) The four public sector legal training institutions – namely, the Faculty of Law of the University of Dar es Salaam, the Faculty of Law of the Open University of Tanzania, the Faculty of Law of Mzumbe University, and the Institute of Judicial Administration;
- d) Three public registration offices – i.e. the Business Registrations and Licensing Agency, the office of the Registrar of Societies, and the office of the Registrar of Titles; and finally
- e) The two legal Commissions of (i) Human Rights and Good Governance, and (ii) Law Reform.

This report presents the findings of the study in that sequence, each section concentrating on one category. Though all these institutions are in the legal sector, they differ substantially in terms of their functions, circumstances, and, hence, their training needs. It is for this reason that the consulting team has chosen to examine them individually – albeit in terms of the five broad categories stipulated above.

This report does not pretend to present, leave alone to prescribe all the training that should be given to staff in these institutions; rather, it seeks to identify and highlight generally the key *priority* areas on which staff training should focus at the moment.

2. STUDY METHODOLOGY

To assess the training needs of the target institutions, the consulting team utilised a three-pronged approach.

First, the team held discussions with officials of all the institutions involved in the study. In most cases, the team was able to meet the top-most officials of the institution in question, heads of Directorates/Departments, as well as other key officers in each particular institution. The purpose of these meetings was to find

out the key obstacles hindering performance generally, and the skills-related obstacles of the organisation specifically. The team is very grateful to all the officials who were able to spare time for these deliberations.

Second, the team circulated to each institution an instrument seeking information on the capabilities of human resources. This instrument – “*The Human Resources Survey Form*” – collected quantitative data on personnel available in each institution and personnel required for purposes of enhancing the current and future performance of the institution. In almost all cases the instrument was completed by the Heads of Directorates/ Departments or other senior officers, and the team is very grateful to them.

Finally, the team also circulated to a random number of staff in each institution an instrument designed to solicit detailed information on individual staff members relating to their jobs, the competencies required in those jobs, the competencies respondents believe they already have and those they feel they lack, as well as the skills they will require in future either for purpose of meeting new challenges of the job they hold or for purposes of career progression. The instrument has been very useful in building a skills profile for a select number of jobs in the legal sector institutions.

As can be seen from this three-pronged approach, the consulting team has endeavoured to be as objective as possible in its study. Exercises in training needs assessment too often fall into the abyss of merely reproducing what courses people want to attend. This is particularly so when training, as is the case in most public sector institutions in this country, is seen as a fringe benefit. To avoid this pitfall, the team has tried as much as possible to uphold, first, the functions of each institution – and of each organ of each institution – and, second, the challenges that the institution is facing now and in the foreseeable future. These are the fundamental factors that have guided the delineation of the skills that are required in each institution, which have then been compared to the stock of skills already available in order to ultimately define the skills gaps.

While attention has been made to all staff in each particular institution, this study has deliberately placed emphasis on staff carrying out the core functions of the organisation. Ultimately, this exercise is meant to strengthen the performance of the legal sector and it, therefore, has necessarily to focus on skills gaps in providing legal services, without, however, ignoring the training needs of staff who provide support services in those institutions. It is for this reason that the report is more detailed with respect to training needs of staff in core business functions than those of support services staff.

Finally, it must be mentioned that the team to a degree has confronted some difficulties when it came to prioritising training needs. What criteria is one to use in determining a particular need to be of higher priority than another? In any case, what purpose does such an exercise of ranking training needs serve? Through

interviews, and also through the questionnaires, a number of officials indicated the kind of training they believe they themselves need. The team has taken such declarations into account, and the views of heads of institutions and/or departments have of course carried a great deal of weight in this determination. However, these have not played a key role in the team's determination of priority needs.

The team has answered the second question posed above by referring to resource utilisation. In so far as training resources are, and will always continue to be limited, they should be used first in those areas that are most likely to have the greatest impact on organisational performance. Acquisition by staff of new knowledge and/or skills and exposure to new perspectives are in themselves desirable at all times. However, where resources for providing staff with opportunities to acquire new knowledge and skills or to expose them to new situations are scarce, the resources should preferably be deployed in the areas where such knowledge, skills, or exposure is likely to bring about the biggest positive impact on work performance. This is the most important consideration that the team has taken into account in carrying out the prioritisation exercise.

It would have been possible to actually produce a rank order of training needs for each institution considered. Largely, this would have been meaningless and would not have served any purpose. The team, therefore, chose to, instead, use two simple categories: *higher level* priorities, and *lower level* priorities. True, an element of subjectivity inevitably entered the allocation of needs to the two categories. However, the guiding principle was to relate skills with institutional performance. The process of dialogue in the stakeholders' workshop further checked this element of subjectivity before the work of formulating training programmes commenced.

PART TWO: PRIORITY TRAINING NEEDS

3. MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS

3.1 Introduction

In the structure of the Government of the United Republic of Tanzania, the Ministry of Justice and Constitutional Affairs is responsible for the administration of justice through the prosecution of criminal and civil cases in the courts of law, drafting of bills and statutes, registration of marriages, births, deaths, divorces and adopted children, administration of estates, public trustees, provision of legal advice to the Government, Government institutions and the general public. For purposes of examining the work – and hence the training needs – of the Ministry, we divided the institution into two broad components: the Attorney General’s Chambers, and the various units that provide support services in the Ministry. The consulting team was able to gather information through interviews with all the heads of Directorates and other units in the Ministry, and administered the two instruments to all Directorates. Training needs for the Ministry in this sense were, therefore, identified in respect of each Directorate one by one.

There are five core function Directorates in the Ministry which constitute the Attorney General’s Chambers:

- a) Directorate of Public Prosecutions,
- b) Directorate of Civil and International Laws,
- c) Office of the Administrator General,
- d) Office of the Chief Parliamentary Draftsman, and
- e) Directorate of Constitutional Affairs and Human Rights.

In addition, there are three major support function units in the Ministry:

- a) Directorate of Policy Planning and Information Service,
- b) Directorate of Administration and Personnel, and
- c) Finance and Accounts Unit.

Moreover, there is the much smaller unit responsible for internal auditing. For purposes of this report, however, internal auditing is considered part and parcel of the Finance and Accounts unit.

This section of the report first looks at the core function areas of the Ministry, and then examines the support function areas together. For each core function division, job information and data regarding skills and competencies required were examined by looking at the various inner sub-divisions, current staff levels and the competencies required for staff to perform the functions of those sub-divisions. In examining the individual units of the Ministry, focus is on areas in

which staff in the particular units face difficulties or challenges which are knowledge/skills-based.

Core function staff in all the five Directorates carry the title of State Attorney. Generally speaking, the prerequisite qualifications and training required for performing the duties assigned to the core function Directorates and offices include possession of a Bachelor of Laws (LL.B.) degree, completion of the internship programme, attendance at the general induction course for State Attorneys conducted by the Civil Service Commission, and on-the-job training in matters pertaining to each particular Directorate. It is obvious, however, that post-graduate qualifications are highly desirable if staff in the Directorates and offices – particularly at the levels of Director, Assistant Director, and such senior level positions – are to perform their functions properly. Core function activities in each of the five Directorates tend to be technical, complex and intellectually demanding – ideally requiring considerable time of rigorous post-graduate studies, in addition to practical experience.

By and large, the Government has continued to uphold the first degree as the minimum qualification for all these positions simply because post-graduate training opportunities for civil servants have been rather limited. But looking at the nature of the work done, one sees clearly that the LL.M. degree or its equivalent ought to be the minimum qualification required for most of these positions in the Ministry. In this report, therefore, we will take the LL.M. degree – or other similar qualifications – as the basic qualification required of a State Attorney responsible for a specific sphere of activities.

The consulting team has also noted that the internship programme for law graduates has not been very effective in recent years. There is no defined curriculum which graduates must cover in the course of their internship, there are no known guidelines that those responsible for tuition and supervision of interns can follow, and co-ordination of the entire internship programme has not been particularly strong. As a consequence, the extent to which graduates have been able to actually acquire the skills of legal practice has been rather limited. While in the long term this problem will be solved with the launching of the proposed Law School, there is now a pressing need to strengthen the internship programme for purposes of providing the Attorney General's Chambers – and other institutions that recruit law graduates – with new staff who have the required practical skills.

3.2 Directorate of Public Prosecutions

This Directorate is headed by the Director of Public Prosecutions (DPP). There are three sections in the DPP's office, each specialising in a particular area of the DPP's portfolio:

- a) Crimes against Persons and Public Order,
- b) Corruption, Fraud and Related Offences,

- c) Drug Trafficking and Related Offences including Extradition, Mutual Legal Assistance in criminal matters and Transactional Crime.

The statutory functions of the DPP, which he/she may delegate to the officers working under him or her, are:

- a) To institute and undertake criminal proceedings against any person before any court, other than a Court Martial, in respect of any offence alleged to have been committed by that person,
- b) To take over and continue any such criminal proceedings as may have been instructed or undertaken by any other person, and
- c) To discontinue any criminal proceedings instituted or undertaken by him/her or any other authority or person.

The DPP works under the auspices of the Attorney General, and may consult with him/her on any case of exceptional public interest but is not bound by his/her advice. In all administrative matters, the DPP is subject to the Deputy Attorney General who is also the Permanent Secretary to the Ministry. Indeed, the DPP is enjoined by law (the Criminal Procedure Code) to exercise his/her functions with due regard to the public interest, the interests of justice and the need to prevent abuse of the legal process. In the exercise of his/her powers, he/she is empowered to use his/her own discretion and is not subject to the directions of any person except the President of the United Republic.

Currently, the Directorate has a staff compliment of 92² – the bulk of them State Attorneys of different grades (Principal State Attorney, Senior State Attorney, State Attorney, etc). It is perhaps significant that of the 86 members of staff in the Directorate, only two have LL.M or equivalent qualifications. State Attorneys, therefore, even at the most senior levels generally tend to be graduates in law who have accumulated experience through practice and – in some cases – through participation in various short-term training programmes. The table on the next page summarises the distribution of current DPP staff on qualification grades.

In so far as staff with mere secondary school or lower qualifications perform basic secretarial, clerical and auxiliary functions that are of a uniform nature in the Ministry as a whole, this assessment of training needs in the DPP's office does not directly relate to them but focuses on the State Attorneys. The needs of these other staff will be examined along with those of other support function staff in the Ministry in sub-section 2.8.

² Figures of staff quoted here and elsewhere in this report are correct for the period when the field-work for this study was carried out.

Table I: Staff Compliment in DPP’s Office

| Qualification | Top Level | | Senior Level | | Middle Level | | Lower Level | | Totals | | Grand Totals |
|---|-----------|---|--------------|---|--------------|----|-------------|---|--------|----|--------------|
| | M | F | M | F | M | F | M | F | M | F | |
| Staff with second degree or higher qualifications | 2 | | | 1 | 3 | | 2 | | 7 | 1 | 8 |
| Staff with first degree or equivalent qualifications | 2 | 1 | 6 | 2 | 37 | 19 | | | 45 | 22 | 67 |
| Staff with diploma or equivalent post-sec school qualifications | | | | | | | 1 | | 1 | | 1 |
| Staff with secondary school or lower level qualifications | | | | | | | 8 | 8 | 8 | 8 | 16 |
| Grand Totals: | 4 | 1 | 6 | 3 | 40 | 19 | 11 | 8 | 61 | 31 | 92 |

Note: “Top Level” signifies Director/Assistant Director; “Senior Level” signifies Principal/Senior State Attorney,” Middle Level” signifies State Attorney, and “Lower Level” signifies Legal/Law Secretary.

The major activities and challenges of the Directorate of Public Prosecutions relate to the following matters:

- a) Responsibility for prosecution of all criminal cases triable by the High Court of Tanzania and criminal appeals made or to be made to the Court of Appeal;
- b) Supervising or in some instances conducting public prosecution of criminal cases in District Courts /Resident Magistrates Courts in Mainland Tanzania;
- c) Overseeing, providing back-up support and handling relevant matters concerning the Zones, besides the Ministry Headquarters, in Mainland Tanzania;
- d) Reading of files, handling correspondences and rendering legal guidance and advices to the Police and other law enforcement agencies on any criminal matter touching on the performance of their duties;
- e) Studying and reviewing of legislation touching on crime with a view to its amendment in line with new socio-economic developments, as well as recommending enactment of new laws to address emerging situations;
- f) Attending all relevant meetings/fora/conferences – both local and international – pertaining to crime and prosecution issues.

The key competencies required in this Directorate are, therefore, those of criminal prosecution and such other matters related to criminal prosecution. As is the case in practically all Government Departments, law graduates joining this Directorate have received little and only sporadic training even in this key competency area of prosecution. The tendency has been for such graduates to accumulate experience

through practice, and in some cases through participation in short courses organised on an ad-hoc basis. Marshalling the human resources with the required capabilities to discharge effectively its enormous functions is, therefore, a major challenge to the Directorate of Public Prosecutions.

Moreover, shortage of staff and inadequate funding has made carrying out these functions a particularly difficult task, demanding not only dedication and commitment to duty, but also opportunities for continuing education for staff. In particular, the major changes that have taken place in science and technology, as well as in society generally, have naturally given rise to new forms of criminality that call for new approaches in tackling them. Indeed, in this regard, the handling of cyber-crimes is now a major challenge to the Directorate, e.g., forging of payroll information to perpetrate appropriation of employers' funds, and other serious forms of financial fraud. White-collar crimes have been on the increase and taking various forms that require review and re-assessment of existing laws and the skills of handling their investigation and prosecution.

There are also several “emerging trans-national crimes” requiring treaty-based cooperation among states and international organisations. These include:

- a) Crimes against humanity,
- b) War crimes,
- c) Trafficking in drugs,
- d) Trafficking in human beings,
- e) International terrorism,
- f) Extradition processes,
- g) Genocide,
- h) Money laundering,
- i) Trafficking in small arms.

Moreover, pieces of evidence generated by modern information communication technology do not always find favour with the courts which, without stretching their imagination and exercising much discretion, find their admissibility highly questionable within the existing laws of evidence and procedure. Adequate knowledge of the subject matter and skills in handling these issues with a view to ensuring justice in the prosecution of crime, and administration of criminal justice in the changing socio-economic order, are absolutely essential. Yet, it is not always easy for staff in this Directorate to get the kind of exposure that can enable DPP staff handle them with confidence. Similarly, issues of gender sensitivity in criminal review prosecutions need to be seriously addressed in terms of sensitisation, as the general structure and tenor of the law at best remain gender neutral.

To cope with this growing complexity and scale of operations, the DPP's office has formulated a capacity enhancement programme which includes the recruitment of new State Attorneys and equipping them with the appropriate

skills. With additional staff, the office will be able to devolve some of the functions currently concentrated in Dar es Salaam to the regions. Above all, however, this capacity enhancement programme requires rigorous training and re-training of staff, for very few staff – if any – have had adequate exposure to these new emerging areas.

As a result, the key skills areas requiring a training intervention for this Directorate are in the following categories:

- a) Dealing with international crimes (i.e. crimes against humanity, genocide, war crimes, including involvement and treatment of women and children, international terrorism, etc);
- b) Dealing with trafficking crimes (i.e. trafficking of human beings, drugs, etc);
- c) Dealing with cyber-crimes and financial fraud;
- d) Fighting corruption and white-collar crimes;
- e) Procedures relating to legal inter-state processes such as extradition, mutual assistance, etc.;
- f) Dealing with issues related to human rights, gender, and the treatment of disadvantaged groups in society.

Apart from these emerging themes, there are of course also the common competencies that DPP staff require – namely, prosecution skills and ways and means of utilising modern-day information and communication technology to enhance the effectiveness and efficiency of DPP functions.

Promotion of democracy, good governance and observance of human rights in its broadest connotation in any modern society may partly be gauged by the manner in which criminal investigations and prosecution are handled. Among the crucial inputs into the efficiency of the system of handling criminal prosecution are up-to-date knowledge and skills which can be acquired only through systematic and organised training – including continuing education. The above enumerated skills gaps areas can be easily appreciated if perceived against a fast changing socio-economic order egged on by computer-based technology and intensifying globalisation of international transnational capital. The staff in the DPP's office and the DPP himself need opportunities for training and retraining on a sustained basis for them to be able to perform the functions of the office in accordance with the letter and spirit of the DPP's mandate.

3.3 Directorate of Civil and International Laws

The Directorate is headed by a Director who is assisted by two Assistants responsible, on the one hand, for civil litigation, and, on the other, for commercial and international law.

Core function staff in this Directorate (Legal Officers/State Attorneys), similarly, require a law degree, completion of the internship programme, etc. But, again it is obvious that post-graduate qualifications are highly desirable if staff in the Directorate are to discharge their functions properly. The Directorate handles highly complex and sensitive aspects of the work of the Ministry – aspects that demand a high degree of competencies on the part of staff responsible for handling those aspects.

The key functions of the Directorate are:

- a) Conducting civil litigation, including election petitions, on behalf of the State/Government and public institutions;
- b) Providing legal advice and opinions on civil legal matters to Ministries and Government departments;
- c) Participation in technical sub-regional, regional and international fora on behalf of the Government;
- d) Participation in negotiations and drafting of agreements, including international protocols, conventions or treaties relating to international trade and other commercial contracts in which Tanzania is involved or interested as a party or beneficiary (e.g. World Trade Organisation, Environmental Agreements, Agreements on Protection of Ocean Resources, etc), as well as negotiations with both foreign and local investors involving the Government;
- e) Advising the Government or its institutions on legal amendments (local laws, treaties, etc) relating to civil matters.

Currently, the Directorate has a staff compliment of 12 as indicated below. Given the growing demands placed on the Directorate as well as the changing circumstances, this staff strength is projected to grow so that it is about double the current strength by 2006.

Table II: Staff Compliment in the Directorate of Civil and International Laws

| Qualification | Top Level | | Senior Level | | Middle Level | | Lower Level | | Totals | | Grand Totals |
|--|-----------|---|--------------|---|--------------|---|-------------|---|--------|---|--------------|
| | M | F | M | F | M | F | M | F | M | F | |
| Staff with second degree or higher qualifications | 1 | 1 | 1 | | | | | | 2 | 1 | 3 |
| Staff with first degree or equivalent qualifications | 1 | | 2 | | 1 | 2 | 1 | 2 | 5 | 4 | 9 |
| Grand Totals: | 2 | 1 | 3 | | 1 | 2 | 1 | 2 | 7 | 5 | 12 |

As is the case with regard to other Directorates – and, indeed, other Ministries – training of staff in the Directorate has not been very frequent or consistent. However, since 1984 a number of seminars and workshops for State Attorneys have been organised to help raise capabilities in some of the intricate areas that legal staff in this Directorate handle: arbitration, negotiation processes, advocacy/litigation, etc. In addition, staff in the Directorate have of recent been obliged to handle new areas requiring new skills – areas such as capital markets, intellectual property rights and copyrights, international concessions, international project financing, managing the post-privatisation challenge, international project procurement consultancy or contracting, etc.

All these are areas in which staff in the Directorate have had to accumulate both knowledge and skills through practice as well as through limited short-term training opportunities. A much more focused and coherent training programme is, therefore, required to uplift the capacity of the Directorate. In particular, State Attorneys in the Directorate need further training in the following areas:

- a) Litigation (advocacy skills) including gender sensitisation;
- b) Arbitration, negotiation and mediation/reconciliation processes;
- c) Negotiation skills and strategies;
- d) Drafting of agreements, including international agreements;
- e) Writing of legal advices and opinions;
- f) E-commerce and its regulation;
- g) The use of modern information and communication technology.

The functions of the Directorate of Civil and International Law involve matters of great significance to the people and Government of Tanzania in their interaction with the rest of the world in the market place, international fora, etc. as well as in local engagements involving the Government and public institutions. The staff of this Directorate, therefore, require systematically organised specialised training and continuing education in their areas of operation to ensure that their levels of required knowledge, experience and skills match current international standards of competition and co-operation in inter-state, inter-regional and international affairs. The identified training needs are, against this background and the fact that no systematic training programme exists, evidently real.

3.4 Office of the Administrator General

This office is headed by the Administrator General. While currently it is a Directorate of the Ministry, plans are under way to make it an autonomous agency and will be renamed “The Registration, Insolvency And Trusteeship Agency” Of all the Directorates in the Attorney General’s Chambers, this is the one Directorate that comes into direct contact with ordinary citizens on a daily basis who come to it to seek services.

The key functions of the Office are:

- a) Civil Registration on vital events (births and deaths),
- b) Registration of Marriages and Divorces,
- c) Serving as Public Trustee,
- d) Trustees Incorporation,
- e) Registration of Adoptions,
- f) Probate and Administration of Estates, and
- g) Bankruptcy and Insolvency.

For these functions, legal expertise is clearly a requisite at least at the supervisory and senior levels. Like other sections of the Attorney General’s office, the office of the Administrator General recruits for its core function positions graduates who are then given on-the-job training. Opportunities for further education and training have been rare, so such graduates have generally tended to climb the hierarchical ladder mainly through accumulating direct job experience.

Once the office becomes an autonomous agency, its structure will change – and presumably so will the manner in which it delivers services. It is, therefore, possible that the present profile of staff in the office will also change significantly. The training needs of the new agency will, therefore, have to be addressed then – after a strategic plan has been worked out, an organisation structure created, and new work systems and procedures have been designed.

The following picture is, therefore, only indicative based on the situation as it exists at the moment. Currently, there are 91 employees in this Office, and their distribution on the basis of qualification categories is shown below.

The activities in this office, clearly, are of a very routine nature requiring mainly clerical staff. Close to 80 per cent of staff have no more than just secondary school education. Indeed, the consulting team was told that the office does not see any need for increasing the number of graduates beyond the current level – even with its transformation into an executive agency. The team was told that at most, increases in the demand for its services will require increases in clerical staff – of about 30 more secondary school leavers annually for the next three years.

Table III: Staff Compliment in the Office of the Administrator General

| Qualification | Top Level | | Senior Level | | Middle Level | | Lower Level | | Totals | | Grand Totals |
|---|-----------|---|--------------|---|--------------|----|-------------|----|--------|----|--------------|
| | M | F | M | F | M | F | M | F | M | F | |
| Staff with second degree or higher qualifications | | 1 | | | | | | | | 1 | 1 |
| Staff with first degree or equivalent qualifications | 1 | | 3 | 3 | | | 1 | | 5 | 3 | 8 |
| Staff with diploma or equivalent post-sec school qualifications | | | 3 | | | | 3 | 2 | 6 | 2 | 8 |
| Staff with secondary school or lower level qualifications | | | 8 | 2 | 12 | 19 | 24 | 9 | 44 | 30 | 74 |
| Grand Totals: | 1 | 1 | 14 | 5 | 12 | 19 | 28 | 11 | 55 | 36 | 91 |

This projection on staff requirements is, clearly, based on the premise that the current methods of work – i.e., the use of out-dated technology and old-fashioned systems and procedures – will continue to be used by the new autonomous agency. Since that premise may not be sustained, the projection may also have to be revised. In particular, automation of routine transactions and a switch to electronic data-bases will radically change the staff profile of the office.

Currently, the challenges facing the office are many – particularly those relating to inadequacy of facilities and the use of outdated systems, procedures, and data management tools. As a result of these difficulties, there are constant complaints from members of the public relating to delays in providing service, loss of documents, etc. Indeed, the level of mismanagement is all too clear to any person paying even the most cursory observation: the queues, the poor state in which records are kept, the outdated methods used, and the lack of order in which transactions are carried out. Clearly, the office needs radical transformation of practically all of its structures, systems and procedures. If the transformation of the office into an autonomous agency will result in enhanced performance, such transformation will have to proceed hand in hand with a revamping of the office’s present data management systems – in addition to the need to create a customer-friendly environment.

These radical changes will not succeed if they are not accompanied by rigorous training and re-training of all staff at all levels. Specifically, senior staff will need systematic exposure to changing aspects relating to family law, law relating to bankruptcy, company liquidation/winding up, trusts law, strategic management, and the use of information and communication technology in estate management and related issues. Middle and junior-level staff will require training in records management, customer services management, legal knowledge/skills, and of course the use of information and communication technology.

3.5 Office of the Chief Parliamentary Draftsman

This Office, headed by the Chief Parliamentary Draftsman, has three sections or units, namely: drafting, law revision, and legal translation. An Assistant Director heads drafting, while another combines the other two units of law revision and legal translation. In general, key staff in the drafting section are expected to have not only graduated in law but also received advanced training in the specialised field of legislative drafting. Legal drafting is a highly specialised technical field, and staff responsible for this area cannot be expected to have acquired the necessary skills merely through on-the-job training or by attending short training courses. An LL.M. degree or equivalent-level training is, therefore, essential. Legal translation and law revision are not as intricate, but staff in those sections also require special orientation and apprenticeship before they can be said to be proficient.

The main core functions of the CPD's office are:

- a) To draft bills, subsidiary legislation, Government instruments and other documents;
- b) To revise the laws;
- c) To translate laws;
- d) To attend meetings at various levels of legislative processes;
- e) To research on the laws and policies in respect of any legislative matters;
- f) To provide legal opinion, and legal advice to the Government and Government Departments or Institutions; and
- g) To cause publication of Bills, Acts and Subsidiary legislation in the *Gazette*.

At present, there are ten State Attorneys in this Office, but only two have attained LL.M. qualifications. For law revision and legal translation, the requisite qualification is high school education, and the office currently has two law revision officers and one legal translation officer.

Table IV: Staff Compliment in the Office of the Chief Parliamentary Draftsman

| Qualification | Top Level | | Senior Level | | Middle Level | | Lower Level | | Totals | | Grand Totals |
|---|-----------|---|--------------|---|--------------|---|-------------|---|--------|---|--------------|
| | M | F | M | F | M | F | M | F | M | F | |
| Staff with second degree or higher qualifications | | 2 | | 1 | 1 | | | | 2 | 2 | 4 |
| Staff with first degree or equivalent qualifications | | 3 | 1 | 1 | 2 | 1 | | 2 | 3 | 7 | 10 |
| Staff with diploma or equivalent post-sec school qualifications | | | | | | | 1 | | 1 | | 1 |
| Staff with secondary school or lower level qualifications | | | | | | | 2 | | 2 | | 2 |
| Grand Totals: | | 5 | 1 | 2 | 3 | | 3 | 2 | 8 | 9 | 17 |

The challenges facing the CPD are many. There is first the question of technical expertise. As already noted, the drafting, translation and revision of legislative documents and provision of advice thereon require specialised technical skills. Learning or training on the job does not produce the desired level of knowledge and skill that efficient and effective execution of the relevant functions demand.

Second, the demands placed on the office are always increasing – particularly now that public awareness on various aspects of the law and the tendency for stakeholder institutions to push for amendments in the law are producing constant calls on the CPD’s Office to churn out pieces of legislation and translation thereof under certificates of urgency, as it were. The staffing level being considered low, also suggests that those on post should be well equipped through training and upgraded training in the relevant skills/areas to be able to cope with the heavy tasks of the Office.

The identified skills training needs/gaps are in the following areas:

- a) Legislative drafting (draftsmanship),
- b) Legal training for law translators and revisers,
- c) New legal developments generated by ICT, globalisation, liberalisation and law reform,
- d) The use of information and communication technology in legal drafting and law translation and revision.

The above areas are, of course, in addition to the essential areas related to emerging themes of cyber-crime, trafficking and terrorism – as well as the cross-cutting issues of human rights, gender and the rights of disadvantaged people.

3.6 Directorate of Constitutional Affairs and Human Rights

The Directorate, headed by a Director, has two sections – each led by an Assistant Director: constitutional affairs, and human rights. This is a new Directorate, and its role and functions still have to be formulated in full. However, the following are the key functions the Directorate is currently performing:

- a) Giving legal opinion to the Government on Constitutional and Human Rights matters;
- b) Reviewing proposed bills and legislation to ensure compliance with the Constitution and Human Rights standards;
- c) Scrutinising proposed legislation to ensure compliance with the Constitution;
- d) Keeping under review constitutional developments, including judicial interpretations, as well as existing regional and international human rights instruments;

- e) Advocating for Government against complaints and communications made against it under treaty bodies overseeing international human rights, e.g. the Human Rights Committee of the United Nations, the African Commission on Human and People’s Rights and the Commission for Human Rights and Good Governance of Tanzania.
- f) Attending to seminars, workshops, and other training sessions organised by other local and international institutions on topics or subjects related to constitutional law, human rights and humanitarian law.
- g) Promotion in collaboration with stakeholders the national implementation of international humanitarian law in Tanzania.

Currently, the Directorate has five State Attorneys, including the Director, while the actual need is said to stand at 12 State Attorneys. This challenge is exacerbated by the fact that under the post-liberalisation conditions characterised by the Western type liberal democratic trend in the country and the world as a whole, issues of constitutional and human rights observance by the public and other authorities have assumed unprecedented importance. The need for training and continuing education in the relevant skills areas is self-evident, especially because there are many local constitutional and international human rights issues that require informed and skilled ministerial personnel to handle them efficiently at locally and internationally acceptable levels.

The identified training skills needs/gaps are in the following areas:

- a) Negotiation skills;
- b) Ways and means of overseeing human rights issues;
- c) Developments in constitutional law.

3.7 Common Needs in the Attorney General’s Chambers

It is obvious that the peculiarities of the different branches of the Attorney General’s Chambers give rise to differing challenges, and hence differing needs of training. In particular, the very different technical aspects of administering law in the different branches lead to differing levels of priority of required technical skills for the five Directorates.

Nevertheless, there are a number of areas in training that seem to cut across the different branches. To enhance the performance of the Ministry – and specifically the Attorney General’s Chambers – deliberate and systematic training of staff must be given to all staff in the following three broad areas:

- a) Human rights, gender, and the treatment of disadvantaged groups;
- b) Application of information and communication technology to the management of legal issues; and
- c) Management and leadership.

Despite the fact that the different Directorates in the Attorney General's Chambers handle different spheres of law, in one way or another they all have to deal with the issues of human rights, gender, and disadvantaged groups (children, refugees, the disabled, the destitute, etc) since these issues often impinge on the law. Thus, State Attorneys have not only to be sensitive to these issues but also be fully acquainted with the changing world standards and expectations with regard to governments' treatment of these issues.

The question of information and communication technology is obvious. Government departments in Tanzania are notorious for using outdated technology and systems. Since increasingly modern technology is making rapid inroads into all institutions – including Government departments – it is important that all key personnel be given the basic skills for utilising this technology in their respective tasks. Currently, there are lots of inefficiencies related to delays and loss of documentation – inefficiencies that can be substantially reduced through automation of Government transactions. Training in information and communication technology – specifically its application to legal processes – is, therefore, paramount. However, since different Directorates seem to be proceeding at different speed in the process of acquiring the technology, training in this area must of necessity also proceed differently in the Directorates so that training is done as and when computerisation commences or advances.

Finally, while senior officers in all Directorates perform technical functions – such officers are more and more expected to play managerial and leadership roles in their respective Directorates. The Director of Public Prosecutions, for example, has close to a hundred officers spread across the whole country and performing different functions. While there are occasions where the DPP has to go to court in person, the bulk of the work of the DPP consists in deploying resources (human and non-human), co-ordinating and supervising activities carried out by subordinates, maintaining liaison with stakeholders that are external to the DPP's office, appraising individual and institutional performance, planning for the future, resolving conflicts and building teamwork, and so on and so forth. By and large, therefore, heads of all these Directorates – particularly those with large staff sizes (DPP, Administrator General, etc) – have to be effective and efficient managers and leaders of their Directorates in addition to being able to perform their respective technical functions.

Stakeholders constantly complain about Government inefficiency. Such inefficiency is not always a result of the rigid methods through which Government affairs have to be transacted. The inefficiency is also a result of the lack of basic skills in management. The fact that records are so often misplaced is caused not only by the primitive technology in use but also by the failure of officers to follow sound management practices. Fortunately, the Public Service Reform Programme that is being conducted by the Department of Public Service Management of the President's Office has begun to address this problem. There

is, nevertheless, a need to look specifically at the manner in which Directorates in the Attorney General’s Chambers – particularly those that handle a large number of transactions on a daily basis (DPP, Administrator General, etc) – manage the resources available: records, personnel, time, etc. Basic skills in managing these resources can bring about tremendous positive impact on performance even if the technology in use is not changed immediately.

3.8 Support Services

In this category we have placed all the non-core functions of the Ministry. There are three major Departments that provide various support services in the Ministry: the Directorate of Policy, Planning and Information Services, the Directorate of Administration and Personnel, and the Finance and Accounts Unit (which for purposes of this report includes the office of the Internal Auditor)³. The functions of the three Directorates are well-known, and exist in each Ministry – we, therefore, need not list them here. The first two are headed by Directors, and the Finance and Accounts Department is headed by the Chief Accountant. Currently, the three sections have a combined staff strength of 62 employees, as shown in the table below.

Table V: Staff Compliment in Support Functions in the Ministry

| Directorate | Staff with Second Degree or Equivalent | Staff with First Degree or Equivalent | Staff with Diploma or Equivalent | Staff with Secondary or Lower Education | Total |
|---------------------------------|--|---------------------------------------|----------------------------------|---|-------|
| Policy, Planning & Information | 3 | | | 9 | 12 |
| Administration & Personnel | 4 | 3 | 1 | 27 | 35 |
| Finance & Accounts (& Auditing) | 1 | 2 | 1 | 11 | 15 |
| Totals: | 8 | 4 | 2 | 47 | 62 |

As can be seen from the table, more than three-quarters of staff in support function areas have secondary school education or less. Clearly, these perform clerical and auxiliary functions, and their number is projected to decline sharply as diploma-holders are more and more appointed to clerical positions, and, as such, functions as those of office attendant and watchman are out-sourced. This training needs assessment, therefore, does not address this particular cadre of staff – with respect to support functions it, rather, focuses on middle and senior-level personnel who will continue to play an important support role in the Ministry’s operations.

Such support services as administration, accounting, etc., obviously, also play an important role in the work of the Ministry. Any training effort meant to raise

³ There is, in addition, the office of the programmes officer – currently responsible for coordinating the law reform programme activities. Since this is not meant to be a permanent office, we have not included it in our analysis.

human resources capabilities of legal sector institutions, therefore, cannot ignore the administrative, accounting, and planning staff. In particular, efforts to enhance managerial efficiency and effectiveness as well as creating awareness on such matters as gender, customer service, information technology, etc. must include staff in support functions also.

From this perspective, therefore, while recognising the need for support function staff in the Ministry to gain a wide range of professional and technical skills, the needs that are deemed relevant in this training needs exercise are those regarded as being of a priority nature for all staff in the Ministry. These have been indicated in the sub-Section below under the heading of common needs. It has to be noted, nevertheless, that there are a number of areas in which training for staff in support Directorates will tend to boost overall performance in not only the Directorates themselves but also the Ministry as a whole. These areas are indicated in the table below.

Table VI: Key Training Areas for Staff in Support Functions of the Ministry

| <u>Directorate</u> | <u>Key Training Areas</u> |
|---------------------------------|---|
| Policy, Planning & Information: | <ul style="list-style-type: none"> ▪ Policy analysis, formulation, and implementation; ▪ Introduction to legal processes to non-lawyers; ▪ Negotiation skills; ▪ Management of library resources. |
| Administration & Personnel: | <ul style="list-style-type: none"> ▪ Management of change; ▪ Introduction to legal processes to non-lawyers; ▪ Negotiation skills; ▪ Performance management. |
| Finance & Accounts: | <ul style="list-style-type: none"> ▪ Financial planning and management; ▪ Introduction to legal processes to non-lawyers; ▪ Negotiation skills; ▪ Performance management. |

3.9 Priority Needs of the Ministry

It is clear from the previous sub-sections that the amount of staff training required in order to put the Ministry at a capacity level where one can actually expect effectiveness and efficiency is very big. For decades, there has not been much of training – due, obviously, to the paucity of funds – and whatever training has been done has been sporadic. A number of employees have gone to various short courses – often secured through private initiative – and some have managed to obtain long-term professional training. The general trend, however, has been to place University and College graduates in various sections of the Ministry, learn on the job, and let them climb the hierarchical ladder as a result of gaining work experience and receiving favourable appraisals from their superiors.

Fortunately, the last five years have seen a substantial increase in the amount of training opportunities availed to civil servants. This is a positive trend. But it can only help to strengthen the capabilities of the institutions in the legal sector if, among other things, the training is given in a consistent and organised manner. One of the ways of ensuring that such training is properly consistent and organised is to identify key priorities.

Having examined the specific circumstances of the Ministry in general, and of the Directorates in particular, the consulting team has carried out the prioritisation of training needs as indicated below. Selecting which areas are more important than others has been most difficult and to some extent subjective. However, the guiding principle has been to identify for the top priority category a set of no more than five areas that the team felt would have the greatest impact on the performance of each unit examined, i.e., a Directorate. The next category of lower priority needs consists of a set of no more than five other areas that the team felt would be next in terms of producing impact on performance.

It may well be argued that in the context of the Ministry the whole exercise of prioritising training needs is pointless since the gap between desired and existing competency levels is every where so huge. Yet, it is precisely because of this situation that one needs to know where to start with a view to having the biggest amount of returns. Above all, even with donor funding, training resources will continue to be limited, and one needs to know where such resources should be placed.

This, then, is the consulting team’s prioritisation of the Ministry’s training needs. This final list has been produced subsequent to the stakeholders’ workshop which scrutinised an earlier version of the priority training needs.

Table VII: List of Priority Training Needs in the Ministry

| Directorate | Priority Training Needs | |
|---------------------|--|--|
| | Higher Priority Areas | Lower Priority Areas |
| Public Prosecutions | <ul style="list-style-type: none"> ▪ Modern criminal prosecution skills; ▪ Writing of legal opinions; ▪ International crimes and crimes related to trafficking, and terrorism; ▪ Legal issues related to human rights, gender, and the treatment of vulnerable and disadvantaged groups in society; ▪ Emerging trends in cyber-crime, money laundering, and fraud; ▪ The use of modern information | <ul style="list-style-type: none"> ▪ Procedures relating to legal inter-state relations and processes; ▪ Juvenile justice. |

| Directorate | Priority Training Needs | |
|-------------------------------|---|--|
| | Higher Priority Areas | Lower Priority Areas |
| | and communication technology; <ul style="list-style-type: none"> ▪ Strategic management and leadership skills; ▪ Fighting corruption. | |
| Civil and International Law | <ul style="list-style-type: none"> ▪ Negotiation skills and methods; ▪ Drafting and managing agreements/contracts – including international agreements/contracts; ▪ E-commerce and its regulation; ▪ Advocacy skills; ▪ Writing of legal opinions; ▪ The use of modern information and communication technology; ▪ Arbitration, mediation, and reconciliation processes; | <ul style="list-style-type: none"> ▪ Legal issues related to human rights, gender, and the treatment of vulnerable and disadvantaged groups in society ▪ Strategic management and leadership skills. |
| Administrator General | <ul style="list-style-type: none"> ▪ Law relating to bankruptcy, company liquidation/winding up, ▪ Legal issues relating to human rights, gender, and the treatment of vulnerable and disadvantaged groups in society; ▪ Advocacy skills; ▪ The use of modern information and communication technology; ▪ Strategic management and leadership skills; ▪ Records management; ▪ Customer services management. | <ul style="list-style-type: none"> ▪ Law related to estate management, ▪ Family law, ▪ Trusts law. |
| Chief Parliamentary Draftsman | <ul style="list-style-type: none"> ▪ Legislative drafting; ▪ Advocacy skills; ▪ The use of modern information and communication technology; ▪ E-commerce and its regulation; ▪ International crimes and crimes related to trafficking, and terrorism; ▪ Emerging trends in cyber-crime and fraud; ▪ Legal issues related to human rights, gender, and the treatment of vulnerable and disadvantaged groups in society. | <ul style="list-style-type: none"> ▪ Introduction to law for law translators & revisers; ▪ Strategic management and leadership skills. |

| Directorate | Priority Training Needs | |
|---|--|---|
| | Higher Priority Areas | Lower Priority Areas |
| Constitutional Affairs and Human Rights | <ul style="list-style-type: none"> ▪ Strategies and techniques of overseeing and reporting on human rights; ▪ Developments in constitutional law; ▪ The use of information and communication technology; ▪ Principles and approaches to good governance; ▪ Advocacy skills; ▪ International crimes and crimes related to trafficking, and terrorism; ▪ Legal issues related to human rights, gender, and the treatment of vulnerable and disadvantaged groups in society. | <ul style="list-style-type: none"> ▪ E-commerce and its regulation; ▪ Strategic management and leadership skills. |
| Support Services | <ul style="list-style-type: none"> ▪ The use of information and communication technology; ▪ Financial planning and management; ▪ Strategic management and leadership skills; ▪ Policy analysis, formulation and implementation. | <ul style="list-style-type: none"> ▪ Introduction to legal processes; ▪ Negotiation skills. |

4. THE JUDICIARY

4.1 Introduction

The Judiciary is a big and complex institution. It consists of numerous units, it has a very large staff compliment, and of course it has a presence throughout the country. In trying to identify the training needs of its staff, we are, therefore, obliged to examine the needs and challenges of staff at different levels of the Department. The main levels, from top to bottom, are four:

- (i) The Court of Appeal of Tanzania,
- (ii) The High Court of Tanzania,
- (iii) The District/Resident Magistrates Courts,
- (iv) The Primary Courts.

In examining the question of training needs for the Judiciary, we have not tried to look closely at the question of competencies. Judges and Magistrates are in all instances people who have defined educational qualifications and are appointed to those positions after meeting a variety of other conditions that are not necessarily skill-based. Rather, we have focused our attention at the challenges or difficulties facing the Judiciary at different levels, and in particular at those challenges or difficulties that are knowledge and/or skill-based. We have held discussions with officers in the Judiciary as well as with other people who closely interact with the Judiciary (see the list of officers interviewed in the Appendix), and adduced from these interviews the key training needs in the Judiciary. In this sense, then, our assessment is more qualitative than quantitative.

As would be expected, the skills training needs or gaps at each level are bound to differ from those at other levels. Nevertheless, it is evident that the top two levels are distinguishable from the lower two in this regard even though, initially, one could consider treating them separately for the sake of clarity. On the other hand, the District/Resident Magistrates Courts cannot be lumped together with Primary Courts for reasons which will become apparent in the course of this presentation. It follows that the needs of each level will be presented separately for clarity of identification. However, later it will be possible to indicate common needs for some of the levels and identify priority needs training for the Judiciary at its different or partly combined levels.

The consulting team was informed that the need for systematic training – as is the case in practically all state institutions in the country – is widespread in the Judiciary. Training is badly needed in the areas of both legal and related support services at all levels. The major stumbling block is the shortage of funds. New developments in science, technology and society in general pose challenges to the Judiciary as much as they do to other major branches of the State. This alone calls for training and retraining of both new and old members of staff in the new areas of knowledge and skill without which work in and of the Judiciary would prove unsatisfactory to all stakeholders, and to the public as a whole.

We begin from below (the level of Primary Courts), and move upwards to the top rung (the Court of Appeal). In the next three sub-sections dedicated to the different levels of the Judiciary, the focus for each sub-section is on the training needs of judicial officers only. We deal with the needs of support staff in sub-section 3.5 since these needs are common irrespective of the level at which support staff happen to be in the Judiciary hierarchy.

4.2 Primary Courts

As already indicated, this is the lowest level of courts in the judicial hierarchy in Tanzania Mainland. Primary Courts have unlimited jurisdiction over all matters falling under African customary law, including non-registered land, inheritance and succession, customary contracts, wills, and the like. They also handle some of the crimes under the general law. They are presided over by Primary Court Magistrates, and are under the general direction of the Directorate of Primary Courts based at the Headquarters of the High Court of Tanzania in Dar es Salaam. As the lowest level courts handling disputes and petty crimes, they deal with most of the litigation, including prosecution, that takes place in the country.

Presently, 650 Primary Courts out of the 1,105 Primary Courts in the country have Magistrates.⁴ The rest of the Primary Courts are served by Primary Court Magistrates from neighbouring areas. The present supply of Primary Court Magistrates, excluding 32 Magistrates who are on contract, is 661 while, according to the 2002/2003 budgetary estimates for the Judiciary, the total demand stands at 2,210 – suggesting a shortfall of 1,549. The incongruence between the total number of Primary Courts and the total demand for Primary Court Magistrates is accounted for by the fact that each Primary Court in the rural areas requires at least one Primary Court Magistrate, while an urban Court needs at least two.

Thus the first major challenge facing judicial administration in this level is the shortage of staff. There just are too few Primary Court Magistrates in the country, and the rate at which these Magistrates can be produced by the Institute of Judicial Administration and other institutions currently giving certificate and diploma courses in law is too slow to be able to fill the gap between supply and demand in the near future. Currently, the basic educational qualification requirement for the position of Primary Court Magistrate is the certificate in law. This is soon to change, and the Diploma will become the basic educational qualification requirement, with holders of certificates being gradually phased out.

For this reason, training of the certificate holders to enable them acquire the Diploma is obviously an immediate requirement. While a new intake of Primary Court Magistrates with the new qualification joins the Judiciary, the ones on board will at the same time have to undergo further education to enable them acquire the diploma qualification. Since, however, it may not be possible to give

⁴ We note, once again, that all figures relating to staff were correct as at the time when the field work for this study was carried out.

every Primary Court Magistrate holding a certificate the opportunity to go through the diploma course, intensive training of some of the highly experienced staff coupled with other methods of evaluation and selection (e.g., through the process of a special Assessment Centre), may be the most appropriate method of meeting this challenge in the short term.

The second challenge facing this level of the Judiciary is the paucity of opportunities for continuing education. New developments in law, politics, economy and culture both locally and globally necessitate up-dating and upgrading Magistrates so that they attend to their judicial office duties at the required level of knowledge and skill, and as is expected of them by members of the public. Yet, most of the Primary Court Magistrates are situated in rural areas where facilities for continuing education are not easy to come by, and – indeed – even in urban areas access to library facilities, short courses, etc is not that easy. An alternative arrangement of periodically giving education to serving Primary Court Magistrates and support staff in those Courts, using a variety of channels, is, therefore, an urgent need.

The change from certificate to diploma qualifications for Primary Court Magistrates will have major consequences in the delivery of justice at this level. Apart from giving these courts presiding officers with a higher level of education, it will also allow advocates to appear in these courts on behalf of clients – a development that will augur well for a better system of administration of justice and observance of human rights (including the rights of women and those of disadvantaged groups) at the lowest level of the judicial hierarchy. This, hitherto, has not been feasible owing to the low level of knowledge and skill in legal matters of the present cadre of Primary Court Magistrates. Indeed, it is at this level of the court system that many gender related disputes (on inheritance and succession, land ownership, etc.) arise and are dealt with in the first instance in accordance with rules of customary law. But this entry of advocates will also complicate further the process – making the need for continuing education of Primary Court Magistrates even more pressing.

Thirdly, one must also consider, in this context, enforcement of various new laws, such as those on environmental protection, controls on the use of drugs and the like, at this grass root-level, as it were. Increasingly, there are numerous emerging new situations that can be addressed only with new levels of understanding and skill. There is also the added emphasis on some aspects – e.g., those on gender, human rights, etc. – aspects that demand a high degree of sensitivity. Finally, many new trends and approaches in the administration of justice are emerging constantly – such as those of alternative dispute resolution. Primary Court Magistrates are, therefore, required to go through systematic training in these emerging themes on a regular basis.

At the end of the section the report presents a profile of priority training needs at this level of Primary Courts.

4.3 District and Resident Magistrates Courts

This level of courts is currently presided over by District Court Magistrates and Resident Court Magistrates of different grades and title designations. The District Court Magistrates, who formerly were required to be holders of Diploma in Law constitute a cadre that is currently being phased out, leaving the administration of justice at district level to Law graduates – or, in other words, to Resident Magistrates. As already indicated above, holders of Diploma in Law are now destined for positions as Primary Court Magistrates who can entertain cases filed and otherwise handled by advocates on behalf of litigant clients and administer justice with better knowledge and skills in law.

The present personnel strength at this level is 128 District Court Magistrates and 148 Resident Magistrates. The demand for Resident Magistrates, according to the Department's budgetary request, stands at 392 and, if this demand will be met, all the districts on the Mainland would have at least one Resident Magistrate each. Budgetary allocations, however, permit of only a few new appointments each year, while instances of retirement and of pre-retirement age serious illness and death continually render worse a bad situation. Thus, the upgrading of some of the District Court Magistrates through higher education and training in law would greatly ease up this situation.

This level in the judicial hierarchy has original jurisdiction virtually in all matters except those concerning unregistered land, customary law, etc., as well as constitutional matters and discretionary writs/orders. They also hear appeals from Primary Courts. Thus they too handle an enormous amount of litigation which has recently been increased by the statutory provisions that have dramatically reviewed to very high levels their pecuniary jurisdiction as well as that of the High Court. This recent development does pose a real challenge since it portends increased workload that requires not only enhanced personnel strength and improved operational gear, but also additional legal knowledge and skills for those currently holding positions within the Resident Magistrates cadre.

The prerequisite academic and other qualification attributes include:

- (i) Possession of the LL.B. degree
- (ii) Undergoing full internship programme
- (iii) Induction course conducted by the Judiciary.

Some of the Resident Magistrates have attained LL.M. level education while a very small number have Ph.D. degrees. Whereas those who attain higher level (postgraduate) degree awards tend to be recognized career-wise by some accelerated promotion or salary rise, the Judiciary like the Ministry, does not have a mandatory higher (postgraduate) degree training/programme for its magistracy. Apart from other (mainly behavioural) considerations, a first degree in law is considered adequate for purposes of making a career in the Department. It is, therefore, not expected that staff joining the Department will go for further

training, though, in fact, many do attend various short-term training programmes in the course of their career progression. With respect to long-term training, most training opportunities of this nature are sought at one's own initiative.

It is, however, widely acknowledged even in the Judiciary itself that the need for post-graduate qualifications and formal skills training is greatly spurred, if not necessitated, by the growing challenges and complexity of the legal issues generated by modern technology and related socio-economic activity and advanced cultural development. Undoubtedly, therefore, what has been observed and recorded elsewhere in this report regarding emerging challenges and issues equally applies here. In particular, the fact that the jurisdiction of District and Resident Magistrates Courts has of recent been enhanced means that the Magistrates require a higher degree and broader scope of knowledge related to the matters they handle: e.g., white collar crime, fraud, money laundering, commercial contracts, etc.

This need for training is even further emphasised by the fact that modern information and communication technology is scheduled to reach this level of the Judiciary. It is envisaged that the computerisation of at least some of the services of the Department will cover not only the High Court and Court of Appeal but also Resident Magistrates Courts. This development will, therefore, demand training of all appropriate staff members – i.e. Magistrates and para-legal personnel – in the utilisation of that technology.

A profile of priority training needs at this level of the Department appears at the end of the section.

4.4 The High Court and the Court of Appeal

The High Court and the Court of Appeal are presided over by senior members of the Bench, and their training needs may be considered together to avoid repetition. Currently, there are 29 High Court Judges and seven Judges of the Court of Appeal. However, according to the 2002/2003 budgetary estimates for the Judiciary, the needs are for 50 High Court Judges and 15 Judges of the Court of Appeal. Again, here too, the shortfalls are large.

The judgments of these superior courts have much precedent value. Whereas the High Court is both a court of first instance and an appeal court vis-à-vis the lower courts subordinate thereto, the Court of Appeal has no original but only appellate jurisdiction. The High Court is now going on a process of specialisation through establishing divisional jurisdictions in specified areas which at present number only two: namely the Commercial Division of the High Court, and the Land Division of the High Court. This is part of the Judiciary's response to the changes ushered in by globalisation through liberalisation and privatisation policies, as well as to related socio-economic developments.

Moreover, the High Court and the Court of Appeal have a zonal spread throughout the Mainland and require a sizeable workforce supported by modern information and communication technology, both of which very much depend on the level of funding the Judiciary can attract from the Government and other (donor community) sources. Currently, besides Dar es Salaam as the headquarters of the Judiciary, the High Court operates in ten other zones – Tanga, Moshi, Arusha, Mwanza, Tabora, Bukoba, Dodoma, Mbeya, Songea and Mtwara. On the other hand, the Court of Appeal operates in three other zones besides Dar es Salaam: namely, Arusha, Mwanza, and Mtwara.

The two Courts are served by two main registries, one for the Court of Appeal, headed by the Registrar of the Court of Appeal who is also the chief executive officer of the Judiciary, and one for the High Court under the Registrar of the High Court. At the zonal level, the High Court maintains District registries and the Court of Appeal maintains sub-registries. Both Registrars are assisted by Deputy Registrars and the Directors aforementioned. At the zonal level, the District Registrars double as assistant Deputy Registrars for the High Court, while Deputy Registrars of the Court of Appeal take direct charge of the sub-registries assisted by District Registrars. One must add at the High Court level the divisional structure – Commercial and Land. The two specialist divisional Courts, each with a Registrar and Deputy Registrar, are planned to operate at zonal level as well: the Commercial Division operates in four zones with four zonal registries in some of the same centres as those of the High Court, while the Land Division operates in all the eleven zones. At this level, therefore, we are concerned with not only the Judiciary officials who actually adjudicate matters but also the officials who belong to the core function of the Judiciary performing facilitative functions – e.g. Registrars, Directors, etc.

To be appointed to positions in the two Courts – whether as Judge, Registrar, or even Deputy Registrar – one must have substantial legal practice. The basic educational qualification requirement is, therefore, the degree in law but it must be tampered with a great deal of practical experience. Post-graduate qualifications are not mandatory. But it can be inferred from an examination of the onerous responsibilities and the importance of the functions performed that post-graduate qualifications are desirable at this level. Indeed, because those appointed to these offices have a long track record, many will in the course of their careers have obtained the LL.M. or some other equivalent or even higher qualifications.

In this exercise we have, therefore, not focused on the educational qualifications of holders of these various positions at this level of the Judiciary. It has been assumed that all such position holders have all the educational qualifications required for effective performance, and the identification of training needs has, therefore, focused on the need for continuing education as a result of emerging work challenges and difficulties.

In terms of key challenges, obviously, the most important relate to issues of personnel strength and the use of technology. Like other Government institutions, both the High Court and the Court of Appeal are short of key staff in relation to the workload and in most cases use outdated technology. It is quite common for cases filed in the High Court or the Court of Appeal to take years and years – and in some instances cases have lasted decades – before being disposed. There are also problems related to poor management of records – resulting in misplacement of vital records. Complaints facing the Judiciary at this level from stakeholders and the public at large are, therefore, numerous.

While the factors contributing to this state of affairs are many – and some are beyond the control of the Judiciary itself – the shortage of Judges and the use of outdated technology definitely contribute in no small measure to the problems. A comparison can be made with the Commercial Division of the High Court that, at present, enjoys donor funding and which, therefore, has had access to modern information and communication technology that has tremendously improved – at least – the speed with which the Court disposes of cases, the accuracy in the management of records, and the general ambience of the Court. Modernisation of judicial administration must, therefore, go hand in hand with technical training for Judges, Court Administrators (Registrars and Deputy and Assistant Registrars), as well as the various para-legal personnel performing various functions in the Department – Court Clerks, Registry Clerks, etc.

Secondly, the introduction of specialisation by way of creating special divisional jurisdictions of the High Court implies the need for some of the Judges to undertake specialised training in the relevant areas of the law. The Registrars and Deputy Registrars of the Divisional Courts too require similar specialised training or orientation to ensure that the objectives of the policy of creating such jurisdictions are realised in the best interest of the cause of justice. Even those who remain in the general division and have had no opportunity to update or upgrade their knowledge and skills in law, computers, and related matters, do require organised training and continuing education to enable them to discharge their responsibilities efficiently and effectively. There is a legion of new pieces of legislation some of which have been brought about by emerging situations and others by new technological and related socio-economic developments. Moreover, as noted elsewhere in this report, some of the old enactments have recently undergone major amendments while there are also emerging themes not yet covered by either legislation or case law in the local jurisdiction. All these pose a further serious challenge to those in the core business of the Judiciary.

A further challenge – particularly related to the sphere of knowledge – is the need by members of the Bench to keep abreast of developments in various aspects of judicial administration, particularly the aspects that are peculiar and uncommon in the local environment. While access to the internet has made it possible for Judges and Magistrates – and everyone else interested – to easily access the required information from wherever it may be available in the world without actually

visiting the site of such information, it cannot be denied that in our concrete circumstances the Judges and Magistrates cannot have much time to spare for surfing the web. The shortage of staff and the size of the workload that is placed on each individual Judge and Magistrate does not leave much time for that. For this reason, therefore, a system should be deliberately created to precisely avail Judges and Magistrates with the opportunity to keep abreast of developments in judicial administration.

Finally, there are a number of mundane issues related to skills that have gone unattended for years and years in the Judiciary – even at its highest levels. One of these aspects is just the question of orientation/initiation of newly appointed Judges. Currently, there does not exist a formal system of providing orientation in practical details with which a Judge should be familiar in order for him to play his/her role properly and discharge his/her duties according to expectations. There is no reason why such a formal orientation system should not be instituted, particularly since some of the Judges appointed do not come straight from the rank of Magistrates but various other fields of legal administration. Another aspect relates to operational skills – such as the ability to read documents quickly, or ability to listen effectively – skills that are not always included in the curriculum of legal education but which are vital in a work environment requiring the processing of numerous documents. Naturally, the needs for these practical operational skills differ immensely from individual to individual, but a system that can provide those needing help in such skills should be made available.

The consulting team has carefully examined all these various challenges and proposes the profile of priority training needs that appears at the end of the section.

4.5 Support Function Staff

As would be expected, the Judiciary also employs many other categories of officials in addition to Judges, Magistrates, Registrars, and Court and Registry Clerks. Indeed, there is a Directorate of Administration of Personnel as well as a Finance Department headed by a Chief Accountant. Other functions that are sure to emerge in the near future are those of information technology, library and documentation services, and others. Clearly, staff in these areas also play an important role in facilitating the work of the Judiciary. Efforts to strengthen the legal sector through training must, therefore, include such staff.

But, as we have argued in the previous section dealing with the Ministry, such staff professionally belong to other agencies of Government. Their professional development, therefore, is looked after elsewhere: planning for the professional development of accountants, for example, is the responsibility of the office of the Accountant General. Still, if these officials are to play an active and positive role in the effort to enhance performance in the legal sector they must be involved in all the capacity enhancement activities that are scheduled for staff in the Judiciary as a whole.

At the lowest level of the Judiciary – the level of Primary Courts – the cadre of support staff consists of court clerks, secretarial staff, and auxiliary staff. A common feature of such staff has been their low level of education – in many cases mere primary school education. This poses a difficulty with respect to career advancement. For those with secondary school education, however, it is this cadre that has served as pool from which to recruit candidates for certificate and diploma courses in law. Indeed, there is a considerable number of Magistrates who emanated from this cadre. It is a trend that needs to be encouraged. For all staff in this cadre, however, orientation into matters of judicial administration, human rights, etc is also a current requirement.

At higher levels – Resident Magistrate’s Court, High Court, and Court of Appeal – the cadre of support staff includes not merely secretarial and auxiliary employees but also professionals in the fields of accounting, administration, information and communication technology, library science, etc. As argued earlier, the needs for professional development of all these officials have not been strictly scrutinised in this exercise dedicated to the legal sector for reasons already given. However, such training as would help in ensuring they better deliver their professional services in the concrete circumstances and needs of judicial administration is essential for all these support function staff.

It is for this reason that the profile of priority needs for the Judiciary as a whole includes the needs of support function staff.

4.6 Priority Needs of the Judiciary

As is the case with the Ministry of Justice and Constitutional Affairs, staff in the Judiciary have over the years not benefited from a systematic programme of training. Undoubtedly, staff have received training – in an ad hoc manner as and when opportunities availed themselves and, in some cases, through individual initiative. Inevitably, such training has not been able to produce consistent performance-related results. There is definitely a need for a systematic training programme that is based on performance-related needs.

We have examined the challenges and difficulties confronting the Judiciary, and more specifically those that are knowledge/skills-based with a view to identifying the major areas in which training would make a difference to the performance of the Judiciary. Confronted with a vast array of areas in which training would make a positive impact in the work of the Judiciary, the consulting team has agonised over a way of placing such areas in some order of priority. The table below summarises the output of that effort.

Table VIII: List of Priority Training Needs in the Judiciary

| Category | Priority Training Needs | |
|---|--|--|
| | Higher Priority Areas | Lower Priority Areas |
| High Court and Court of Appeal Judges, | <ul style="list-style-type: none"> ▪ Continuing education in emerging and new aspects of law; ▪ Use of information and communication technology; ▪ Specialised areas of law (land, commerce, labour, and family); ▪ Emerging issues in the management of the Judiciary and related matters; ▪ Orientation/initiation programme for new Judges; ▪ Training in reformed legal areas; ▪ ADR | <ul style="list-style-type: none"> ▪ |
| Registrars, Deputy Registrars and Directors | <ul style="list-style-type: none"> ▪ Management and leadership in the context of the Judiciary. ▪ Use of information and communication technology; ▪ Continuing education in emerging and new aspects of law; ▪ Training in reformed legal areas. ▪ Customer service management | <ul style="list-style-type: none"> ▪ |
| District Court Magistrates, Resident Magistrates, and District Registrars | <ul style="list-style-type: none"> ▪ Continuing education in law; ▪ Legal issues related to human rights, gender, and the treatment of vulnerable and disadvantaged groups in society; ▪ Specialised areas of law (land, commerce, labour, and family); ▪ Use of information and communication technology; ▪ Training in reformed legal areas; ▪ Continuing education in emerging and new aspects of law; ▪ Alternative dispute resolution and case management. | <ul style="list-style-type: none"> ▪ Management and leadership in the context of the Judiciary. |
| Primary Court Magistrates | <ul style="list-style-type: none"> ▪ Training in law up to diploma level; ▪ Continuing education in law; ▪ Legal issues related to human rights, gender, and the treatment of vulnerable and disadvantaged groups in society. | <ul style="list-style-type: none"> ▪ Management and leadership in the context of the Judiciary; ▪ Use of information and communication technology. |
| Support Function Staff | <ul style="list-style-type: none"> ▪ Use of information and communication technology; ▪ Orientation in matters pertaining to judicial administration; ▪ Management of library resources; | <ul style="list-style-type: none"> ▪ Management and leadership in the context of the Judiciary; ▪ Legal issues related to human rights, gender, |

| Category | Priority Training Needs | |
|----------|--|--|
| | Higher Priority Areas | Lower Priority Areas |
| | <ul style="list-style-type: none">▪ Records management;▪ Customer service management. | and the treatment of vulnerable and disadvantaged groups in society. |

5. LEGAL SECTOR TRAINING INSTITUTIONS

5.1 Introduction

There are four training institutions that make the public sector legal training establishment in the country: the Faculty of Law of the University of Dar es Salaam, the Faculty of Law of the Open University of Tanzania, the Faculty of Law of Mzumbe University, and the Institute of Judicial Administration. Accordingly, the consulting team visited all four institutions to hold discussions with the Management of those institutions on the issue of training needs. All four institutions also completed the instruments used in this training needs exercise.

Because by and large the needs and circumstances of each training institution are different, we are examining their training needs individually though at the end of the section we have summarised the priority training needs of all four institutions.

5.2 The Faculty of Law of the University of Dar es Salaam

Established in 1961, the Faculty of Law is the oldest Faculty at the University of Dar es Salaam – having been established at the time the then University College was born in Tanganyika as a constituent college of the University of London. The Faculty is currently admitting between 250 –350 students per year, more than six times the originally intended capacity of about 60 students per year. The Faculty currently has 759 students, taking diploma, degree, as well as post-graduate courses in law. The Faculty also supervises examination in the Certificate in Law course for para-legal personnel – a course that other institutions in the country conduct on its behalf.

Currently, the Faculty has 36 academic members of staff, only one of whom is female. The current lecturer-student ratio is there 1:21 – against the target ratio of 1:12. In addition, it also has some 14 other employees: administrative officers, a systems administrator, office management secretaries, an accountant, a librarian, a registry clerk and a driver. While the faculty has 36 academic members of staff, the establishment provides for a staff compliment of 62 – indicating major difficulties on the part of the faculty to attract and/or retain staff. This apparent problem of staff acquisition and retention is, of course, outside the scope of the present study, but it has to be mentioned that staff training is in the end inconsequential if staff acquisition and/or training is not secured.

A Ph.D. degree is an essential educational qualification for academic members of staff of the University, and currently 29 of the 36 members of staff in the Faculty have that basic qualification. The remaining seven are still working for that educational qualification. In the context of the University, one need not even look at performance to deduce training needs for academic members of staff: the lack of a Ph.D. degree amongst staff is in itself a training need. However, from the perspectives of the Faculty of Law, this need is not very substantive since only a few members of staff in the Faculty still have to obtain this basic educational qualification.

The major challenges currently facing the faculty are three: capacity to handle ever growing numbers of students, capacity to respond to changing needs in the teaching of law, and capacity to conserve its human resources away from alternative forms of employment. The student population has been growing rapidly every year, but the size of the faculty has not grown to match with the growth in the student population. At the same time, the faculty has had difficulties retaining staff due to the high demand for lawyers in the country's professional services market. It is perhaps significant that while women have always constituted about half the student population in the faculty, attracting women graduates to join the faculty has been more difficult. Apparently, alternative employment options open to law graduates are more attractive – particularly in the private sector – and few women law graduates find an academic career attractive enough. We will not look at this challenge of staff acquisition and retention any further because it is outside the scope of the present study.

With respect to changing needs, the faculty increasingly has to respond to newer and newer legal perspectives brought about by globalisation and developments in technology. There are numerous areas in the teaching of law that the faculty needs more and more additional expertise: environmental law, law related to information and communication technology, law related to human rights and gender, legal issues pertaining to such phenomena as terrorism, HIV/AIDS, etc. These issues are creating ever-changing training needs for the faculty.

Apart from having the academic qualification of a Ph.D. degree, academic members of staff require various competencies to enable the faculty as an institution play its role in society and discharge its responsibilities effectively. These competencies can be divided into four categories: (a) competencies amongst members of staff to actually transfer knowledge, (b) competencies of the faculty to cover all the various cover all the various academic disciplines that the Faculty wishes or is expected to cover, (c) competencies of the faculty to carry out various other professional services that University academic members of staff all-over the world are expected to provide, and (d) competencies of the faculty to provide the legal sector with practical skills whose demand tends to differ from time to time. These are the four categories of competencies through which the consulting team has looked at the training needs in the faculty.

(a) Delivery competencies

Academic members of staff are recruited on the basis of academic qualifications. It is widely acknowledged, however, that the ability to help students learn differs immensely amongst faculty. It is for this reason that the University of Dar es Salaam has periodically been organising short-term training programmes on teaching techniques for its academics. But these have not been consistent and it is not all members of the academic staff who have participated in such programmes.

Above all, there is still the need for such staff to look at delivery skills from the perspectives of their own disciplines. Specifically, all Faculty of Law staff need

the opportunity to look at the methods for teaching law – particularly now that such staff are, on the one hand, handling larger and larger student classes, and – on the other hand – are obliged to tackle newer and newer areas of law. Indeed, it should be a matter of principle that every academic member of the staff of the Faculty periodically goes through some form of training in delivery methods – covering everything from curriculum design, preparation and use of materials, delivery methods and techniques, the use of audio-visual aids, testing, using computer technology in both preparation and delivery phases, counselling of students, etc. – all from the perspectives of delivering legal education.

(b) Coverage competencies

Due to global changes and new market demands, the faculty is more and more finding a need to deal with new areas of legal specialisation. In particular, technological changes are putting forth new situations requiring new approaches in legal administration. These include such areas as law relating to telecommunications, legal aspects of the internet, legal challenges in electronic commerce, information technology and the law, alternative dispute resolution, issues pertaining to gender, human rights, and the law, etc. Already, the Faculty has designed courses on a number of these areas, but it still has to get qualified specialists in each and everyone of these new dimensions of law.

(c) Professional competencies

Apart from teaching, academic faculty members are also expected to do research – both for academic purposes as well for dealing with specific issues raised by various stakeholders – and undertake consulting assignments for client institutions. They therefore need the professional skills falling in both areas: research skills and consulting skills. Again, the University has occasionally organised training in both these areas, and various other training bodies have conducted short-term training in these areas that have attracted the participation, among others, of University academic staff. But this training has not been consistent and very few members of the faculty of law have received training in these two areas of research and consulting. One indication of the need for training in consulting skills is perhaps the preponderance of foreign consultants used by the Government and international organisations based in the country. Even the recent re-writing of the companies ordinance was done largely with the use of foreign consultants. While this preponderance of foreign consultants in Tanzania probably emanates from many sources, it cannot be denied that the skills and experience required to prepare international tender proposals and execute such assignments are not highly developed in the faculty. There is therefore a need to strengthen the capacity of the faculty to undertake consulting assignments of this nature.

(d) Practical Operational Skills Competencies

There is finally the need for the faculty to have the capability to provide practicing lawyers with skills in various practical fields of their profession in accordance with changing demands. As we have seen in sections 2 and 3 dealing

with the Ministry and the Judiciary, there is a growing demand for new practical skills that legal officers at all levels of the hierarchy need as part of their continuing education. Such operational skills cover such spheres as negotiation skills and strategies, alternative dispute resolution methods and techniques, the art of listening, etc. It is unlikely that judges, state attorneys, advocates, and other lawyers will all have received training in these areas as part of their legal education – or that they all do not need further assistance in these matters. The law faculty of the lead University in the country is the only institution that ought to have the resources for providing such skills in accordance with actual demand.

Having looked at all these aspects, the consulting team proposes the profile of priority training needs in the faculty as shown at the end of the section.

5.3 The Faculty of Law of the Open University of Tanzania

Act of Parliament No.17 of 1992 established the Open University of Tanzania. With 3,500 students, the faculty of law accounts for about two-thirds of the student population of the University. Like the faculty of law of the University of Dar es Salaam, the faculty offers law courses leading to diploma, LL.B., LL.M. and Ph.D. degrees. All courses are offered on a distant learning basis.

Currently, the faculty has a staff of only nine academic members of staff – all male: one associate professor, two lecturers and six assistant lecturers. Only one – the associate professor – has the required Ph.D. degree, and the others are still working for this essential academic qualification. It would, therefore, appear that the faculty does not have the resources to handle the 3,500 student population or – indeed – to give post-graduate courses. But the faculty has tried to resolve this dilemma by recourse to the use of part-time staff drawn from various institutions, including the faculty of law of the University of Dar es Salaam and that of Tumaini University. Plans are however under way to recruit at least two additional associate professors, four senior lecturers, and four lecturers.

With respect to support staff, the faculty has only two non-academic officers: a secretary and an administrative officer. But these are not counted as faculty employees – rather they belong to the University as a whole. This exercise dwelling with training needs of legal sector institutions, therefore, does not include these non-academic members of staff.

The unique nature of providing University education through distant learning – particularly in a country with such poor infrastructure as Tanzania – gives rise to staff training needs of a rather peculiar nature. Staff have to actually develop all the training materials the distant student will require to cover the course – having little or no access to other resources (e.g., books, periodicals, tuition, group discussions, etc) that are normally available to the resident student. Second, the very method of using distant learning required specialised skills on the part of the teachers. Fortunately, some training of existing staff has been done but is most inadequate due in part to the preponderance of part-time teachers who, of course,

are not necessarily covered by the training programmes of the University. And not all full-time staff in the faculty have participated in the training programme on distant teaching methods.

In terms of training needs assessment, however, the biggest challenge facing the faculty relate to ways and means of developing human resources capacity while extensively using part-time staff. On the one hand, the use of part-time staff is an advantage: the faculty can exercise flexibility in deploying its staff – calling on only such personnel as it needs at any one moment. This is particularly important when it comes to optional subjects (particularly at post-graduate level), for then the faculty can book only such academic resources as are actually required by the students enrolled. In this way the question of discipline coverage can be resolved – as long, that is, as such resources are available in the market.

But the arrangement of using part-time staff has disadvantages also. With a preponderance of part-time staff on faculty, it is not easy to plan for human resources development. The faculty, and the University generally, cannot be expected to spend resources training part-timers. The faculty is trying to reduce this dependency on part-timers by recruiting full-timers, but one cannot be definite that suitable candidates will be found in the market. In addition, since the size of the faculty must somehow relate to the size of the student population, this strategy of enlarging the faculty size may not be sustainable in future should interest in law amongst distant learning students begin to drop for any number of reasons.

To some extent, then, the assessment of training needs in the faculty at the moment can only be provisional. The exercise may have to be done more exhaustively once a full compliment of full-time staff is on board. This is particularly so with respect to such areas as research and consulting in law – whether the faculty will need to provide training to its staff in these areas will depend on the staff it manages to employ. But it also relates to teaching methods – or, more specifically, distant teaching methods.

With respect to human resources development, however, the faculty faces the same four challenges referred to with respect to the faculty of law of the University of Dar es Salaam:

- a) having academic members of staff who are not only fully qualified academically, but also skilled and experienced in delivery methods,
- b) having a full compliment of staff to handle all the disciplines in law and the various specialisation areas,
- c) having staff with the skills and experience to take undertake research and consulting assignments in fields and/or areas identified by client organisations, and

d) having staff with the capability to give practical operational skills training.

Thus, in addition to giving academic members of staff the opportunity to obtain the required Ph.D. qualifications, the faculty also needs programmes in continuing education that will give it the capacity to meet these four challenges.

It is from this premise that the consulting team has formulated the profile of training needs shown at the end of the section.

5.4 The Faculty of Law of Mzumbe University

Mzumbe University was established by Act of Parliament No. 21 of 2001, which transformed the former Institute of Development Management (IDM). The Institute used to offer – among other awards – a Diploma in Law as well as a Certificate in Law. Now that the teaching of law is done under the auspices of a University, degree courses have been introduced. At the moment, however, the Faculty is offering only the first degree course – i.e., LL.B. – in addition to the diploma and certificate courses. It still has to commence offering post-graduate courses in law mainly due to shortage of staff with the requisite qualifications.

Currently, the faculty has 16 academic members of staff, only two of whom are female. Of these 16, only one has a Ph.D. degree – the rest having either a second degree or even just a first degree. The faculty thus still has to acquire staff capacity to operate as a fully-fledged faculty of the University that would offer under-graduate as well as post-graduate courses. It is due to this problem of staffing that the faculty at the moment is not offering any post-graduate courses. The immediate challenge of the faculty is therefore the provision of training opportunities for current staff to acquire the qualifications they need to serve as University faculty.

Like the Faculty of Law of the Open University, the Faculty of Law of Mzumbe University also has resorted to using part-time staff for some of its courses – though on a more limited scale.

With respect to support staff, the Faculty has only two secretaries and a messenger; but these belong to the University as a whole, and the faculty, therefore, does not have direct responsibility with respect to their career development.

From a human resources development perspective, the biggest challenge facing the faculty relates to the location of the University. Mzumbe does not have the same opportunities enjoyed by either the faculty of law of the University of Dar es Salaam or that of the Open University in terms of accessing human resources. By the same token, the opportunities for legal practice – essential for development of skills in the faculty – are much less at Morogoro than they are in Dar es Salaam. The faculty therefore has to take extra measures in developing its own staff so that

it is able to cover all disciplines which, in Dar es Salaam, could be covered with the use of par-time staff.

With respect to human resources development, however, the faculty faces the same four challenges referred to with respect to the faculty of law of the University of Dar es Salaam:

- a) having academic members of staff who are not only fully qualified academically, but also skilled and experienced in delivery methods,
- b) having a full compliment of staff to handle all the disciplines in law and the various specialisation areas,
- c) having staff with the skills and experience to take undertake research and consulting assignments in fields and/or areas identified by client organisations, and
- d) having staff with the capability to give practical operational skills training.

Thus, in addition to giving academic members of staff the opportunity to obtain the required Ph.D. qualifications, the faculty also needs programmes in continuing education that will give it the capacity to meet these four challenges.

By and large, faculty members still have to go through training in teaching methods. The same goes for research and consulting skills. A number have attended ad hoc seminars in some of these professional disciplines, but a fully-fledged training programme dedicated to law faculty staff still has to be mounted. This is understandable, for the University is still young and the priority issue at the moment with respect to the faculty of law is the acquisition of essential academic qualifications.

It is from this premise that the consulting team has formulated the profile of training needs shown at the end of the section.

5.5 The Institute of Judicial Administration

This is a newly established institution, having come into existence only in 2000. The Institute has been launched with a view, particularly, to enhancing the training of middle level and lower level staff of the Judiciary. The institute offers diploma and certificate courses in law – thus producing primary court magistrates, court clerks, and other para-legal personnel for the Government and for other institutions requiring the services of such staff.

Unlike other public sector legal training institutions, which are part of larger university systems, the Institute of Judicial Administration is a single faculty institution. Currently, the Institute has 18 academic members of staff, five of whom have second degree qualifications, four are currently undertaking masters

degree courses, and seven have a first degree. The institute also uses part-time teachers drawn from among its support staff to cover such subjects as management, accounting, etc.

While the educational qualifications required for University academic members of staff are clear – the Ph.D. degree, the qualifications required to serve on the faculty of this institute are not yet stipulated. It is of course a desire of many of the staff that they be given the same opportunities provided to University lecturers – i.e. the chance to get Ph.D. education, but it is arguable whether one actually needs a Ph.D. degree to teach diploma and certificate courses. Taking into account the mandate of the Institute, the consulting team has carefully examined this question and is of the opinion that such a need does not exist at least for the time being. The team is further convinced that a Master's degree or its equivalent suffices for the Institute's members of the academic staff to effectively and efficiently discharge that mandate of the Institute.

The bulk of the institute's academic members of staff are employees of the Judiciary seconded to the Institute. They thus have practical experience, mainly in the sphere of adjudication. On the one hand, this is an advantage: the Institute benefits from having a pool of trainers with the practical skills and orientation that students and trainees joining this kind of Institute need. On the other hand, though, there are negative aspects associated with this kind of arrangement. For a start, the staff are not professional teachers or trainers and are bound to have difficulties in transferring their knowledge and skills.

This was readily acknowledged by both the Management and the staff of the Institute interviewed by the consulting team: practically none of them have ever received comprehensive training in delivery skills (apart from a one week course offered to some in 2001/2002) – let alone legal education delivery skills. Second, the arrangement creates a number of problems with respect to human resources development at the Institute. The career development of these seconded staff lies in the Judiciary Department, and it is not easy, therefore, to plan for their training.

This is perhaps the biggest challenge the Institute is currently facing with respect to human resources development. Specifically, should one endeavour to provide training skills to people who may in due course be going back to be magistrates? This is question that still has to be sorted out. For purposes of this exercise, however, it has been assumed that current academic staff though seconded from the Judiciary will continue to serve the Institute and thus need whatever skills are required to make their presence at the Institute as fruitful as possible.

A further complication at the Institute relates to the location of the Institute. Lushoto is relatively isolated not only from professional resources but also from many administrative and social services. The Institute is thus obliged to employ people to provide services which – in a different location – would have been easily outsourced. Against an academic staff strength of 18, the Institute has

currently over 80 employees in support functions (including maintenance, transport, security, etc.). About half of the support staff are primary school leavers whose potential for advancement is rather limited. Staff in the secretarial and clerical cadre constitute a further 25 per cent of the support staff.

The Institute, therefore, carries a relatively huge load of administrative personnel: currently, there are nearly six support persons for every core function staff in the Institute. It is unlikely that this load will be sustainable in future. The consulting team did not find it prudent to consider the future human resources development requirements for staff in each and every support area (security, catering, etc). Apart from looking at general management needs, therefore, the team has not seen the need to look in detail at specific needs of support function staff.

On the basis of these observations, the consulting team has formulated the profile of priority training needs appearing in the next concluding sub-section.

5.6 Priority Needs of Legal Sector Training Institutions

It is quite clear that the four public legal sector training institutions have different priorities emanating from their quite different circumstances. The Institute of Judicial Administration, besides being relatively new, plays a different role from that played by the three other institutions which are University faculties. The Open University, on the other hand, utilises a teaching methodology that is unique – that of distant learning, and still has to acquire a full compliment of academic staff. Mzumbe University has just commenced and still also has to acquire a full compliment of staff. For this reason, training conducted for purposes of strengthening the capabilities of legal sector training in the country must address the specific needs and circumstances of each institution.

Nevertheless, it is quite clear that there are a number of common areas in which training is required in all four institutions. Indeed, it will probably be important that training conducted in these areas be conducted for all four institutions both for purposes of economies of scale and also for facilitating cross-fertilisation of ideas.

These common areas fall in four broad categories. First, there is the need for training in emerging spheres of law that had not been as common in the past as they now are. The globalisation process has brought about fundamental economic reforms at national level that have had a major impact on the legal sector in general, and the legal sector training institutions specifically. Global changes and developments in technology have called into question not only the conventional way of teaching law, but also on the subject or content of law itself, on the knowledge and interpretation of the country's laws, as well as the international scene – e.g. international treaties, conventions, etc. Legal sector institutions have found themselves in need of responding to the new challenges, by both revisiting the conventional subject content, adopting the new themes arising from the global, technology and economic reforms. The interviews the consulting team

conducted revealed that there is a general need for the legal sector training institutions to specialise in, and/or get closely acquainted with, all or a combination of the following emerging themes:

- a) Law and human rights, gender and the question of disadvantages groups,
- b) Developments in the country's law relating to companies,
- c) Developments in international trade and investment,
- d) Environmental law.
- e) HIV/AIDS and the law, and
- f) Legal issues pertaining to information and communication technology.

Second, there is the common need for training in teaching methods in the specific sphere of law to enable faculty deliver knowledge and skills more and more effectively. Student populations are everywhere going up, the calibre of students is going down, and teaching technology is changing all the time. There is, thus, a need for faculty members to learn both from more experienced colleagues and from each other ways and means of making legal education more effective and efficient – looking, particularly, at different approaches in curriculum design, delivery methods, providing support to learners, testing for understanding, etc.

Thirdly, there is the common need for training in undertaking research and providing consulting services in the legal sector. The need for services by Government, international organisations, the private sector, and other institutions is both an opportunity and a challenge to training institutions in the legal sector. There are many legal issues requiring research that only legal academics can handle because lawyers practising as advocates are not likely to have either the inclination or the experience or both. Similarly, Government institutions, international organisations, and private sector bodies in the country and elsewhere are increasingly in need of professional support that is informed by legal expertise. Contracting, negotiating, mediation, and drafting are only some of the areas in which Government institutions, international organisations, non-Governmental organisations, private sector bodies, and numerous other types of client institutions constantly seek the kind of legal expertise that law faculties are better placed to offer. At the moment, however, all three faculties and the institute do not possess a very high degree of capabilities in this sphere.

Fourthly, our visits to all four institutions revealed a dire need for giving management and leadership skills to all staff responsible for managing various aspects of the institutions. In each of the faculties of the three Universities there is invariably a dean and associate deans, and the institute is headed by a Principal who is assisted by a number of professionals. It is not a secret that those holding all these positions are appointed by virtue of the level they have reached in the academic hierarchy in the case of the University faculties (i.e. assistant lecturer-lecturer-senior lecturer-associate professor-professor), and in the Judiciary hierarchy in the case of the head of the institute. It is also not a secret that in most cases such people will not have received much training in management.

But these officials – at least during the period they hold these offices – spend a great deal of their time performing managerial functions: allocating resources, assessing performance, mediating and reconciling disputes among subordinates, dealing with morale and motivation issues, handling grievances and incidents of indiscipline, communicating, etc. In these activities, they endeavour to do as good a job as is possible with the use of common sense and through trial and error. The result, of course, is not always as good as we all would like it to be. Indeed, nearly all the officials interviewed acknowledged the existence of various inefficiencies in their institutions that are due at least in part to the lack of professional skills on the part of those officials. This, therefore, is another need that must be addressed.

The following is the profile of priority training needs formulated by the consulting team and as amended by the stakeholders’ workshop.

Table IX: List of Priority Training Needs of Legal Sector Training Institutions

| Category of Staff | Priority Training Needs | |
|--|---|---|
| | Higher Level Priority Areas | Lower Level Priority Areas |
| Management staff of all four institutions | <ul style="list-style-type: none"> ▪ Strategic management and leadership in legal sector education. | |
| University of Dar es Salaam faculty of law academic members of staff | <ul style="list-style-type: none"> ▪ Training in emerging themes related to law (e.g. telecommunications, information technology, terrorism, money laundering, cyber-crime, etc); ▪ Training in teaching methodology related to the teaching of law; ▪ Training in legal sector consulting skills. | <ul style="list-style-type: none"> ▪ Attainment of Ph.D. qualifications; ▪ Training in law research skills. |
| University of Dar es Salaam faculty of law support staff | <ul style="list-style-type: none"> ▪ Management of academic resources. | <ul style="list-style-type: none"> ▪ Introduction to law and related matters; ▪ Application of information technology to relevant fields of management. |
| Open University faculty of law academic members of staff | <ul style="list-style-type: none"> ▪ Post-graduate training leading to Ph.D. qualifications; ▪ Training in teaching methodology related to the teaching of law; ▪ Training in distant education methods. | <ul style="list-style-type: none"> ▪ Training in emerging themes related to law (e.g. telecommunications, information technology, terrorism, money laundering, cyber-crime, gender and the law, etc); ▪ Training in law research skills; ▪ Training in legal sector consulting skills. |

| Category of Staff | Priority Training Needs | |
|--|---|---|
| | Higher Level Priority Areas | Lower Level Priority Areas |
| Mzumbe University faculty of law academic members of staff | <ul style="list-style-type: none"> ▪ Post-graduate training leading to Ph.D. qualifications; ▪ Training in teaching methodology related to the teaching of law. | <ul style="list-style-type: none"> ▪ Training in emerging themes related to law (e.g. telecommunications, information technology, terrorism, money laundering, cyber-crime, gender and the law, etc); ▪ Training in law research skills; ▪ Training in legal sector consulting skills. |
| Institute of Judicial Administration academic members of staff | <ul style="list-style-type: none"> ▪ Training in teaching methodology related to the teaching of law; ▪ Post-graduate training leading to LL.M. qualifications. | <ul style="list-style-type: none"> ▪ Training in emerging themes related to law (e.g. telecommunications, information technology, terrorism, money laundering, cyber-crime, gender and the law, etc); ▪ Training in law research skills; ▪ Training in legal sector consulting skills. |
| Institute of Judicial Administration support staff | <ul style="list-style-type: none"> ▪ Management of academic resources. | <ul style="list-style-type: none"> ▪ Introduction to law and related matters; ▪ Application of information technology to relevant fields of management. |

6. PUBLIC REGISTRATION OFFICES

6.1 Introduction

There are three Government institutions that are responsible for public registration functions, and that are part of the country's legal sector: (a) the Business Registrations and Licensing Agency (BRELA), (b) the office of the Registrar of Societies, and (c) the office of the Registrar of Titles. The consulting team has therefore examined these institutions also, and this section looks at the training needs of staff in the three institutions. However, since each institution has very distinct functions and the needs of each are therefore very distinct, the examination of training needs proceeds from agency to agency.

6.2 The Business Registrations and Licensing Agency

BRELA is an autonomous Agency under the Ministry of Industry and Trade. It was established under the Government Executive Agencies Act No. 30 of 1997, and was formally launched in December 1999. Prior to that date, the function of registering business institutions in the country was performed by the office of the Registrar of Companies – which was then an integral Department of the Ministry of Industry and Trade.

The creation of BRELA has been done as part of the public service reform programme. As an Agency, BRELA is expected to improve overall efficiency in the business registration function by exhibiting a greater degree of business orientation – for instance, by being customer-driven in its operations – than was or would ever be possible from the perspectives of a Government Department.

The major functions of the Agency are six:

- i) Registering companies,
- ii) Registering business names,
- iii) Registering trade and service marks,
- iv) Granting patents,
- v) Overseeing copyright issues in the country, and
- vi) Licensing business and industrial activities.

Currently, the Agency has a staff strength of about 50 (more or less divided equally between males and females), half of whom are in the core business functions of registration and licensing. These core functions are carried out through three Divisions: (a) Commercial Laws, (b) Intellectual Property, and (c) Licensing. The first two Divisions employ lawyers for middle level and senior positions, while the Licensing Division requires graduates in economics and/or related fields.

During these three years of BRELA's existence, significant strides have been made in shifting the functions of registering and licensing business activities in the country towards a much more business orientation from the bureaucratic orientation of Government departments. Systems and procedures have been

overhauled, new technology has been acquired, and efforts to build a business and professional culture have commenced. Still, there are many obstacles – and there still are complaints of delays and loss of documents from members of the public seeking services from the office. These obstacles are due in part to the shortage of resources with which to implement radical programmes of change, including training of staff. While the Agency is now able to collect and retain revenue from its services, the income it receives is inadequate to meet the needs of building a really modern business institution. In particular, training of staff in specialised fields and/or areas requiring long-term courses cannot easily be done using in-house resources.

While part of the Ministry of Industry and Trade, staff in the then office of the Registrar of Companies received very little professional training. Funding for education and training of staff in the Ministry was scarce and business registration could not easily feature very high in the Ministry’s priorities.

Table X: Staff Compliment in BRELA

| Qualification | Top Level | | Senior Level | | Middle Level | | Lower Level | | Totals | | Grand Totals |
|---|-----------|---|--------------|---|--------------|---|-------------|----|--------|----|--------------|
| | M | F | M | F | M | F | M | F | M | F | |
| Staff with second degree or higher qualifications | 2 | | 1 | | | | | | 3 | | 3 |
| Staff with first degree or equivalent qualifications | 2 | 1 | 1 | 2 | 4 | 3 | | | 7 | 6 | 13 |
| Staff with diploma or equivalent post-sec school qualifications | | | | | 2 | 1 | 6 | 8 | 8 | 9 | 17 |
| Staff with secondary school or lower level qualifications | | | | | | | 7 | 7 | 7 | 7 | 14 |
| Grand Totals: | 4 | 1 | 2 | 2 | 6 | 4 | 13 | 15 | 25 | 22 | 47 |

Of the 26 current staff in the three operational divisions of commercial law, intellectual property, and licensing only one person has a second degree. Current practice has been to recruit staff and give them on-the-job training, which is not very satisfactory in some of the knowledge-based disciplines that staff in the Agency are expected to master – e.g. the administration of intellectual property law. A few members of staff have attended short-term training programmes both locally and abroad, but this too cannot be considered adequate. This is particularly so since the Agency requires a number of specialised skills that are not easily available locally.

In general, then, the Agency has still to acquire most of the specialised skills it needs to be able to perform its function properly. Of the staff members in the core function areas, for example, only one has Masters degree level qualifications. Senior staff are graduates – mostly in law – who have accumulated skills through practice, and in some cases through participation in a number of short training programmes.

Non-core function staff – as usual – are in the fields of administration, accounting, and supplies. The process of strengthening of BRELA – and in particular the process of giving it a new orientation – cannot succeed without actively involving such staff in all the activities related to this process. By and large the Agency has inherited Government employees in all these non-core functions and it needs to transform them into business executives. Training aimed at enhancing the capacity of the Agency to perform its functions must, therefore, include such staff.

The table below summarises the priority training needs of the Agency – divided in two halves: higher level priority, and lower level priority.

Table XI: List of Priority Training Needs in BRELA

| Category of Staff | Priority Training Needs | |
|--|--|---|
| | Higher Level Priority Areas | Lower Level Priority Areas |
| Top and senior Management | <ul style="list-style-type: none"> ▪ Strategic management & leadership skills; ▪ Private sector facilitation. | <ul style="list-style-type: none"> ▪ Corporate governance |
| Senior core function staff | <ul style="list-style-type: none"> ▪ Administration of intellectual property law; ▪ Administration of commercial laws; ▪ Customer service management; ▪ The use of Information and communication technology; ▪ Private sector facilitation. | <ul style="list-style-type: none"> ▪ Negotiation skills; ▪ Capital markets and securities; ▪ Corporate governance. |
| Supervisory staff and functionaries in core function areas | <ul style="list-style-type: none"> ▪ Customer service management; ▪ Legal knowledge for non-legal personnel; ▪ Records management; ▪ The use of information and communication technology; ▪ Operations management in facilitating private sector businesses | <ul style="list-style-type: none"> ▪ English language skills. |
| Support service staff | <ul style="list-style-type: none"> ▪ Customer service management; ▪ Strategic management and leadership skills; ▪ The use of information and communication technology; ▪ Operations management in facilitating private sector businesses. | <ul style="list-style-type: none"> ▪ English language skills. |

6.3 Registrar of Societies

Registration of Societies in Tanzania is done in the Ministry of Home Affairs. Of the three Government registration offices in the legal sector, this is by far the smallest institution. Full-time staff dedicated to the office responsible for registration of societies number no more than four, out of whom the senior most employee is an Office Supervisor. According to the law, the Permanent Secretary in the Ministry is the Registrar of Societies. The functions of registering societies are therefore a very small fraction of the work of the Permanent Secretary, and at the moment day-to-day activities are carried out merely by clerical staff (assisted in some way by the Ministry's State Attorney).

The function of registering societies currently faces many operational problems. In addition to not having staff with requisite skills, it lacks working tools: space, equipment, and facilities for managing the vast stock of records it is expected to process and store. Currently, there are about 12,000 registered societies, yet documentation on all these societies – and on scores of societies whose applications for registration are still being considered – is still done using outdated methods and procedures.

As a result, there are frequent delays and complaints. These problems are further compounded by the fact that a substantial portion of the work of this office is actually carried out by other Government institutions: for example, investigation on groups attempting to obtain registration is often done by security organs which are not necessarily accountable to this office.

It is our understanding that the work of this office is being reviewed by the Government. Some of its activities are to be transferred to the Vice President's Office, new facilities and equipment will be obtained, and a different calibre of staff will be recruited.

At the moment, therefore, it is impossible to derive the training needs of this office as these will be determined by the anticipated changes.

6.4 Registrar of Titles

Registration of titles is done in the Ministry of Lands and Human Settlement Development. This function is, therefore, one of the Departments of the Ministry, and the Registrar reports to the Ministry's Permanent Secretary. This registration office is also scheduled to become an executive agency in future.

Currently, registration takes place at Head Office and at zonal offices in the five zones in which the country has been divided. A zone is headed by an Assistant Registrar who, in turn, has 3 or 4 para-legal assistants (in addition to clerical and auxiliary staff). All senior staff have legal training as essentially the office of Registrar of Titles handles legal matters pertaining to land. Currently, the office of the Registrar of Titles has a staff strength of 34 (19 of whom are female). Of the 34, six have at least a first degree (only one has a second degree).

Table XII: Staff Compliment in the office of Registrar of Titles

| Qualification | Top Level | | Senior Level | | Middle Level | | Lower Level | | Totals | | Grand Totals |
|---|-----------|---|--------------|---|--------------|---|-------------|---|--------|----|--------------|
| | M | F | M | F | M | F | M | F | M | F | |
| Staff with second degree or higher qualifications | | | | 1 | | | | | | 1 | 1 |
| Staff with first degree or equivalent qualifications | 1 | | 1 | 2 | | 1 | | | 2 | 3 | 5 |
| Staff with diploma or equivalent post-sec school qualifications | | | 1 | | 1 | | | | 2 | | 2 |
| Staff with secondary school or lower level qualifications | | | 5 | 3 | | 4 | 6 | 8 | 11 | 15 | 26 |
| Grand Totals: | 1 | | 7 | 6 | 1 | 5 | 6 | 8 | 15 | 19 | 34 |

The office of Registrar of Titles – like other Government offices in the country – faces numerous performance-related obstacles. The demands on the office are huge, resources are limited, procedures are rigid, and systems are in most cases outdated. Added to these obstacles is the inevitable inadequacy of skills amongst staff. Government employees – including therefore those responsible for registration of titles – historically have not benefited from constant and rigorous training. As a result, fairly complex and ever changing activities are performed by staff with a stock of knowledge and skills that are too often inadequate, or outdated, or both. With respect to performance, therefore, there are constant complaints from stakeholders and generally members of the public with respect to the work of this office. To improve its performance, the office needs to train its staff in a deliberate, consistent, and forceful manner.

In particular, middle and senior level staff will require post-graduate training to enable them handle the more and more complicated issues relating to land that are arising as a result of economic and legal changes in the country. Currently, the critical skills that the office utilises are:

- (a) Legal skills pertaining to various aspects of titles,
- (b) Land information management skills – including the management of records,
- (c) Land registration procedures, and
- (d) Use of various types of computer software.

The training needs of the office of the Registrar of Titles have been adduced as follows:

- a) For Middle and Senior Staff:
 - i) Advanced specialised training in law to enable staff master the legal issues pertaining to land and related matters – e.g. banking, insurance, mortgages, etc.
 - ii) Training in information and communication technology as related to the work of the Registrar of Titles;

- iii) Training in customer service management to both provide skills in dealing with customers as well as inculcate the attitudes that are essential for building a customer-driven culture of work;
 - iv) Training in negotiation skills to build capacity in the office for dealing with various stakeholders.
- b) For Junior Operations Staff:
- i) Training in law at different levels to enable staff discharge their para-legal functions effectively;
 - ii) Training in customer service;
 - iii) Training in information and communication technology;
 - iv) Training in modern ways of managing records;
 - v) Training in language skills to enable such staff communicate in English fluently.

The following is the profile of priority training needs for this office.

Table XIII: List of Priority Training Needs in the Office of the Registrar of Titles

| Category of Staff | Priority Training Needs | |
|-------------------------------|---|---|
| | Higher Level Priority Areas | Lower Level Priority Areas |
| Senior and Middle Level Staff | <ul style="list-style-type: none"> ▪ Advanced training in law relating to land and associated matters; ▪ Negotiation skills; ▪ Management and leadership. | <ul style="list-style-type: none"> ▪ Customer services management; ▪ Use of information and communication technology. |
| Junior Level Staff | <ul style="list-style-type: none"> ▪ Legal knowledge (Certificate/diploma); ▪ English Language skills; ▪ Technical skills in land management (cartography, geo-informatics, valuation, etc); ▪ Management of records. | <ul style="list-style-type: none"> ▪ Customer services management; ▪ Use of information and communication technology. |

7. THE COMMISSIONS

7.1 The Commission for Human Rights and Good Governance

This Commission is a new institution, having commenced operations only in 2001/2002 – through Article 129 of the Constitution, and through the Commission for Human Rights and Good Governance Act No. 7 of 2001. Its functions, however, are not entirely new. The Commission has replaced the Permanent Commission of Enquiry that used to investigate allegations raised by individuals of maltreatment by Government agencies and officials. The new Commission has a much wider mandate of overseeing all aspects of human rights and good governance in the country. As a result, its composition, its structure, and its methods of work have completely changed from those that characterised the Permanent Commission of Enquiry. Indeed, the advent of multi-party politics, the birth and growth of civic society institutions, the growth of the press, and such other developments have tremendously transformed the place of human rights and good governance in the country and placed them on a completely new pedestal. This new Commission is obliged to exercise its mandate in a completely new fashion – conducting public hearings, for example.

At present the Commission is still in its formative stage. Apart from the Commissioners and Assistant Commissioners, the structure of the Commission provides for five operating Divisions for core activities, i.e.

- a) Human Rights Division,
- b) Legal Services Division,
- c) Administrative Justice Division,
- d) Education and Training Division, and
- e) Research and Documentation Division.

At the moment, however, only the Administrative Justice Division has staff, and all the others Divisions are still in the process of recruiting personnel. Support Services Division and units are:

- a) Administration and Personnel Division,
- b) Finance and Accounts Unit,
- c) Management Information Systems Unit, and
- d) Internal Audit Unit.

These units, also, have only skeleton staff, and it will be quite some time before they acquire all the staff they need in accordance with their establishment. For this reason, in its core function areas the Commission at the moment has only some 22 employees: investigation officers of different grades – all in the Administrative Justice Division (see the table on the next page).

Table XIV: Staff Compliment in the Administrative Justice Division of the Commission for Human Rights and Good Governance

| Qualification | Top Level | | Senior Level | | Middle Level | | Lower Level | | Totals | | Grand Totals |
|---|-----------|---|--------------|---|--------------|---|-------------|---|--------|---|--------------|
| | M | F | M | F | M | F | M | F | M | F | |
| Staff with second degree or higher qualifications | 1 | 1 | | | | | | | 1 | 1 | 2 |
| Staff with first degree or equivalent qualifications | 4 | | 2 | | 4 | | | | 8 | | 8 |
| Staff with diploma, certificates or equivalent post-sec school qualifications | 1 | | 3 | | 2 | | | | 6 | | 6 |
| Staff with secondary school or lower level qualifications | | | 1 | 1 | 4 | 1 | | | 5 | 2 | 7 |
| Grand Totals: | 6 | 1 | 6 | 1 | 7 | 1 | | | 19 | 3 | 22 |

As can be seen from the table, only two of the 22 investigation officers have the equivalent of a second degree education (or higher). Yet all the positions they occupy – from Investigation Officer Grade III to Director of Investigation – require at least a degree level of education. Furthermore, examination of the specific duties that these officers are expected to perform – carrying out preliminary investigation into alleged incidents of human rights abuse and into policies and practices that are contrary to good governance – reveals that such officers will have to be mature, well-educated, and tested persons, most likely having post-graduate or equivalent qualifications plus many years of practical experience in socio-political and/or legal analysis. According to the Acting Director, the Administration Justice Division alone will require about 50 graduates in the coming three years. The needs of the other Divisions are most likely to be on the same scale – graduates in law, the social sciences, and public administration.

At this stage, therefore, the training needs of the Commission as a whole cannot be assessed fully. The exercise of assessing training needs will have to be carried out after the Commission has acquired the staff it requires. Nevertheless, there are areas in which training is already needed and – indeed – training of both the Commissioners and staff has already commenced. The following are the indicative areas in which training is going to be required as a matter of priority:

- Training for Commissioners and Assistant Commissioners:
 - (a) Human rights and good governance.

This whole issue is relatively new in the country and its ramifications are many and complex. Those responsible for overseeing it must have the opportunity to constantly and systematically review the issues and questions of human rights and good governance, and of methods for effectively keeping surveillance over human rights and good governance.

(b) Alternative dispute resolution methods.

The Commission will be handling all sorts of disputes and in many cases there will be a need for reconciliation. Commissioners and their assistants must, therefore, be constantly and systematically inducted into the different methods available for resolving disputes in a non-confrontational way.

(c) Effective methods for conducting hearings.

Since the Commission, unlike the Permanent Commission of enquiry, will in certain circumstances conduct its business through public hearings, this process of managing hearings still has to be mapped out. For this reason, the ways and means for ensuring that hearings are both effective and efficient must be developed by giving the Commissioners and their assistants an exposure to a variety of methods that can be used in conducting such hearings.

- For Investigation Officers:
 - a. Investigation techniques,
 - b. Human rights and good governance,
 - c. Effective methods for conducting hearings,
 - d. Use of information and communication technology,
 - e. Report writing skills,
 - f. Alternative Dispute Resolution methods.

- For support staff:
 - a. Management of records,
 - b. Human rights and good governance,
 - c. Use of information and communication technology,

In terms of their prioritisation, the consulting team proposes the scenario that follows below. Again, this prioritisation – which is to some extent subjective – is done purely for purposes of indicating the manner in which limited training resources should be placed with a view to securing the greatest impact in terms of performance impact.

Table XV: List of Priority Training Needs in the Commission for Human Rights and Good Governance

| Category of Officials | Priority Training Needs | |
|---|--|----------------------------|
| | Higher Level Priority Areas | Lower Level Priority Areas |
| Commissioners / Assistant Commissioners | <ul style="list-style-type: none"> ▪ Legal issues related to human rights, gender and the treatment of vulnerable and disadvantaged groups in society; ▪ Principles and approaches to good governance; ▪ Managing public hearings; ▪ Alternative dispute resolution methods. | |

| Category of Officials | Priority Training Needs | |
|------------------------------|---|--|
| | Higher Level Priority Areas | Lower Level Priority Areas |
| Management of the Commission | <ul style="list-style-type: none"> ▪ Strategic management and leadership skills; ▪ Legal issues related to human rights, gender and the treatment of vulnerable and disadvantaged groups in society; ▪ Principles and approaches to good governance. | |
| Investigation Officers | <ul style="list-style-type: none"> ▪ Investigation techniques; ▪ Report writing skills; ▪ Principles and approaches to good governance; ▪ Managing public hearings. | <ul style="list-style-type: none"> ▪ Application of information and communication technology. |
| Support Staff | <ul style="list-style-type: none"> ▪ Human rights and good governance; ▪ Report writing; ▪ Strategic management and leadership skills. | <ul style="list-style-type: none"> ▪ Management of records; ▪ Use of information and communication technology. |

7.2 The Law Reform Commission

The Law Reform Commission in Tanzania has been in existence for many years, having been established way back in 1980 by Act of Parliament No. 11 of 1980. It consists of a Chairperson plus two full-time Commissioners and four part-time Commissioners. As its name implies, the role of the Commission is to examine existing legislation and recommend such legislative changes as it deems appropriate in the interest of society. The core function of the Commission is therefore to research: researching the operations of the law, its impact on society generally and on various groups particularly, and researching the needs that can be addressed through legislation.

The Secretariat of the Commission is headed by an Executive Secretary. Its staff compliment currently stands at 34 (see the table on the next page).

Of the 34 employees in the Commission, only 7 were in the core function area of research at the time of the field work for this study – the remaining 27 being in the support function areas of administration and accounts. It is odd that there should be about four support members of staff for each officer engaged in the core function of the Commission. The seven research officers, four men and three women, possess the minimum qualifications required of having at least a first University degree, but none have a second degree which is the desired qualification for the kind of work that research officers in the Commission are expected to do.

Table XVI: Staff Compliment in the Law Reform Commission

| Qualification | Top Level | | Senior Level | | Middle Level | | Lower Level | | Totals | | Grand Totals |
|---|-----------|---|--------------|---|--------------|----|-------------|---|--------|----|--------------|
| | M | F | M | F | M | F | M | F | M | F | |
| Staff with second degree or higher qualifications | | 1 | | | | | | | | 1 | 1 |
| Staff with first degree or equivalent qualifications | 2 | | 2 | | 3 | 3 | | | 7 | 3 | 10 |
| Staff with diploma or equivalent post-sec school qualifications | | | 2 | 2 | 1 | | | | 3 | 2 | 5 |
| Staff with secondary school or lower level qualifications | | | | | 1 | 9 | 5 | 3 | 6 | 12 | 18 |
| Grand Totals: | 2 | 1 | 4 | 2 | 5 | 12 | 5 | 3 | 16 | 18 | 34 |

While the Commission has now been in existence for more than 20 years, its functions are today becoming more and more demanding. The rapid changes in the country's policy framework, coupled with economic, political and technological changes in the world generally, now call for rather rapid steps to be taken with respect to the changes in laws relating to many social, economic, and political aspects. At the same time, the demands placed on the Commission by the Government, on the one hand, and by numerous stakeholders, on the other, are growing daily. People demand legislative changes that, however, need to be researched first.

The Commission is therefore in great need of qualified and experienced staff – particularly in its core function area of research. In the next three years – i.e. 2004 to 2006 – the Commission will need about 10 more researchers yearly. The Commission is going to need not just lawyers but also specialists in other disciplines who are able to confidently investigate the various social, economic, political, and technological factors impacted by legislation.

One of the biggest challenges that the Commission has been facing is the difficulty of retaining trained staff. Research activities require a highly organised and disciplined approach which many people – particularly young people – find difficult to sustain over a long time. This is particularly so with the kind of research that is carried out in the Commission: unlike in academic research, the themes that are conducted in the Commission are not necessarily those that interest most the researchers but those selected by the Commission. Clearly, there are few factors that de-motivate a person more than having to use one's intellectual resources investigating issues that, for whatever reason, finds uninteresting. This challenge of retaining and motivating research staff is outside the scope of this study, but it affects negatively the human resources development plans of the Commission.

Still, in terms of the training needs of the current staff, the following are the key areas:

a) For Commissioners:

(i) Law reform functions.

Although it is the Secretariat that does the actual researching and reviewing of laws, it is the Commissioners that guide the Secretariat and generally set the pace for law reform work – approving research work on specific areas, ensuring that stakeholders are consulted, and generally approving the reform recommendations to be sent to the Minister. This is an intricate process, involving – as it does – both lawyers and non-lawyers. It is therefore important that Commissioners be apprised of different methods and approaches that different countries use in reforming their laws, thus enabling them to adopt such methods and approaches they consider suitable for Tanzania.

(ii) Human rights and good governance

A large part of law reform in the country dwells on human rights and/or good governance, or is at least motivated by the need to uphold the principles of human rights and/or good governance. The manner in which law reform is carried out, therefore, must be informed by the philosophy of human rights and the basic principles of good governance. The Commissioners need the opportunity to review systematically these principles and their relevance and applicability to the Tanzanian situation.

b) Core Function Staff:

(i) Research methodology

This is by far the most pressing training need for research staff. In this country it is not easy to find experienced researchers in the market, and the Commission must to a large extent depend on providing its staff with the practical experience they need to carry out their work. All current staff, and all those the Commission will recruit in the foreseeable future for its core function area, will require training in research methods and techniques.

(ii) Report writing

Writing of reports is another critical areas in the work of research staff. Again, it is unlikely that staff graduating from academic institutions will automatically have the skills and experience required to produce the kind of research reports the Commission needs for purposes of making informed decisions pertaining to law reform. All staff in this area therefore need training in the skills of writing reports.

(iii) Legislative drafting

Law research and law review staff – responsible for making drafts on various proposed laws – similarly need training in the area since graduates from the Universities are not likely to have acquired the skills required.

(iv) Human rights and good governance

Research staff require training in this area for the same reasons indicated for Commissioners.

(v) The use of information and communication technology

Advances in information and communication technology mean that more and more research staff will depend on modern technology to perform their duties. They will not only write their reports using a word-processing software, but will also do a lot of data analysis and data search with the aid of computers. They therefore need training in the use of information and communication technology for law reform.

c) Support Function Staff:

(i) Performance Management

Support staff handle all matters relating to finance, accounting, administration, logistics, etc. If the Commissioners and the core function staff are going to execute their duties effectively and efficiently, support staff must handle such matters in an effective and efficient manner. Commission staff – like the rest of the public service machinery in the country – have not been known for administrative effectiveness and efficiency. But the public service reform programme has commenced to change the situation through – among other strategies – staff training. Commission support staff urgently need training in modern methods of managing support functions.

(ii) Records Management

It is support staff that also manage the bulk of records that the Commission uses in its work. Staff directly dealing with records need training in the management of records within a technologically changing environment.

(iii) The use of information and communication technology

All Governmental agencies are now changing the technology in use both for communication and for the processing of information. Support staff need training in the use of information and communication technology for their respective functions in the Commission.

In terms of their prioritisation, the consulting team proposes the scenario that follows. Again, this prioritisation – that is to some extent subjective – is done purely for purposes of indicating the manner in which limited training resources should be placed with a view to securing the greatest impact in terms of organisational performance impact.

Table XVII: List of Priority Training Needs in the Law Reform Commission

| Category of Officials | Priority Training Needs | |
|------------------------------|---|---|
| | Higher Priority Areas | Lower Priority Areas |
| Commissioners | <ul style="list-style-type: none"> ▪ Principles and approaches to good governance; ▪ Law reform functions. | |
| Management of the Commission | <ul style="list-style-type: none"> ▪ Strategic management and leadership skills; ▪ Research methodology; ▪ Law reform functions. | <ul style="list-style-type: none"> ▪ Legal issues related to human rights, gender, and the treatment of vulnerable and disadvantaged groups in society. |
| Research Staff | <ul style="list-style-type: none"> ▪ Research methodology and approaches, ▪ Legal issues related to human rights, gender, and the treatment of vulnerable and disadvantaged groups in society; ▪ Law reform functions. | <ul style="list-style-type: none"> ▪ Report writing skills; ▪ Legislative drafting; ▪ Application of information and communication technology in law reform functions. |
| Support Staff | <ul style="list-style-type: none"> ▪ Principles and approaches to good governance; ▪ Performance management. | <ul style="list-style-type: none"> ▪ Management of records; ▪ Use of information and communication technology. |

PART THREE: PROPOSED TRAINING PROGRAMMES

8. INTRODUCTION TO THE PROGRAMMES

8.1 Overview of the Programmes

The purpose of this part of the report is to present the proposed training programmes that will address the priority training needs identified in Part One.

The consulting team has carefully considered the agreed list of priority training needs of legal sector institutions, and has designed the kind of training interventions that will specifically meet each particular need. Part Two of the report, therefore, is basically a list of training programmes – specifying the type of each programme, its contents, duration, etc.

While the list of identified priority training needs have been presented in Part One from institution to institution, the list of training programmes presented in this Part proceeds from programme category to programme category. For purposes of convenience, the training programmes proposed have been divided into four broad categories as follows:

- (a) Training programmes in general and specialised legal education,
- (b) Training programmes in technical and operational functions of the legal sector institutions,
- (c) Training programmes in good governance, and
- (d) Training programmes in institutional management and leadership.

While in some cases the training programmes address employees of a single institution, in many cases implementation of the programmes will encompass employees from several collaborating institutions.

8.2 Definition of Terms Relating to Types of Training Programmes

The programmes proposed in this document fall into different types, and the general meaning of the words used to denote those types is as follows:

- (a) Short Course
This is a programme of instruction lasting a few weeks and using a variety of methods to transfer knowledge and skills, and including some form of test to determine the degree to which those undergoing the instruction have actually learnt the prescribed knowledge and skills. An example of such a programmes is that designed to instruct officers in the use of a particular computer software, or that targeting junior-level officers with the aim of making them proficient in the English language.

(b) Academic Course

A programme of studies lasting at least one academic year and leading to academic qualifications obtained through passing of standard examinations.

(c) Seminar

A forum for the exchange of ideas and experiences facilitated by a person who is an authority on the issues under discussion. An example of such a programme is that designed to bring together different categories of officers to address the question of corruption and how to combat it, or the one meant to help officials enhance capabilities in management and leadership in their respective areas of work.

(d) Workshop

A programme designed to enable trainees acquire skills through a series of supervised and guided practical activities. An example of such a programme is that designed to provide senior officers with skills in negotiation techniques through the use of demonstration and role-play, or that designed to enhance teaching skills of faculty through supervised practice.

(e) Study Tour

A programme that exposes targeted officers to new but comparable situations, thus enabling them to learn how other people deal with situations that they themselves also handle. An example of such programme is that designed for officials of the Commission for Human Rights and Good Governance to visit counter-part institutions of other countries.

(f) Conference

A forum for different stakeholders to exchange viewpoints and with the assistance of a facilitator agree on a consensus strategy or programme for tackling an issue. An example of such a programme is the one proposed to bring together officials from different institutions in the sector to examine the question of human rights and how to apply the general principles of good governance in the country.

(g) Briefing

An orientation programme to introduce a person or persons to the activities of an institution, such as that given to a new employee.

9. TRAINING PROGRAMMES IN GENERAL AND SPECIALISED LEGAL EDUCATION

9.1 List of Programmes

| <u>Programme Number</u> | <u>Programme Title</u> |
|-------------------------|--|
| A/1: | Programme on international crimes, trafficking, and terrorism |
| A/2: | Programme on emerging trends in cyber-crime, money laundering and fraud |
| A/3: | Programme on procedures relating to legal inter-state relations |
| A/4: | Programme on e-commerce and its regulation |
| A/5: | Programme on reformed legal areas |
| A/6: | Programme on alternative dispute resolution and case management |
| A/7: | Programme on developments in constitutional law |
| A/8: | Programme on law and practice relating to estate management and administration |
| A/9: | Programme on emerging themes of law |
| A/10: | Continuing education in emerging and new aspects of law |
| A/11: | Introduction to law and legal processes programme |
| A/12: | Programme on specialised areas of law |
| A/13: | Orientation/initiation programme for Judges and Resident Magistrates |

9.2 Details of Programmes

Programme No: A/1: **Programme on international crimes, trafficking, and terrorism**

Programme Type:
Seminar

Target Group:
State Attorneys in the Directorates of Public Prosecutions, Constitutional Affairs and Human Rights, and in the office of the Chief Parliamentary Draftsman.

Programme Objectives:

- To equip target officers with knowledge and skills relating to handling of these crimes;
- To enhance local expertise for more effective crime prosecution and control in the relevant crime areas;
- To stimulate ideas towards progressive reform in the relevant legal areas.

Brief Contents Outline:

- Definition of terms related to international crimes and terrorism;
- Identification of crimes falling in this category;
- Key elements of each crime;
- War crimes;
- Evidence and procedure issues and problems associated with the crimes;
- Trafficking in humans, drugs, and arms;
- Terrorism
- Domestic and international prosecution and punishment of the crimes;
- Extradition: its prerequisites and conditionalities;
- Current issues and concerns relating to the issue of international crimes and terrorism.

Programme Duration and Frequency:

One week, held thrice a year over a three-year cycle.

Remarks:

Programme No. A/2: **Programme on emerging trends in
cyber-crime, money laundering and fraud**

Programme Type:

Seminar.

Target Group:

State Attorneys in the Directorates of Public Prosecution and Chief
Parliamentary Draftsman.

Programme Objectives:

- To introduce the participants to this intricate emerging area of crime;
- To stimulate dynamic thinking and adoption of new and appropriate approaches in handling cyber-crime and fraud;
- To stimulate ideas towards progressive law reform in relevant areas.

Brief Programme Contents Outline:

- Cyber-law and cyber-crime: problems and issues;
- The relevance to Tanzania: state of the law (statutory and case law);
- Fraud under the present law;
- Fraud and information communication technology: evidence and procedure issues, problems and challenges;
- Money laundering.

Programme Duration and Frequency:

One week, conducted twice a year.

Remarks:

Programme No. A/3: **Programme on procedures relating to legal inter-state relations**

Programme Type:

Seminar

Target Group:

State Attorneys in the Directorate of Public Prosecutions

Programme Objectives:

- To educate participants on procedures relating to legal inter-state relations and processes in general and how they relate to the participants' work in particular,
- To enhance expertise efficiency and effectiveness in the Directorate of Public Prosecutions in matters concerning the handling of extradition matters especially in view of the country's laws and international commitments relating to crimes against humanity, terrorism, human and drug trafficking.

Brief Programme Contents Outline:

- General aspects of inter-state/international relations and processes: treaties, protocols, conventions, and customary norms;
- Extradition: general aspects, international extradition, inter-state extradition (for federal jurisdictions);
- Extradition treaty and its general features;
- Extradition and court proceedings;
- Warrants: extradition, rendition, fugitive;
- Other inter-state organs and processes involved in extradition.

Programme Duration and Frequency:

One week, to be conducted twice.

Remarks:

Programme No. A/4: Programme on e-commerce and its regulation

Programme Type:

Seminar

Target Group:

State Attorneys in the Directorates of Public Prosecutions, Civil and International Laws, Chief Parliamentary Draftsman, and Constitutional Affairs and Human Rights of the Ministry.

Programme Objectives:

- To enlighten participants about the growing use of ICT in commercial transactions locally and internationally and identify major local, regional and international organisations or networks closely involved in providing services that facilitate e-commerce,
- To enable the participants be aware of the major issues, problems and challenges of e-commerce and the steps being adopted locally, regionally, internationally and/or at individual country level to handle them.

Brief Programme Contents Outline:

- E-commerce: form, content, merits and demerits;
- The current state of our commercial law in the light of the demands of e-commerce;
- The use of information communication technology in commerce and problems of fraud and corruption: intricacies of tracing evidence sources;
- Admissibility in evidence of electronically generated pieces of evidence;
- Regulatory organs and their inadequacies – legal; technological;
- The way forward – ideas on law reform.

Programme Duration and Frequency:

One week, conducted thrice a year over a three-year cycle.

Remarks:

Programme No. A/5: Programme on reformed legal areas

Programme Type:

Seminar

Target Group:

Group 1:

- Judges (High Court, Court of Appeal), Registrars, Deputy Registrars and Directors (High Court, Court of Appeal),

Group 2:

- Resident Magistrates and District Registrars.

Programme Objectives:

- To help the participants to up-date their knowledge and skills in the relevant legal areas,
- To provide an opportunity to the participants to reflect on the legal provisions with a view to generating views, suggestions and recommendations for further reforms and/or amendments,
- To help the Judiciary keep pace/abreast with new developments in the existing law and its related administration outside the judicial process by administrative and quasi-judicial bodies.

Brief Programme Contents Outline:

- Land Law and Conveyance law: The Land Act, 1999 and the Village Land Act, 1999;
- Commercial Law: banking, insurance, intellectual property law, transport and communication, telecommunication law, consumer protection; import and export law; tax law (income tax; VAT);
- Criminal law and procedure;
- The Constitutions (United Republic and Zanzibar);
- Major miscellaneous Legislative Amendments directly concerned with courts jurisdiction;
- Experiences in gender, the law, and administration of justice.

Programme Duration and Frequency:

Two days for Group 1 participants, one week for Group 2 participants – held twice a year per group in a three-year cycle.

Remarks:

Programme No. A/6:

Programme on alternative dispute resolution and case management

Programme Type:

Seminar/workshop

Target Group:

Group 1:

- Judges (High Court, Court of Appeal), Registrars, Deputy Registrars, and Directors (High Court, Court of Appeal)
- Commissioners and Assistant Commissioners of the Commission for Human Rights and Good Governance.

Group 2:

- Resident Magistrates, District Registrars.

Programme Objectives:

- To help the participants be exposed to and acquire knowledge and skills of resolving disputes brought before them in a pre-trial non-adversarial process involving attempts at an amicable settlement and a more efficient and effective case-management system,
- To boost the implementation of the policy of expediting judicial service delivery through the alternative dispute resolution process and more focused case management.

Brief Programme Contents Outline:

- Defining terminologies and basic/generic concepts;
- Objectives of alternative dispute resolution methods – forms, contents, basic principles/doctrines, merits and challenges;
- Experience with alternative dispute resolution locally and in other (named) jurisdictions;
- The main methods of case management and their principal merits and drawbacks;
- What proper case management aims at, and its prerequisites;
- Instances of best practice in proper case management drawn from local and foreign jurisdictions.

Programme Duration and Frequency:

One week for Group 1 participants, two weeks for Group 2 participants - held twice a year per group over a three year period.

Remarks:

Programme No. A/7: Programme on developments in constitutional law

Programme Type:

Seminar

Target Group:

State Attorneys in the Directorate of Constitutional Affairs and Human Rights

Programme Objectives:

- To expose to the participants for discussion new developments in constitutional law in the United Republic,
- To enable the participants learn about major developments in this area that are of relevance or may be of interest to Tanzania or to constitutional lawyers particularly as regards human rights law and humanitarian law and practice; the rights of persons in vulnerable and disadvantaged groups,
- To enhance the capacity of the relevant directorate in handling constitutional matters; proposing constitutional development policy and to adopt best practice techniques in its operations.

Brief Programme Contents Outline:

- An overview of the Constitutions of Tanzania;
- Critical review of recent relevant Commissions' recommendations;
- Critical review of recent constitutional amendments;
- A survey of major constitutional developments in African and other countries – lessons for Tanzania;
- Human rights and humanitarian law coverage and applicability – a critical review against experience of other jurisdictions in developed and developing countries;
- Treatment of gender and vulnerable and disadvantaged groups under the constitution and the law generally – a critical assessment;
- Case studies of instances of best practice drawn from developing countries.

Programme Duration and Frequency:

Two days, conducted twice.

Remarks:

Programme No. A/8: Programme on law and practice relating to estate management and administration

Programme Type:

Seminar/workshop/attachment

Target Group:

State Attorneys in the Office of the Administrator General

Programme Objectives:

- To equip the participants with the relevant legal knowledge;
- To provide an opportunity to the participants to learn about what is done in other countries in the relevant areas and thus to widen their perspectives;
- To enhance the capacity of the Administrator General’s office to handle relevant matters assigned to that office more competently and with broader perspectives.

Brief Programme Contents Outline:

- Bankruptcy and company liquidation/winding up:
 - Basic issues, problems and challenges in bankruptcy, company liquidation and winding up processes;
 - Modes of winding up – by the court, by voluntary resolution, and consequences thereof;
 - Role and functions of Official Receiver in bankruptcy and in winding up, and of liquidators;
- Lease and registration of titles:
 - The law relating to leases/tenancy over buildings and other forms of real estate property;
 - The law relating to registration of titles to land and land related documents;
- Law of marriage:
 - The law of marriage: an overview;
 - Distribution of matrimonial assets, custody of children and inheritance;
 - Comparative experiences in gender sensitivity in the administration of the law of marriage.
- Trusts:
 - General principles of trusts and trustees’ registration and regulation;
 - Trusts and trustees’ registration and regulation in Tanzania.

Programme Duration and Frequency:

Three weeks, conducted twice.

Remarks:

Programme No. A/9: Programme on emerging themes of law

Programme Type:

Seminar/Workshop

Target Group:

Academic members of staff in the public legal sector training institutions who have attained the highest degree qualification requisite for their job requirements.

Programme Objectives:

- To give opportunities to the participants to acquire knowledge and skills in the emerging and new areas of knowledge and skill and thus expand their knowledge and skill horizons and keep abreast with emerging frontiers of knowledge, skills and ideas,
- To enable the respective employer institutions through their faculties sustain curriculum development strategies and plans and remain relevant in a fast-changing academic world and related socio-economic activity,
- To encourage research, discussion and publications in the relevant aspects of law within the legal sector training institutions and sharing of the same with the rest of the academic world knit together through modern communication connectivity.

Brief Programme Contents Outline:

[This is similar, if not the same as, a continuing legal education programme involving discussion of papers and other forms of dissemination of information and/or knowledge. The themes will determine the contents of this programme every year. (e.g. telecommunications, information technology, terrorism, money laundering, cyber-crime, gender and the law, etc.)]

Programme Duration and Frequency:

Two days per group; since it is continuous, it is to be organised according to availability of resources, and as often as possible.

Remarks:

Programme No. A/10:

Continuing education in emerging and new aspects of law

Programme Type:

Seminar/conference

Target Group:

Group I: Judges of the High Court and of the Court of Appeal, Registrars, Deputy Registrars and Directors

Group 2: Resident Magistrates and District Registrars

Group 3: Academic members of the faculties of law of public legal sector training institutions

Programme Objectives:

- To help the participants up-date knowledge and skills in their professional career subjects and related matters,
- To enable the participants gain access to or obtain source indications of the most recent authorities relevant to their areas of professional interest,
- To give opportunities to the participants to engage in the discussion of topical legal issues and problems of interest to the legal profession.

Brief Programme Contents Outline:

- Crimes against humanity – state of the law locally and on an international scene, organs or agencies of enforcement, critical assessment of legal provisions and their implementation processes;
- Cyber-law and cyber-crime: critical analysis; main issues, problems and challenges and approaches to their resolution;
- E-commerce (including E-banking, E-Insurance/Underwriting, etc) and its problems and challenges: its implications to pre-existing concepts, principles and methods of doing business and handling legal commercial matters;
- Capital Markets and Securities law;
- Human rights law, humanitarian law and their treatment under the constitution and the law in general in theory and practice;
- Gender, the treatment of vulnerable and disadvantaged groups under the law (domestic and international) in theory and practice;
- Major reforms in the law – the Constitution, land, commerce;
- Transport and communication law;
- Environmental Law;
- Intellectual property law and problems/challenges posed by information communication and technology: local and international responses and developments.

Programme Duration and Frequency:

Two days, held twice per year per group on a continuous basis.

Programme No. A/11: Introduction to law and legal processes programme

Programme Type:

Academic Course

Target Group:

- Primary Court Magistrates,
- District Magistrates
- Middle and junior level staff performing para-legal functions all legal sector institutions.

Programme Objectives:

- To upgrade the present cadre of Primary Court Magistrates with persons who meet the currently required basic qualification of Diploma in Law from recognized institutions,
- To give the participants an opportunity to acquire a qualification that enables them to retain both their career status and remain in their career line,
- To assist District Magistrates move from that position which is being phased out to the next position in the hierarchy.

Brief Programme Contents Outline:

This programme covers courses leading to diverse academic qualifications: certificate in law, diploma in law, and LL.B. The programme structure and contents are therefore dependent on the qualifications aimed at and the institution providing the training.

Programme Duration and Frequency:

Depends on the academic qualifications.

Remarks:

Programme No. A/12: Programme on specialised areas of law

Programme Type:

Academic course.

Target Group:

- Legal Officers in all legal sector institutions.

Programme Objectives:

- To provide an opportunity to the participants to develop specialised expertise in specific areas or subjects of the law for better performance in their specialised duties,
- To facilitate the policy and process of specialisation and specialised division formation within the Judiciary with a view to speedier and more competent judicial and related services delivery,
- To help the participants up-date and up-grade their knowledge and capacity in the most recent technologically advanced environment that encourages both new methods of work performance and thought development;
- To ease the process of phasing out the cadre of District Magistrate by giving staff in that cadre the qualification to become Resident Magistrates.

Brief Programme Contents Outline:

This programme covers courses leading to diverse academic qualifications: Post-graduate Diploma in Law, LL.M. Ph.D. etc. The programme structure and contents are therefore dependent on the qualifications aimed at and the institution providing the training. It is, however, expected that those taking post-graduate courses will increasingly specialise in “new” areas of law: environment, gender, technology, etc.

Programme Duration and Frequency:

In accordance with programme schedules of training institutions involved.

Remarks:

Programme No. A/13:

**Orientation/initiation programme for
Judges and Resident Magistrates**

Programme Type:

Briefing

Target Group:

- Newly appointed Judges of the High Court
- Newly appointed Resident Magistrates

Programme Objectives:

- To help newly appointed Resident Magistrates and Judges with no previous experience in the relevant professional line get acquainted with and oriented to the specific skills needed, rules of etiquette and ethical norms, applicable, and other relevant matters.
- To systematise and regularise the procedure of providing orientation/initiation of new Resident Magistrates and Judges by defining its contents and providing a referable written record of those contents.
- To facilitate the development of expertise, proper institutional provisions and arrangements that ensure professionally acceptable conduct of the orientation/initiation process.

Brief Programme Contents Outline:

- Theoretical Aspects: The status and principal functions of a judge of the High Court/Court of Appeal and the legal basis thereof; Practical aspects of case mentions, hearing and general case management, and the art of decision making, judgment writing and delivery of judgments; rights and privileges of a judge of the High Court/Court of Appeal, ethical and etiquette considerations;
- Practical Aspects: assimilation exercises; attendance at Court sessions presided over by Senior Judges (civil and criminal proceedings; juvenile causes, etc);
- The same matter for Resident Magistrates, *mutatis mutandis*.

Programme Duration and Frequency:

One month whenever need arises per person or group of persons on a continuous basis.

Remarks:

Since the appointment of Resident Magistrates, Judges of the High Court and Judges of the Court of Appeal does not occur at any specific point in time or during a specific period of the year, the administration of this programme will necessarily depend on the occasions when such events occur. It is, however, assumed that the programme for Judges will in its more specific contents and mode of delivery be different from that of Resident Magistrates.

10. TRAINING PROGRAMMES IN TECHNICAL AND OPERATIONAL FUNCTIONS OF LEGAL SECTOR INSTITUTIONS

10.1 List of Programmes:

| <u>Programme Number</u> | <u>Programme Title</u> |
|-------------------------|--|
| B/1: | Advocacy skills programme |
| B/2: | Enhancing negotiation skills programme |
| B/3: | Programme on private sector facilitation |
| B/4: | Programme on the registration of titles and related documents |
| B/5: | Programme on the drafting and management of contracts |
| B/6: | Programme on arbitration, mediation and reconciliation processes |
| B/7: | Use of modern information and communication technology programme |
| B/8: | Programme in teaching methodology for law and related subjects |
| B/9: | Programme on research skills |
| B/10: | Programme on legal sector consulting skills |
| B/11: | Programme on distant education methods |
| B/12: | English language skills programme |
| B/13: | Programme on technical skills in land management |
| B/14: | Programme on writing of legal opinion |
| B/15: | Programme on investigation techniques |
| B/16: | Report writing skills programme |
| B/17: | Programme on managing public hearings |
| B/18: | Programme on law reform strategies |
| B/19: | Legislative drafting programme |

10.2 Details of Programmes

Programme No. B/1: Advocacy skills programme

Programme Type:

Workshop

Target Group:

State Attorneys in all Directorates of the Ministry (including those seconded to other Ministries).

Programme Objectives:

- To equip young/junior State Attorneys with basic advocacy skills,
- To upgrade, enhance and update skills of middle and Senior State Attorneys in light of new developments in technology, accessibility of legal authorities, intricacies of prosecution and civil litigation and the like, with a view to attainment of more efficient and effective public advocacy services.

Brief Programme Contents Outline:

- Preparation for court cases and conduct of cases in courts (civil and criminal proceedings) or in arbitration;
- Drafting of various court and other legal (i.e., litigation-related) documents;
- Overview of current issues and problems in advocacy.

Programme Duration and Frequency:

Two weeks, held twice a year over a three-year period.

Remarks:

It is planned that separate workshops be conducted for junior State Attorneys and senior ones.

Programme No. B/2: Enhancing negotiation skills programme

Programme Type:

Workshop

Target Group:

- State Attorneys in the Directorate of Civil an International Laws,
- Senior Officers of Support Services in the Ministry;
- Senior core-function staff in the Business Registration and Licensing Agency.

Programme Objectives:

To provide staff whose work involves negotiating with external stakeholders the skills and techniques of negotiating in a professional manner.

Brief Programme Contents Outline:

- Overview of the process of bargaining and problem-solving;
- How to plan and organise negotiation activities;
- How to formulate objectives in negotiations;
- How to select negotiation strategies;
- The tricks of the trade of negotiating;
- Personal styles in negotiating and how to make the most of them;
- Understanding different negotiation contexts and cultures.

Duration and Frequency of Programme:

Two weeks, conducted once over a two-year period.

Remarks:

.

Programme No. B/3: Programme on private sector facilitation

Programme Type:

Seminar and Workshop

Target Group:

Senior core function staff of the Business Registrations and Licensing Agency

Programme Objectives:

- To enhance knowledge of and skills in overseeing private sector activities,
- To enhance the capability of target officers in dealing with private sector institutions, their needs, and their problems.

Brief Programme Contents Outline:

- Private sector regulation:
 - Ways and means of overseeing private sector activities;
 - Approaches and options in privatising public enterprises;
 - Public-private sector partnership models;
 - Formalising informal sector activities;
 - Principles and practices of corporate governance;
 - Capital markets and securities operations.
- Administration of commercial laws:
 - Identification of the relevant laws and related administrative organs;
 - Principles of public administration;
 - Principles and basic considerations in business licensing and registration;
 - Deregistration and its consequences.
- Administration of intellectual property law:
 - Applicability of public administration principles to administration of intellectual property law;
 - Organs of administration of intellectual property law – micro- and macro-legal considerations;
 - Local and international administrative organs of intellectual property law administration;
 - Problems, issues and challenges posed by information and communication technology.

Duration and Frequency of Programme:

Three weeks, conducted twice.

Remarks:

Some of the issues of this programme will be addressed in seminar format, others in workshop format.

Programme No. B/4: **Programme on the registration of titles
and related documents**

Programme Type:

Workshop

Target Group:

Senior and middle level staff of the Office of the Registrar of Titles.

Programme Objectives:

- To familiarize the participants with the various pieces of legislation relating to land and registration of land-related legal documents,
- To acquaint with and explain to participants the recent changes in the law, especially as ushered in by the Land Act, 1999 and the Village Land Act, 1999, including gender aspects,
- To up-date and up-grade the knowledge and skills of the participants in the relevant law area to encourage efficiency and effectiveness in work performance.

Brief Programme Contents Outline:

- Overview of the main aspects of land law of Mainland Tanzania;
- Land law relating to urban and peri-urban land types of titles, interests and obligations provided for;
- Law relating to protected lands;
- Documents and registration of documents relating to land;
- Gender aspects of land ownership and inheritance under the new legislation.

Programme Duration and Frequency:

Two weeks, conducted twice a year.

Remarks:

Programme No. B/5: **Programme on the drafting and management of agreements and contracts**

Programme Type:

Workshop

Target Group:

State Attorneys in the Directorate of Civil and International Laws.

Programme Objectives:

- To help the participants acquire or enhance skills in drafting and managing agreements or contracts for the State and State-sector institutions,
- To provide an opportunity to the participants to identify flaws or weaknesses in their practice and learn better methods of drafting and managing contracts.

Brief Programme Contents Outline:

- Structure or contents of the typical agreement – general layout;
- Discussion or explanation of each major item: commencement, recitals, operative part, definitions, conditions precedent, other operative provision, “other boiler-plate”, schedules;
- Management of an agreement: local agreement, international agreement – need for careful investigation and planning, stages and techniques required for a successful contract, ensuring securing best value for money;
- Understanding the contract conditions, and the contractors’ perspective, determining key performance criteria, effective contract monitoring and control; how contractors set the contract price, dealing with unsatisfactory contract performance.

Programme Duration and Frequency:

Two/four weeks.

Remarks:

It is expected that this programme will take place in an overseas training institution taking trainees from different countries. The duration and contents indicated here are therefore only indicative – to be determined by the institution in question.

Programme No. B/6: **Programme on arbitration, mediation and reconciliation processes.**

Programme Type:

Workshop

Target Group:

State Attorneys in the Directorate of Civil and International Laws.

Programme Objectives:

- To help the participants enhance or acquire knowledge and skills in these areas, which the relevant directorate lacks but are highly requisite within its tasks portfolio,
- To provide opportunities to participants to discuss and exchange ideas and experiences about those non-adversarial processes of dispute resolution and to learn from precedents from other jurisdictions about the merits, weaknesses and challenges of the same.

Brief Programme Contents Outline:

- Definition of terms and concepts; main objectives of each aspect;
- The applicable law and its main provisions for arbitration, mediation and reconciliation;
- Processes under judicial supervision and those without judicial supervision;
- Enforceability of decisions.

Programme Duration and Frequency:

Two/three weeks.

Remarks:

It is expected that this programme will take place in an overseas training institution taking trainees from different countries. The duration and contents indicated here are therefore only indicative – to be determined by the institution in question.

Programme No. B/7.

Use of modern information and communication technology programme

Programme Type:

Part-time course

Target Group:

All legal sector officers who have not received instruction in the use of computers for management and communication.

Programme Objectives:

To provide officers with basic skills in the use of principal computer software, as well as skills in the use of specialised software that is relevant to the work of different functions in the sector.

Brief Programme Contents Outline:

- Overview of computers and their use in the legal sector;
- Keyboard skills and techniques;
- Introduction to Windows;
- Basic Microsoft software: MS Word, MS Excel, MS PowerPoint, MS Access;
- Use of electronic mail in management and communication;
- Fundamentals of the internet and how best to exploit the resources available on the internet;
- Use of specialised software to be selected in accordance with the work requirements of each target group (statistics, accounting, data-base, etc);
- E-Government: possibilities, constraints, strategies, and policies.

Duration and Frequency of Programme:

Five weeks per group on a part-time basis.

Remarks:

Officers will attend in batches – each batch consisting of officers of comparable levels and with similar needs in information and communication technology training. A preparatory exercise will specify the technical requirements of each group and ensure that each group is as homogeneous as possible.

Programme No. B/8: **Programme in teaching methodology for law and related subjects**

Programme Type:
Workshop

Target Group:
Academic members of staff of the Faculties of Law of and of the Institute of Judicial Administration.

Programme Objectives:
To enhance delivery skills in the teaching of law and related subjects amongst academic members of staff.

Brief Programme Contents Outline:

- Curriculum design in law education;
- Practical skills in the transfer of legal knowledge;
- Ways and methods of providing students with legal practice skills;
- Creating and maintaining a learning environment;
- Stimulating and maintaining interest in the learning of law;
- Participative methods in the teaching of law;
- Use of audio-visual aids in education;
- Testing techniques in the teaching of law;
- Gender perspectives in the teaching of law.

Duration and Frequency of Programme:
One week, conducted twice a year.

Remarks:
It is expected that this programme will ultimately become compulsory for all academic members of staff.

Programme No. B/9: Programme on research skills

Programme Type:

Seminar / Workshop

Target Group:

- Academic members of staff of the Faculties of Law of and of the Institute of Judicial Administration.
- Research staff of the Law Reform Commission

Programme Objectives:

- To help the participants acquire research skills requisite for their career tasks,
- To enable the participants to improve their career advancement through production of creditable research material suitable both for reaching or report writing and publication,
- To enhance research and related (publication) activities in the target institutions by boosting the institution's capacity to do research and to make substantial contribution to knowledge or, as the case may be, law reform activity.

Brief Programme Contents Outline:

- Research design;
- Data gathering methods;
- Statistical methods (quantitative methods) in research;
- Critical issues and problems in researching legal issues – including gender;
- Writing the research proposal;
- What constitutes research in law;
- Research topic determination;
- Identifying and precise definition of research problem;
- Justification and Objectives of a research;
- Literature review;
- Determining research methodology;
- Presentation of research findings: report writing (format and contents);
- Research report dissemination and/or publication;

Duration and Frequency of Programme:

One week, conducted twice a year.

Remarks:

It is expected that this programme will ultimately become compulsory for all academic members of staff.

Programme No. B/10:

Programme on legal sector consulting skills

Programme Type:

Seminar / Workshop

Target Group:

Academic members of staff of the Faculties of Law of and of the Institute of Judicial Administration.

Programme Objectives:

- To impart skills in provision of consultancy service in law and law-related matters,
- To enable target institutions introduce, activate or, as the case may be, sustain their respective legal consultancy service provision projects or programmes as part of their public service and income generation activities.

Brief Programme Contents Outline:

- Overview of the consulting framework;
- Key features of legal assignments in consulting;
- Key factors in international bidding for consulting assignments;
- Steps in implementing consulting assignments;
- Issues and problems in legal consulting;
- Tricks of the trade;
- Writing the consulting report.

Duration and Frequency of Programme:

One week, conducted twice a year.

Remarks:

It is expected that this programme will ultimately become compulsory for all academic members of staff.

Programme No. B/11:

**Programme on distant education
methods**

Programme Type:

Workshop

Target Group:

Full-time and part-time academic members of staff of the Faculty of Law of the Open University of Tanzania.

Programme Objectives:

Provide faculty with essential skills in conducting distant tuition and dealing with the specific needs of distant students.

Brief Programme Contents Outline:

- The framework of distant education;
- Understanding common problems facing distant students;
- Different techniques and channels available for carrying out distant education;
- Ways and means of monitoring the progress of distant students;
- Providing support to distant students;
- The use of modern information and communication technology in distant education.

Duration and Frequency of Programme:

One week, conducted twice a year.

Remarks:

It is expected that this programme will ultimately become compulsory for all staff in the faculty – be they full-time or part-time.

Programme No B/12.

English language skills programme

Programme Type:

Part-time course

Target Group:

Middle and junior level staff handling clients in BRELA and the Office of the Registrar of Titles and who are not fluent in the English language.

Programme Objectives:

To enable staff gain fluency in oral and written English.

Brief Programme Contents Outline:

- How to learn and improve language skills;
- Making sentences in English;
- English grammar;
- English vocabulary;
- Conversing in English;
- Writing in English (letters, reports)

Duration and Frequency of Programme:

Three months on a part-time basis.

Remarks:

The knowledge levels of the target officers differ, they will therefore be registered to different grade courses matching their needs.

Programme No. B/13:

Programme on technical skills in land management

Programme Type:

Course

Target Group:

Middle and junior level staff in the office of Registrar of Titles.

Programme Objectives:

To provide operational staff with the technical skills in land management essential for titles registration.

Brief Programme Contents Outline:

The key areas required are:

- Cartography,
- Geo-information visualisation,
- Land management and valuation, and
- Geo-informatics.

Duration and Frequency of Programme:

The different technical areas require different time-frames. In general, however, courses last one academic year.

Remarks:

It is not envisaged, that each nominated officer will go through all these technical areas – rather each person will specialise in a particular area.

Programme No. B/14: Programme on writing of legal opinion

Programme Type:

Workshop

Target Group:

State Attorneys in the Directorate of Civil and International Laws and in the office of the Director of Public Prosecutions.

Programme Objectives:

Inculcate legal opinion writing skills among junior State Attorneys.

Brief Programme Contents Outline:

- Definition of a legal opinion;
- Status or import (aim/objective);
- Structure/format of a legal opinion;
- Contents of a legal opinion.

Programme Duration and Frequency:

Three/four weeks, conducted on a part-time basis once a year over a two-years period.

Remarks:

Programme No. B/15: Programme on investigation techniques

Programme Type:

Seminar

Target Group:

Investigation officers in the Commission for Human Rights and Good Governance

Programme Objectives:

- To equip participants with proper techniques of carrying out investigations into alleged breaches of human rights and/or good governance norms/principles.
- To expose participants to precedents from which to pick best practice type models and approaches to investigation of intricate alleged violations.
- To enable participants make investigations on the basis of common, sound and gender-sensitive principles and write proper reports in a consistent and comparable manner.
- To enhance efficiency and effectiveness in investigation work.

Brief Programme Contents Outline:

- Defining investigation and the work of an investigator (basic assumptions and primacy of impartiality);
- Necessity for brief/charges/terms of reference;
- Gender perspectives in investigation techniques;
- Open investigations and investigations in camera: necessity for adequate notification (summons) and presence of parties, witnesses and cross-examination thereof, interviews;
- Necessity of recording and methods thereof (old and new) – production of written record;
- Writing the investigation report.

Programme Duration and Frequency:

One week, conducted twice a year over a three year period.

Remarks:

Programme No. B/16: Report writing skills programme

Programme Type:

Full-time/Part-time Workshop

Target Group:

- Investigation Officers and Support Staff members of the Commission for Human Rights and Good Governance,
- Research staff of the Law Reform Commission.

Programme Objectives:

- To inculcate report writing skills among participants,
- To standardize report writing or presentation style(s) with a view to rendering easier the work of the Commissioners and the Management of the Commission in handling investigation and administrative reports, respectively,
- To enhance the efficiency and effectiveness of the participants in their work and the work of the Commission in general.

Brief Programme Contents Outline:

- Defining the general objectives of a report; and its format;
- Objectives and format of an investigation report, and of an administrative report;
- Necessity for brief/terms of reference/charges;
- Contents of Report;
- Examining precedents for instances of best practice or models for emulation.

Programme Duration and Frequency:

One week if full-time, longer if part-time.

Remarks:

Programme No. B/17: Programme on managing public hearings

Programme Type:

Study tour followed by a conference.

Target Group:

Commissioners, Assistant Commissioners, and Investigation Officers of the Commission for Human Rights and Good Governance.

Programme Objectives:

- To help the participants get exposure to practices and experiences in managing public hearings in a number of select jurisdictions with correspondent or similar institutions,
- To provide opportunities to the interested institution to utilize existing links and develop new links of mutual cooperation with correspondent and other institutions performing similar functions through which further or other training may be organized or provided,
- To facilitate the production of a public hearings manual for use by the interested institution.

Brief Programme Contents Outline:

- General principles underlying public hearings;
- Principal features and requirements of an organized public hearings system (covered by the study tour);
- Major strengths and weaknesses experienced in each relevant public hearings system;
- Summation of the findings and experience gained.

Programme Duration and Frequency:

One week's study tour per group per jurisdiction to be visited; two study tours per year followed by a two-days' summation workshop or seminar, over a two to three year period. Dependent on negotiation with the foreign institution to be studied

Remarks:

This programme would be best organized on a study tour basis and that each such tour should have similar objectives and general course content so that lessons learnt and experiences gained by each group from a given jurisdiction may be more easily compared and contrasted. A two-day summation seminar or workshop per year will provide material for a manual on managing public hearings that will guide this activity of the Commission in future years and be a subject of regular review and improvement.

Programme No. B/18: Programme on law reform strategies

Programme Type:

Study tour followed by seminar

Target Group:

Commissioners, Management, and Research staff of the Law Reform Commission

Programme Objectives:

- To provide opportunities to the participants to broaden their perspectives regarding the role and functions of law reform and law reform institutions in general in foreign countries and as relate to the Tanzania scene in particular through discussion and study tours in select countries abroad,
- To provide an opportunity to produce a law reform functions manual for use in the interested institution with a view to enhancing awareness of job requirements, work efficiency, performance monitoring and assessment.

Brief Programme Contents Outline:

- Law reform and law revision distinguishable;
- Law reform organizations and their principal structural features;
- Common functions of law reform – a comparative international overview;
- Constitutional aspects of the institutions and their functions: public accountability; funding, etc. in comparative international perspective;
- Instances of best practice/precedents of definition and discharge of law reform functions.

Programme Duration and Frequency:

Two weeks, once a year in a three-year cycle.

Remarks:

Programme No. B/19: Legislative drafting programme

Programme Type:

Academic course

Target Group:

- State Attorneys in the office of the Chief Parliamentary Draftsman,
- Research Staff of the Law Reform Commission.

Programme Objectives:

- To enable the participants to learn the craft of legislative draftsmanship which is requisite for the proper discharge of their duties,
- To enhance the capacity of the participants' institutions to execute their statutory responsibilities more efficiently and effectively.

Brief Programme Contents Outline:

(As per relevant postgraduate programme design(s) at institution(s) offering it/them)

Programme Duration and Frequency:

(As per postgraduate programme design(s) at institution(s) offering it/them) per person or group of persons).

Remarks:

This programme is very essential particularly for those whose primary functions involve drafting legislation and related documents.

11. TRAINING PROGRAMMES IN GOOD GOVERNANCE

11.1 List of Programmes:

| <u>Programme Number</u> | <u>Programme Title</u> |
|-----------------------------|--|
| C/1: | Programme on principles and approaches to good governance |
| C/2: | Programme on strategies for combating corruption |
| C/3: | Programme on legal issues related to human rights, gender and the treatment of vulnerable and disadvantaged groups |
| C/4: | Programme on strategies and techniques for overseeing and reporting on human rights |

11.2 Details of Programmes

Programme No. C/1: Programme on principles and approaches to good governance

Programme Type:

Conference

Target Group:

- Commissioners and Assistant Commissioners of the Commission for Human Rights and Good Governance,
- Senior Investigation Officers of the Commission,
- Senior Officers of the Ministry;
- Senior Officers of the Judiciary.

Programme Objective:

To serve as a forum for those responsible for overseeing human rights and good governance in the country to learn about different approaches used by different countries in enforcing standards of human rights and good governance, and agree on key principles and standards that the Commission and the Ministry must endeavour to uphold.

Brief Programme Contents Outline:

- The scope of human rights and good governance;
- Human rights standards and good governance in the world today;
- Comparative aspects in overseeing human rights and good governance from different countries;
- Difficulties and obstacles in overseeing human rights and good governance in the country.

Duration and Frequency of Programme:

Two days, held once a year over a two-year period.

Remarks:

Programme No. C/2: Programme on strategies for combating corruption

Programme Type:

Seminar

Target Group:

State Attorneys in the office of the Director of Public Prosecutions.

Programme Objectives:

- To help participants increase their awareness of the rising incidence of fraud and corruption as well as their causes and consequences,
- To stimulate thinking and discussion towards participants' identification of policies and methods of management and investigation to prevent, detect and reduce the incidence of fraud and corruption, and assess how these would work in different contexts,
- To stimulate discussion on possible motivation factors and how to mobilize resources and public opinion against fraud and corruption with a view to its prevention,
- To identify policies and methods for investigating, detecting and prosecuting corruption, and ways and means for involving more stakeholders in the fight against corruption.

Brief Programme Contents Outline:

- Methods of investigation to uncover corrupt practices;
- The causes of corruption;
- Ways and means of strengthening awareness of what needs to be done and ways to develop and adapt policies and methods for different situations;
- Good practices in fighting corruption;
- Examples of successful efforts to combat corruption in the world;
- Ways and means in which new technology may be used to fight corruption.

Duration and Frequency of Programme:

One week, conducted twice a year.

Remarks:

Programme No. C/3: **Programme on legal issues related to human rights, gender and the treatment of vulnerable and disadvantaged groups.**

Programme Type:
Seminar

Target Group:

- State Attorneys in all Directorates of the Ministry,
- Resident Magistrates, District Registrars, Primary Court Magistrates,
- Commissioners, Assistant Commissioners, and the Management of the Commission for Human Rights and Good Governance,
- The Management and Research Staff of the Law Reform Commission.
- Heads of all legal sector institutions

Programme Objectives:

- To sensitise the target officers in related issues and matters,
- To provide the target group with up-to-date knowledge, information and/or data on the themes and related sub-themes of the subject,
- To influence participants to adopt progressive attitudes and acquire relevant skills in handling the relevant subjects and objects in their day-to-day operations,
- To stimulate ideas towards progressive law reform.

Brief Programme Contents Outline:

- Definition of concepts relating to human rights, gender, and vulnerable and disadvantaged groups;
- The relationship between human rights and the law (international and domestic);
- Current issues and problems concerning human rights;
- Gender and the law;
- Issues relating to children, refugees, disabled persons, and other vulnerable and disadvantaged groups in society;
- Social programmes and legal enforcement provisions-law and practice (within comparative and international perspectives).

Programme Duration and Frequency:

One week, as many batches as may cover all the targeted officials

Remarks:

Programme No. C/4:

**Programme on strategies and techniques
for overseeing and reporting on human
rights.**

Programme Type:

Seminar / Workshop

Target Group:

State Attorneys in the Directorate of Constitutional Affairs and Human Rights

Programme Objectives:

- To help the participants to study closely the relevant international instruments and acquaint themselves with their provisions regarding human rights issues, reporting requirements and consequences for non-regular or shoddy reporting,
- To boost the capacity of the relevant directorate to lay appropriate strategies and adopt proper techniques regarding overseeing and reporting on human rights,
- To acquaint the participants with the methods of laying strategies and implementation techniques in general and as relates to overseeing and reporting on human rights in particular.

Brief Programme Contents Outline:

- The methods of strategic planning and implementation in relation to laying strategies and techniques for overseeing and reporting on human rights;
- Study of human rights instruments;
- What overseeing human rights law application implies in principle and in practice: case studies of best practice drawn from developing countries and elsewhere;
- What reporting on human rights involves in theory and practice: simulation exercises;
- Budgeting for strategies and techniques of overseeing and reporting on human rights: A critical assessment.

Programme Duration and Frequency:

Two/three weeks, once every year in a three-year cycle.

Remarks:

It is expected that this programme will take place in an overseas training institution taking trainees from different countries. The duration and contents indicated here are therefore only indicative – to be determined by the institution in question.

12. TRAINING PROGRAMMES IN INSTITUTIONAL MANAGEMENT AND LEADERSHIP

12.1 List of Programmes:

| <u>Programme Number</u> | <u>Programme Title</u> |
|-------------------------|--|
| D/1: | Strategic management and leadership skills programme |
| D/2: | Customer service management programme |
| D/3: | Programme on the management of academic resources |
| D/4: | Records management programme |
| D/5: | Operations management in facilitating private sector business |
| D/6: | Orientation programme in matters pertaining to judicial administration |
| D/7 | Programme on management and leadership in the context of the Judiciary |
| D/8: | Programme on management of public services |

12.2 Details of Programmes

Programme No. D/1:

Strategic management and leadership skills programme

Programme Type:

Seminar

Target Group:

All senior officers with managerial and administrative functions in legal sector institutions: Directors in the Ministry, Deans and Associate Deans of legal sector training institutions, the top management of BRELA, of the office of the Registrar of Titles, and of the Commissions for Human Rights and Good Governance and for Law Reform.

Programme Objectives:

To familiarise targeted officials with key skills in managing strategically and providing strategic direction. It is understood that the targeted officials have (mainly legal) professional training, but do not have formal training in management – though are now spending a great deal of time in management/ administrative functions. The purpose of the programme is therefore to provide them with the essential principles and tools of managing strategically.

Brief Programme Contents Outline:

- How to formulate corporate performance objectives and select strategies for realising the objectives;
- How to create performance standards;
- How to monitor and evaluate institutional performance;
- How to manage change in institutions;
- How to create teams and foster teamwork and team-spirit at the workplace;
- How to monitor and improve customer service standards;
- How to enhance personal effectiveness (time-management, managing inter-personal relations, dealing with conflict);
- How to formulate an institutional performance improvement programme.

Duration and Frequency of Programme:

Two weeks, taking place twice a year over a two year period.

Remarks:

The programme will encompass many officers. It will therefore be conducted in batches – each batch having a particular slant in content in accordance with the priorities of the batch as determined by some preparatory exercise.

Programme No. D/2: Customer service management programme

Programme Type:

Seminar

Target Group:

Middle level and junior level staff dealing with external clients in BRELA, Office of the Registrar of Titles, and the Office of the Administrator General.

Programme Objectives:

To enhance the capacity of relevant institutions attain customer satisfaction.

Brief Programme Contents Outline:

- Understanding customer needs and expectations;
- Understanding the service quality chain;
- How to design service activities so as to meet customer needs and expectations;
- Effective methods of communicating with customers;
- Dealing with customer complaints;
- The art of listening.

Duration and Frequency of Programme:

One week, conducted twice a year over a three-year cycle.

Remarks:

This programme will cover many officers and will therefore have to be conducted in batches. A preparatory exercise will delineate the needs of each particular batch to ensure that specific problems and needs of the institutions involved are fully addressed and covered.

Programme No. D/3: **Programme on the management of academic resources**

Programme Type:

Workshop.

Target Group:

Senior and middle level support staff of the Faculty of Law of the University of Dar es Salaam and of the Institute of Judicial Administration.

Programme Objectives:

To enhance the capability of target officers to support the work of academic members of staff of law faculties and of the Institute of Judicial Administration through effective and efficient management of teaching resources.

Brief Programme Contents Outline:

- Planning for academic resources;
- Academic resources inventory management;
- Automating records;
- Managing and using audio-visual equipment;
- Managing and using electronic equipment;
- Current issues and problems of academic resources management.

Duration and Frequency of Programme:

Three days held twice a year.

Remarks:

Programme No. D/4: Records management programme

Programme Type:

Seminar

Target Group:

- Senior and middle level staff in the Office of the Administrator General,
- Support function staff in the Judiciary,
- Core-function supervisory staff and functionaries in BRELA,
- Senior, middle and junior level staff in the office of Registrar of Titles,
- Support staff in the Law Reform Commission.

Programme Objectives:

To enable officers whose responsibilities hinge on keeping records with skills in managing professionally those records.

Brief Programme Contents Outline:

- Basic principles of judicial records management;
- Legislative and regulatory controls on the care of legal records;
- Understanding and upholding records management standards;
- Legal and organisational frameworks for the management of records;
- Basic skills in classification and indexing of records;
- Records storage systems;
- The process of automating records management;
- Electronic records management;
- Security issues in records management;
- Impact of technological development in records management;
- Measuring performance and identifying priorities for improvements in records management.

Duration and Frequency of Programme:

Two weeks for senior officers, three weeks for middle and junior level officers – conducted once a year for senior officers and twice a year for other officers.

Remarks:

This programme will cover many officers and will therefore have to be conducted in batches. A preparatory exercise will delineate the needs of each particular batch to ensure that specific problems and needs of the institutions are fully addressed and covered.

Programme No. D/5: Operations management in facilitating private sector business

Programme Type:

Workshop

Target Group:

Supervisory and operational staff in core-function areas of the Business Registration and Licensing Agency.

Programme Objectives:

To provide knowledge and practical skills required in the process of registration and licensing of business activities – focusing on the knowledge and skills required by the changing economic and technological environments.

Brief Programme Contents Outline:

- Key issues and problems in the registration of business entities;
- Key issues and problems in the registration of business names, trade marks, and service marks;
- Patents and copyrights administration issues;
- The process of business and industrial licensing;
- Providing customer service in the context of private sector regulation.

Duration and Frequency of Programme:

One week, conducted twice year over a three-year period.

Remarks:

Programme No. D/6:

**Orientation programme in matters
pertaining to judicial administration**

Programme Type:

Seminar

Target Group:

Newly recruited/appointed support function staff in the Judiciary occupying senior and middle-level administrative positions and without previous work experience in the Judiciary.

Programme Objectives:

- To help the participants appreciate the requirements of judicial administration to which their specialised knowledge and skills should be adapted,
- To acclimatize or facilitate the acclimatization of the participants to the working environment, norms and procedures within the administration of the Judiciary towards their early commencement of efficient and effective execution of their assigned duties,
- To enable the Judiciary maintain administrative standards on a sustained stable basis, (subject, of course, to introduction of better methods of work from time to time)

Brief Programme Contents Outline:

- Brief profile of the administrative set up of the Judiciary.
- Principal features of Judicial administration and their underlying principles/rationale: Who is who; who does what and why, how, when, where (as may be deemed necessary).
- The role and career matters of a non-judicial administrator attached to the Judiciary.

Programme Duration and Frequency:

One week if full time, longer if part-time.

Remarks:

Programme No. D/7:

Programme on management and leadership in the context of the Judiciary

Programme Type:

Seminar

Target Group:

Group 1:

- Resident Magistrates, District Registrars

Group 2:

- Primary Court Magistrates

Programme Objectives:

- To give the participants fundamentals of managing resources and dealing with people at the workplace.

Brief Programme Contents Outline:

- Basic principles of managing organisations,
- Elements of planning and organising resources,
- Performance management standards,
- Ways and methods of assessing organisational performance,
- Influencing the behaviour of people at the workplace,
- Application of management and leadership principles to the Judiciary

Programme Duration and Frequency:

Two weeks, conducted twice a year per group.

Remarks:

This programme will be conducted in batches, each batch consisting of a homogeneous group. Some preparatory work will need to be done to ensure that for each batch the programme is slanted to fit the needs and circumstances of that batch.

Programme No. D/8:

Programme on management of public services

Programme Type:

Seminar

Target Group:

- Senior staff of support Directorates/Units in the Ministry,
- Senior staff of support Directorates/Units in the Judiciary.
- All senior staff in all legal sector institutions

Programme Objectives:

- To give the participants essential skills in managing a reformed public service.

Brief Programme Contents Outline:

- Modern approaches to management in the public service,
- Working with objectives,
- Performance standards in public service,
- Effective supervision and co-ordination of work,
- Essential skills in public service financial management,
- Effective staff appraisal principles and practices,
- Policy analysis and development for public service.

Programme Duration and Frequency:

Two weeks, conducted twice a year.

Remarks:

APPENDIX

UNITED REPUBLIC OF TANZANIA

Legal Sector Reform Programme: Quick Start Project

TRAINING NEEDS ASSESSMENT

**PROCEEDINGS OF THE CONSULTATIVE MEETING ON THE FIRST DRAFT
REPORT HELD ON 5TH DECEMBER, 2003**

VENUE: COURT YARD HOTEL – DAR ES SALAAM

DECEMBER 2003

BACKGROUND

The Government of the United Republic of Tanzania is currently implementing Quick Start Project within the Legal Sector Reform Programme: Medium Term Strategy and Action Plan 2000-2005. The main objective of the Project is to enhance access to justice and prepare for the implementation of the entire medium term strategy upon availability of adequate resources. The Project is financed basket fund of the Governments of Denmark, Sweden, Canada, the Netherlands, Finland and Norway. As part of implementation of the Project, the Government is undertaking a training needs assessment with a view of identifying and prioritising training needs in the Legal Sector Institutions and developing a strategic gender balanced training programme with an implementation plan and cost estimates. The Government therefore recruited M/s Resources Development and Management Associates to undertake a training needs assessment for the Sector. A consultative meeting was therefore organised on 5th December 2003, to consider and adopt the 1st Draft Report containing the prioritised training gaps and needs as identified by the Consultants. Representatives from various legal institution and donor organisations attended the meeting. The Time Table and a list of participants are attached as appendices to this report.

(1) **Opening of the Consultative Meeting:**

The Chairman of the Meeting, Dr. Ibrahim Juma, Dean Faculty of Law University of Dar es Salaam, called the meeting in order at about 9.30am. In his opening remarks he thanked the participants for their punctuality and readiness to leave aside other important activities to attend the Consultative Meeting. The Chairman then underscore the importance of the meeting by stating that Training Needs Assessment was an important component in the development of legal education in the country. On this ground he requested the members to participate seriously in the discussions to facilitate effective deliberation on the findings and recommendations of the first draft report.

(2) **Overview of the First Draft Report**

(a) **Presentation by the Consultants, M/s Resource Development and Management Associates:** Professor J. L. Kanywanyi presented an overview on the draft on behalf of M/ M/s Resource Development and Management Associates as follows:

- (i) Methodology used in identification of the training needs included the following:-
- Interviewing the heads of the various institutions;
 - Questionnaires filled by various heads and some individuals from various legal institutions.

- (ii) It was difficult to assess the training needs since some of the questionnaires were not properly filled as they lacked some basic information and it was also difficult to assess the priority needs considering the emerging changes and lack of basic information necessary to know the skills gaps.
- (iii) The Structure of the report focuses on the core functional staff, the need for technical expertise and support services.
- (iv) The experts grouped the training gaps for each institution and have identified the most common training needs as follows:
 - (1) Knowledge in the globalisation.
 - (2) Gender and treatment of disadvantaged groups.
 - (3) Practical skills in rearrangement and use of modern information technology.
 - (4) Management and leadership skills.

(b) Discussions from the floor

Participants generally expressed appreciation on the work of the consultant and raised the following:-

- (i) Future of the Department of Public Prosecution that is intended to streamline and separate investigative and prosecution functions was not taken into account.
- (ii) The definition of the Ministry of Justice and Constitutional Affairs should be recasted to show the functions contained in the presidential order of 2000.
- (iii) On the job training methodology and enabling capacity has not been considered.
- (iv) Police and Prisons colleges have been excluded among the legal training institutions.
- (v) The demographic profile of staff in the legal sector institution to show new recruitment and retirement profiles for the coming three to five years.
- (vi) The Training Needs identification should take into account the need for privatization and management of private institutions offering services to public institutions. This is

because the private training institutions in the final analysis their products are input to the labour market.

- (vii) The training needs assessment should take into account the outputs from training institutions in terms of quality and quantity.
- (viii) The report has not been linked with the on going public sector reform programmes.

(3) Priority Training Gaps, Ministry of Justice and Constitutional Affairs.

(a) **Presentation by the Ministry of Justice and Constitutional Affairs:**

Ms C. A. Sonyi, Ag Director of Planning, Policy and Information presented comments, by the Ministry of Justice as follows:-

- (1) The Ministry had detailed comments which were presented to the consultants and attached as Appendix 4 of the report.
- (2) The key issues raised by the Ministry are as follows:-

(a) **Errors and omissions:** The Ministry noted errors in page 12, 14, 17, 18, 22, 23, 24, 25 and 29. They felt that these corrections need no discussions therefore consultants should make necessary corrections.

(b) **General corrections:** These relate to the report presentations generally. It is the opinion of the Ministry that the report should be improved by:-

- (i) Using alphabetical order instead of roman numbers except where the latter follow after use of alphabets.
- (ii) Re-checking statistical information in the report to ensure that it is updated before compiling the Training Programme and the final report.
- (iii) Inserting the proper name of the office as the Attorneys General's Chambers and not Attorney General's Office. It is therefore necessary to recast all parts of the report where this office appears.

- (iv) Ensuring equal presentation of facts for each department/institution should be made. These include tables for identified skill gaps, function and tables showing the complements of each department should be shown eg while the service support departments have conclusions tabulating the key Priority areas, the Directorate of Public Prosecutions does not have and the Directorate of Constitutional Affairs lack a table of compliment

(c) Comments on the Priority Training Gaps identified:

- **General Observation:** The Training gaps identified should target also at the emerging challenges to the Ministry emanating from the use of modern management techniques in public sector management. The gaps should include the change management skills targeting at change of mental attitude, use of modern technology and performance improvement measures. At the same time the ministry is intended to use the modern management techniques in improving the quality and accessibility of legal service as measure towards accessible social justice. It is the opinion of the Ministry that the core functional staff should be equipped with resource planning and management skills and modern performance improvement techniques as a matter of priority. Considering these it therefore recommended that the following be among the high priority needs for each department:
 - ◀ Modern Information Technology and Communication
 - ◀ Modern Management Techniques(strategic planning and change management)
 - ◀ Modern Budgeting techniques specifically the applicable systems under the Public Finance Management
- **Specific Comments for the Departments:**

- ◀ **Department of Public Prosecution:** Add Advocacy skills in general litigations, prosecutions, arbitrations, mediations and reconciliation and Writing of Legal Opinions among the high priorities.
- ◀ **Department of Civil and International Law:** replace the contents of the table on page 33 to read as follows:

(a) High Priority Areas: International Procurement of Contracts including negotiations drafting and management of contracts; Modern Information Technology and Communication including E-Commerce and Its regulations; Advocacy skills in general litigations, arbitrations, mediations and reconciliation; Modern Management Techniques (strategic planning and change management) and Writing of Legal Opinions.

(b) Lower Priority Areas: E-Commerce; Arbitration Skills; Emerging trends of treatment of human rights and gender issues; Advocacy Skills and Planning Skills

- ◀ **Administrator General:** The consultants to refer to page 106 of the legal Sector Report and recast the priority areas as follows:

(a) High Priority Areas: Law Relating to bankruptcy, company liquidation/ winding up; Statistical/Data/Record Management; Modern Information Technology and Communication; Advocacy skills in general litigations and Modern Management Techniques (customer service management strategic planning and change management)

(b) Low Priority Areas: Law related to deceased estate management; trust Law and family law

- ◀ **Chief Parliamentary Draftsman:** The following should be added among the priorities: Modern Information Technology and Communication including E-Commerce and Its regulations; Advocacy skills in general litigations, arbitrations, mediations and reconciliation and Modern

Management Techniques (strategic planning and change management)

◀ **Department of Constitutional Affairs:** Re-align training skills needs as Skills in Human Rights Reporting to Treaty bodies created under Human Rights instruments including the African Charter on Human and People's Rights; Development in Constitutional law, Advocacy for Human Rights and Constitutional litigation; Modern Information Technology and Communication including E-Commerce and Its regulations, Advocacy skills in general litigations, arbitrations, mediations and reconciliation, Modern Management Techniques (strategic planning and change management); Skills in mainstreaming human issues into policies and laws eg. Pro-poor policies; disadvantaged groups, mainstreaming gender into laws etc. and Advocacy skills (including negotiations skills) for Human Rights and international Humanitarian law. It is therefore necessary to realign the prioritization for the division.

◀ **Support Services: Page 32-33; Table VII:** Priorities to include Modern Information Technology and Communication; Modern Management Techniques (strategic planning and change management); International Procurement of Contracts including negotiations and management of contracts and Developments in Modern Public Service Management.

(b) **Additional Comments by the Ministry:**

- ◀ The priority training needs for the Department of Public Prosecution should include training in white collar crime.
- ◀ Skills for mainstreaming gender are of a priority for the Department of Constitutional Affairs as compared with the other departments such as legislative drafting.
- ◀ Some of the departments require adequate skills to cope with emerging challenges from the economic and social trends.

(c) **Comments from the floor.**

- ◀ The comments by the Ministry have totally departed from the report.
- ◀ Bankrupts and liquidation in not a priority area. At this juncture the Ministry clarified that the bankruptcy and liquation are now growing fast due to liberalized market trends.

(4) Priority Training Gaps – Judiciary.

(a) Presentation from the Judiciary

Ms Sophia Wambura the Senior Deputy Registrar Court of Appeal presented the comments of the Judiciary. Her presentation, generally acknowledged that the draft report is detailed on several aspects and there are still several areas in the report, which need to be re-considered for the sake of correctness and completeness. The Judiciary therefore had the following comments:

- The Report in respect of the Judiciary contains misstatement of facts, or not stating the exact position. E.g. P.36 (second paragraph). does not reflect the true position of the composition of Court of Appeal and High Court Registries and office bearers at the headquarters and zonal registries.
- The Report contains rather general statements without giving more explanation. The lack of data is a clear example in this.
- The sample of interviewers is inadequate if the list of those interviewed is not exhaustive compared with the size and complexity of the judiciary as an organization.
- The Report to a great extent although it was prepared in September 2003 (financial year 2003/2004) is based on much of the outdated information. This has, in the event led to arriving at wrong position/conclusion. See for example pages 36, 40.
- The Consultants did not take into account of the current structure of the Judiciary, nor the proposed Judicial Organisation Approved Scheme of Service and Public Service Reform Programme where certain qualifications on specialized training are provided.
- The Report has not specifically looked or explored previous training programs which have been conducted and its impact in order to design a more realistic Training Needs Assessment.
- There are contradictions in some of the statements within the Report especially with regard to judges and magistrates qualifications and the need for further training. See for example Page 41 last paragraph to Page 42 the first two paragraphs on top.
- The actual training needs of support staff have not been expressed. For example it seems consultants are not aware of the fact that some of support staff perform duties which they have not acquire qualifications for and therefore the need to train them in that particular field e.g. Typing or Accountancy where we have office attendants or mere clerks assigned these duties. A Registry Assistant/Court Clerk should now be a holder of certificate in law and

most of our Clerks lack this qualification. This has also not been identified. It is therefore recommended for the consultants to revisit this area.

- Some of the training for certain cadres has not been addressed. For example use of information technology at this stage is equally important not only to support staffs but also to judges and magistrates who have not been accorded weight in this field.
- Similarly some of the priorities which have been termed high are low and those which have been termed as low are high. This is also contrary to what is stated in the common training needs and contrary to the Judiciary's vision and needs. E.g. ranking ADR and case management as low priority for judges or ranking management and leadership as a low priority for Resident Magistrates and Primary Courts Magistrate while ranking it as a high priority for supporting staff instead of orientation in matters pertaining to judicial administration which is believe we important if courts are to be user friendly.
- In indeed although it is acknowledged that every institution in the Legal Sector has different needs, but we think there areas like human rights, gender and good governance which could be shared by all institutions in the sector. Therefore there is a need of looking on how this can be integrated to achieve a more focused and sector oriented results.
- Lastly it is our considered opinion that in view of what we have stated above, the report needs recasting to reflect the actual position.

(b) **Discussions from the floor**

- It is necessary for the consultants to revise the sampling procedures and methodology so as to ensure that the sample sizes match with the size and population of employees in an organisation.
- The report should reflect certainty and not belief.
- The consultants in identifying the training needs should also consider a possibility of using LLB graduates in the primary courts since the number is now increasing.
- The Consultants should also consider the aspects of enabling the primary court magistrates to maintain fair positions on the decisions by ward tribunals and the need to train ward tribunals.

4. Training Needs, Legal Training Institutions.

- (a) **Faculty of Law:** Dr. B. T. Mapunda, lecturer, Faculty of Law, University of Dar es Salaam presented the comments of the Faculty indicating that its agreement with the consultants' findings and recommendations however, it has the following observations:
- The report did not reflect the number of students in the faculty. The faculty has 759 students in the Faculty and a staff- student ratio of 1 to 21 instead of the number the required staff student ratio would have been approximately 1 to 12 ie 62 lecturers. The gap therefore needs to be addressed by training more lecturers in Masters and PHDs.
 - Building the capacity for offering continuing education in the Faculty to build capacity of self-propagation therefore the faculty should be assisted to build material and human capacity to continuously improve its ability to produce experts in all areas.
 - All public Universities should be enabled to provide the practical training programs for LLB finalists pending establishment of the proposed Law School.
- (b) **Faculty of Law Open University of Tanzania:** Mr. Y. Sanze, lecturer, Faculty of Law Open University of Tanzania presented the comments of the Faculty as follows:-
- The Faculty generally accepts the findings and recommendations of the Consultants.
 - It is true that there is only 1 PHD holder in the Faculty.
 - The Faculty has only 9 staff to train about 3,500 students, country wide.
 - The Faculty has very limited budget such that it is unable to make regular supervision visit to all their students.
- (c) **Faculty of Law, Mzumbe University:** Mr. Kinemo, Lecturer, Faculty of Law, Mzumbe University presented the comments of the Faculty as follows:-

- The Faculty generally agree to the findings and recommendations of the consultants.
- The Faculty has failed to recruit the appropriate number of lectures. Currently the Faculty uses the services of part- time lectures.

(d) **Institute of Judicial Administration:** Mr. G. Rwakabarila, the Acting Principal, Institute of Judicial Administration presented the comments of the Institute as follows:-

- The Institute concedes the correctness to the well researched draft report and the criticisms made since are intended to be constructive.
- The Institute has now 1 PHD holder, a magistrate who was transferred by the Judiciary department recently.
- The Institute has identified services that would be provided under Private Sector Participation Scheme. These include Catering, Cleaning and Security. This measure would therefore reduce the number of supporting staff which is currently very high.

(e) **Discussions from the floor.**

- The training needs should address the rules of the market and trade monopolies. The institutions should be able to provide some training programmes to suit the proposed training measures for various sector institutions.
- The Institute of Judicial Administration was established by law to equip the court staff with course administration and judicial skills.
- All the faculties and IJA seem to have inadequate staff but the University of DSM staff are recruited on part time basis by some of these institutions. Considering the deficiency, it may not be proper to allow the kind of arrangement existing.
- Reforms should begin with the training institutions to facilitate them to impart knowledge to other institutions.
- Measures for establishing an interim practical training programme for LLB graduates pending establishment of a Law school should be initiated.
- Training in Law Research should be given priority to equip the training institution with appropriate knowledge

research in developments in the law. A representative from the legal training institutions clarified that research skills are available therefore it is not a priority for the moment.

- Secondment of Magistrates to Institute will stall their carrier development in the judiciary.

5. **Priority Training Needs: Public Registration Offices.**

(a) Business Registration and Licensing Authority: **Mr. E. E. Mahingila, the Chief Executive Officer presented the comments of the Authority as follows:-**

- The Authority generally accepts the findings and recommendations of the Consultations.
- The priority training needs should include training in corporate governance, intellectual property and privatisation of public sector institutions.

(b) **Registry of Societies:** Mr. F. P. Mushi, the Registrar of Societies presented the comments of the Registry as follows:-

- The Registry agrees with the findings and recommendations of the consultant.
- At least 4 state Attorneys and 8 registry clerks should be trained in Modern Information Technology, Management and leadership since the office is currently in computerisation process.

(c) **Registry of Titles:** Ms. R. Ntimizi, Assistant Registrar of Titles presented the comments of the Registry as follows:-

- Page 70 item V(b) (iv) add the word “fluently” after the word English.
- The office is under the preparation to become an executive agency therefore the middle and higher level personnel should be trained in business administration.
- Management of records should be among the lower priority needs for the senior level staff since the need the knowledge to manage properly the registries.

(d) **Discussions from the floor:** The training recommended for the registries is too generalized. It should therefore be specific.

(6) **Priority Training Needs: Commissions**

(a) **Commission of Human Rights and Good Governance (CHRAGG):**

Mr. Issa Nchasi, of the CHRAGG presented the comments of the Commission as follows:-

- The name of the Commission and the statistical information require to be corrected.
- Leadership and alternative dispute resolution skills should be imparted to the Commissioners and assistant commissioners.
- Support staff should be equipped with customer care skills as a matter of priority.
- Investigation staff should be equipped with report writing skills.
- The commission agree with the consultant view of undertaking a more comprehensive training needs assessment when the commission recruits adequate staff.
- The priority gaps should be identified after taking into account the training received so far from the on going DANIDA support to the Commission.

(b) **Law Reform Commission:** Ms Mary Makamba, the Senior PAPO, Law Reform Commission presented the comments of the Commission as follows:

- There are now much more researchers than what used to be. All those doing legal work are now 17 and not just 7. Admittedly, there are now 4 researchers on training and the Executive Secretary's post is vacant. But once they come back we will have a team of 20 lawyers (+3 new Law Researchers to be recruited in January, 2004).
- The turnover problem is not as portrayed in this paper. The actual turnover is as follows:-
 - a. Financial year 1.7.1999 – 30.6.2000
 - 12 Law Researchers were recruited
 - 3 resigned by 31.5.2000
 - b. Financial year 1.7.2000 – 30.6.2001
 - 1 Law Research was recruited
 - 4 Law Researchers resigned by October, 2000

- c. Financial year 1.7.2000 – 30.6.2001
 - 3 Law Researchers were recruited (replacements)
 - 1 Law Research Officer resigned in December, 2001
- d. Financial year 1.7.2000 – 30.6.2001
 - 2 Law Researchers were recruited (replacements)
 - 1 Law Researcher resigned in February, 2003.
- e. Financial year 1.7.2000 – 30.6.2001
 - 3 Law Researchers are to be recruited in January, 2004 (replacements – The posts have been advertised, the Civil Service Commission is finalizing selection procedures)
 - 0 Law Researcher has resigned.

The Commission wonder if it requires 10 more Law Researchers yearly from 2004 to 2006. The Commission probably requires 2 more Law Researchers yearly from 2004 to 2006. Since Law Researchers have been on training and will continue to do so if resources allow.

There are two critical areas of training which need to be included for core research staff. The Management level shall also need to be exposed to the skills that will enable them to offer guidance to research staff. The areas of training which would be valuable to both Management and Researchers are in:-

- a. Research Methodology
- b. Policy Review and Policy formulation
- c. Regulatory Impact Assessment
- d. Financial Management.

Furthermore, Heads of Divisions and Sections in the Law Reform Commission need to attend Management courses such as Result Oriented Management, Open

Performance, Review and Appraisal System (OPRAS) and Project Management Courses.

(c) Comments from the floor

- The need for researchers at the Law Reform Commission need to be reconsidered in view of the changes emerging in the country.
- The qualifications necessary for the Law Reform Commission research work require to be revisited to equip the commission with staff of appropriate skills.
- The Human Rights theme needs to be considered to be a matter of priority for the Commission of Human Rights and Good Governance.
- The Commissions needs to ensure computer literacy by at least 98%

(7) Summary of Issues Raised

(a) Purpose and Methodology and general presentation

- Training gaps identified have ignored the gaps of providing on the job training junior level.
- The Report should have a demographic profile on the legal institutions to show age etc since it is necessary to know expected requirements.
- The Report has excluded the prisons police, and Prison colleges as among the public legal institutions.
- The Report does not give statistics of outputs from the legal training institutions.
- The report should address the emerging challenges abilities from the public sector reform programmes.

(b) Ministry of Justice and Constitutional Affairs.

Department of Public Prosecution – add “while collar crimes” among the priorities.

Chief Parliamentary Draftsman –move the lower priorities to the higher priorities. Issue of Gender and Human Rights should be given priority taking into account of the roles and mandates of the functional department.

(b) Judiciary

- Statistical information on the judiciary used in the report is out dated needs to be updated.
- Staff complement table for staff is missing; therefore consultants were unable to take into account all the training initiatives that have been undertaken.
- Report should link the skills needed with the needs of the Public Sector and other reforms in the country.
- The cadre of District Magistrate is currently being eliminated and replaced by Resident Magistrates.
- The Training gaps identified should consider the need of the judicial vision and etiquette and possibility of further specializations at the high court into family and labour divisions.
- Sampling methodology and procedures applied need to be revisited to give appropriate treatment to the larger institutions.
- The report should be certain to its recommendations.
- Future changes in minimum entry qualifications should be considered like a possibility of using Law Graduates as Primary Court Magistrates).
- Capacity of the Primary Court Magistrate as supervisions of the Ward Tribunals should be considered.

(c) Legal Training Institutions

- Capacity building in self propagations of staff.
- Proper planning and management of training facilities.
- Priority training gap is to train about 26 LLB graduates for a master's degree levels the Faculty of Law, UDSM and in the other universities to be established.
- Interim practical training for Law Graduate should be addressed.
- The training gaps should be identified to address the rules of the market such as trade monopoly.

(d) Public Registration Officers

- Corporate Governance and Administration of Intellectual Property and Privatisation Skills should be given priority in the training needs identified for the Business Registration.

- Priority training needs should also include training of Leadership and Management to the Registry of Society Staff.
- Business Administration and Management of Records should be included among the priority training needs of the Senior level Staff of the Registry of Titles.
- Training needs are just too generalised.

(e) Commissions

- Leadership skills and Dispute Resolution should be given priority for Commission and Assistant Commissioners at the Commission of Human Rights and Good Governance. While report writing skills and customer care should be given priority for the Investigators and the registry staff.
- Law Reform Commission of Tanzania: Training priorities should include Management and organization of Legal Research; Regulatory Impact Assessment; Result oriented Management; Open Appraisal systems and Project management.
- The Training needs identification should take into account the training programmes in the commissions funded under DANIDA Project.

(8) RESPONSE BY THE CONSULTANTS

Professor J. L. Kanywanyi on behalf of the Team of Consultants thanked participants for their very elaborate comments on the Draft Report and responded to the key issues raised as follows:

1. All errors and omissions in the report will be corrected accordingly

With regard to statistical information, the Consultants will update the same if provided with appropriate information from respective institutions. Therefore will appreciate for effective cooperation.

Corrections in the revised report will cover only the areas that are part of the Terms of Reference

It is the intension of the Consultants Team to identify relevant priority gaps but this would depend entirely on the quality and type of information available or provided by respective institutions.

(9) AGREEMENT ON THE WAY FORWARD:

It was agreed as follows:

- (1) Institutions to provide correct statistical information including projections for recruitment and retirement, skills available and training programmes available by 19th December 2003
- (2) Consultants to provide a revised copy of the report to each institution by 29th December 2003.

10. CLOSING REMARKS

The Chairman of the meeting thanked the participants for their dutiful participation in the deliberations on the 1st Draft Report. Further, he reminded the participants to ensure that their respective institutions to provide accurate and update information to the Consultants report so as to enable the report to be realistic and hasten timely completion of the consultancy report. He finally declared the Consultative Meeting closed.

Appendix 1

UNITED REPUBLIC OF TANZANIA

Legal Sector Reform Programme: Quick Start Project

TRAINING NEEDS ASSESSMENT

CONSULTATIVE MEETING ON THE FIRST DRAFT REPORT

VENUE: COURT YARD HOTEL – DAR ES SALAAM

DATE: 5TH DECEMBER, 2003

TENTATIVE PROGRAMME

| TIME | ACTIVITY | RESPONSIBILITY |
|--------------------|--|--|
| 08.30 – 9.00 a.m. | Arrival and Registration | Secretariat |
| 09.00 – 9.10 a.m. | Opening Formalities | Chairman |
| 09.10 – 09.30 a.m. | Overview of the First Draft Report [Methodology, approach for identification and prioritisation of training gaps] | Consultants M/s REDMA |
| 09.30 – 10.00 a.m. | Discussions | Chairman |
| 10.00 – 10.15 a.m. | TEA BREAK | All |
| 10.15 – 10.30 a.m. | Priority Training Gaps, Ministry of Justice and Constitutional Affairs | Representative, MJCA |
| 10.30 – 10.45 a.m. | Discussions on the Priority Training Gaps MJCA | Chairman |
| 10.45 – 11.00 | Priority Training Gaps – Judiciary | Representative Judiciary |
| 11.00 – 11.15 | Discussion: Priority Training Gaps – Judiciary | Chairman |
| 11.15 – 11.45 | Priority Training Gaps – Legal Training Institutions – Law Faculty, UDSM – Law Faculty, OUT – Law Faculty, Mzumbe University – Institute of Judicial Administration, Lushoto | Representatives from the various legal training institutions |
| 11.45 – 12.15 | Discussions: Priority Training Needs, Legal Training Institutions | Chairman |
| 12.15 – 12.30 | Priority Training Needs: Public Registration Officers – Business Registration & Licensing | Representative from various Public Legal Registries |

| | | |
|--------------------|---|------------------------------------|
| | <p align="center">Authority</p> <ul style="list-style-type: none"> - Registrar of Societies - Registrar of Titles | |
| 12.30 – 13.00 p.m. | Discussions: Priority Training Needs, Public Registration Officers | Chairman |
| 13.00 – 14.00 | LUNCH | All |
| 14.00 14.15 | Priority Training Needs for the Commissions Commission for Human Rights and Good Governance Law Reform Commission of Tanzania | Representatives from CHRAGG & LRCT |
| 14.15 – 14.30 | Discussions: Priority Training Needs for the Commissions | Chairman |
| 14.30 – 15.00 | Summary of Issues Raised | Secretariat |
| 15.00 – 15.30 | Response by Consultants | M/s REDMA |
| 15.30 – 16.00 | AGREEMENT ON THE WAY FORWARD | Chairman |
| 16.00 – 16.10 | Closing Formalities | Chairman |
| 16.10 | EVENING TEA & END OF THE MEETING | |

Appendix 2:

**TRAINING NEED ASSESSMENT
1st DRAFT REPORT
WORKSHOP ATTENDANCE LIST**

| NO | NAME | TITLE & INSTITUTION |
|-----------|------------------------|---|
| 1 | Dr. I.H. Juma | Dean FOL UDSM |
| 2 | Mr. G.K. Rwakibarila | Ag. Principal – IJA, LUSHOTO |
| 3 | B.T. Mapunda | LECTURER – FOL- UDSM |
| 4 | F.W.P. Mushy | HOME AFFAIRS |
| 5 | M.P. Makamba | LAW REFORM COMMISSION |
| 6 | A.H. Senguji | DCKI |
| 7 | C.A.A. Sonyi | Ag. DPPI |
| 8 | G.P. Saidi | DPP |
| 9 | B.M.Mwombeki | Ag.DAP JUSTICE |
| 10 | T.P. Kadushi | BSM – BRELA |
| 11 | A.B. Mkapa | BRELA – Deputy Registrar |
| 12 | H.O. Mgonja | BRELA- P. Registration Officer |
| 13 | Lars Tengroth | Embassy of Sweden |
| 14 | R. Ntimizi | BT – LANDS |
| 15 | S.K. Fimbo | P.S.M (Director) |
| 16 | Rugonzibwa T.Z.M | Assist. Adm. General |
| 17 | Sophia Wambura | Sn Deputy Registrar |
| 18 | Anne – Luice Lefebure | Development Advisor (CIDA) |
| 19 | John Shao | Governance Advisor (CIDA) |
| 20 | Amalsarro Munisi | Coordinator LSRP |
| 21 | S.K. Barahomoka | Ag. CPD – A.G. CHAMBERS |
| 22 | Fredrick Werema | DCA/HR |
| 23 | I. Nchasi | AO – CHRAGG |
| 24 | C. Masolwa | CA – AG. CHAMBERS |
| 25 | N.Ruge | Embassy of Denmark |
| 26 | Mutabaazi .J.Lugaziya | Ag. President Law Society Tanganyika |
| 27 | Esteriano E. Mahingila | CEO- BRELA |

**UNITED REPUBLIC OF TANZANIA
MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS**



Legal Sector Reform Programme: Quick Start Project

TRAINING NEEDS ASSESSMENT

**PROCEEDINGS OF THE WORKSHOP ON THE SECOND DRAFT REPORT
PROPOSED TRAINING PROGRAMMES ON 7TH MAY 2004**

VENUE: COURT YARD HOTEL – DAR ES SALAAM

MAY 2004

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BACKGROUND

A consultative meeting on the priority training needs for the key legal institutions was held on 5th December 2004 followed by consultations between the consultants (M/s Resource Development and Management Associates) with the institutions. The Consultants therefore revised the prioritisation of Training needs and designed training programme and schedule as presented in a second draft report. The Ministry of Justice and Constitutional Affairs therefore organised a workshop to consider and adopt the training programmes and schedules on 7th May, 2004. Representatives from various legal institution and donor organisations attended the Workshop. The Time Table and a list of participants are attached as appendices to this report.

OPENING OF THE WORKSHOP

The Chairman of the Meeting, Mr. A. G. Mwarija, the Registrar of the Court of Appeal of Tanzania opened the Workshop at about 9.30 a.m. In his opening remarks Mr. Mwarija welcomed the participants to the Workshop and informed the participants of the consultative meeting held in December 2003 that culminated to the training programme and schedules to be considered at the Workshop. He further said that each institution is expected to have studied carefully the second draft report to see that the proposed training programme address the priority training needs, schedules are implementable and address the recommendations of the Legal Sector Report, 1996.

OVERVIEW OF THE SECOND DRAFT REPORT: PROGRAMMES AND TRAINING SCHEDULES

Professor J. L. Kanywanyi and Mr. H. Mapolu on behalf of M/s Resource Development and Management Associates informed the workshop as follows:

- ◀ Development of the training programmes was based on the revised training needs on section two of the draft report after incorporating comments of consultative meeting held on 5th December 2003 in consultations with institutions/departments/agencies.
- ◀ The Proposed training programmes contained in section two of the report are categorised in 4 categories as follows:
 - (a) Programmes in general and specialised legal education;
 - (b) Programmes in technical and operational functions of the legal institutions;
 - (c) Programmes in Good Governance; and

(d) Programmes in Institutional management and leadership.

The programmes have titles, types (workshops, seminars etc) targeted group, objective (showing what should be achieved), outline of the basic content of the course, duration and frequency.

- ◀ Training Schedule is only indicative plan for three years divided into 12 quarters. The implementation would depend on availability of funds and institutions to provide the training.

COMMENTS BY VARIOUS LEGAL INSTITUTIONS

4.1 Judiciary Department: Ms. S. Wambura presented the Comments of the Judiciary as follows:

- Consultants took on board the concerns of the Judiciary raised in the consultative meeting particularly on the supporting staff.
- Pg 9, Alternative Dispute Resolution should be a higher priority need and should be part of the orientation programmes for newly appointed high court judges.
- Management and leadership training should also be given to District Registrars, resident magistrates and district magistrates in-charge
- Training of District Magistrates to acquire an LLB degree should be reflected as a compulsory requirement
- Training in Alternative Dispute Resolution should also be given to advocates as officers of the court.
- Customer Care Service training to primary court magistrates and district magistrates be provided.

4.2 Attorney General's Chambers:

(a) **Department of Public Prosecution:–**

Mr. G.P. Shaidi the Director of Public Prosecution presented the comments of the Department of Public Prosecution and follows –

- Priority should be given to cyber crimes and other internationally organised crimes;
- Advocacy training should focus on enhancing skills in public prosecution;

- Training programme should include TOT (Training of Trainers) for on the job training for prosecutors;
- Good governance includes fight against corruption therefore the training should include good governance and not fight against corruption alone, to ensure that skills for the wider scope are imparted.

(b) Administrator General’s Department:

Mr. T.Z.M. Rugonzibwa presented detailed comments to the consultants summarised as follows –

- Distinction between specialised training and new areas of the Law should be made and provided for accordingly;
- Programme A8 be changed to be attachment for 3 weeks – 3 months/ months to liquidation/ receivership/executorships practitioners.

(c) Department of Civil and International Law:-

Page Seven revised priorities swap “Arbitration, Mediation and reconciliation process” with “legal issues related to human rights, gender and treatment of vulnerable and disadvantaged groups in society” in the low priorities.

(d) Legislative Drafting Department:

Mr. Richard Mbarouk, Assistant Parliamentary Draftsman recommended the training needs in the lower priority be substituted for e-commerce in the higher priorities.

Other departments including the departments of Administration and Personnel, Constitutional Affairs and Human Rights, Planning, Policy and Information Services and Accounts did not present comments.

4.3 Law Reform Commission of Tanzania:

Mr. Kibaja, Accountant Law Reform Commission presented comments of the Commission as follows:-

Page 13: Training Priorities –

- (i) **Commissioners:** Add report writing skills and research methodology in the high priority area and move the Law Reform functions to lower priority area.

- (ii) **Research Staff:** Add report writing skills and legislative drafting skills in the high priority area and move the law reform function to the lower priority area.

Revise the training schedules and programme outlines as per the above comments and as per page 12 to 13 of the summary of proceedings of the consultative meeting held on 5th December, 2003.

4.4 Commission of Human Rights and Good Governance (CHRAGG):

Mr. Sabasi Teti presented the comments of the Commission as follows:-

- The Commission for Human Rights deals with all sorts of kinds of people e.g. frustrated, depressed, mentally sick, poor, rich etc.
- The training priorities for the Commission should also include customer care, counselling techniques, and estate/probate administration etc.
- Pg.49, targeted groups: Specify what is meant by “Senior Personnel” to avoid confusion.

4.5 Office of the Registrar of Titles:

Mrs. Rehema Ntimizi made the following comments on behalf of the registry:-

- Page 40, 51, 40 Programme No. B12 is not shown in the training schedule;
- Page 57 – Programme No.B4, Records Management: The office has no registry staff therefore the training should be for senior staff;
- Page 61, Programme No.D8 – Programme on Management of Public Service: should be for all senior staff of the legal sector institutions since these manage the service provision mechanisms in their institutions;
- Page 32: Programme on Registration of Titles and related documents;
- Page 51, Programme No. C/3 should cover all heads of legal institutions.

4.6 Business Registration and Licensing Agency (BRELA):

Mr. T.P. Kadushi, the Business Manager expressed appreciation on the consultants' work and presented comments as follows:-

- Corporate governance is at two levels i.e. Top and senior management and Senior core staff at page 11 of the second draft report should be moved from lower level priority to higher level priority areas because of the current trend whereby the private sector is now leading the economy. Hence there should be proper mechanism to ensure fair play in this fast expanding area. Control and supervision is important for BRELA as a regulatory body. Therefore our staff should be enhanced with specialized skills in this area.

Page 11 Specialize area of law i.e. Commercial laws, Intellectual Property laws and now Corporate governance have not featured explicitly in the training programme A/12 on page 26. Programme on private sector facilitation (B/3) on page 26 is relevant when dealing with practical aspects of these laws through seminars and workshops are widely known by training institutions.

Page 55, Customer service management programme (D/2) duration is one week twice a year but at page 77 (4.4) the programme is shown to feature in the third quarter only and not in two quarters. Also the duration of one week is rather short, duration should be two weeks full time or three weeks part time.

4.7 Legal Training Institutions:- Dr. B.T. Mapunda presented detailed comments on behalf of the legal training institutions to the consultants why may be summarised as follows:-

- (1) The consultants have taken into account the comments and generally agree to the recommended programmes and schedules.
- (2) The Training Schedule – Legal Training Institutions have tight schedules in their academic calendars and the said schedules differ from one institution to another. Setting of the actual training timetables should therefore be done in collaboration with all institutions involved to ensure success in implementation of the programme.
- (3) Early Identification of Beneficiaries – Where a course is meant for particular persons it is prudent to identify them well in time to facilitate the issues of timetabling and replacements;

- (4) The training program is not very clear on the relatively long specialisation courses (LLM and PhD) needed to arm academic staff with the necessary skills for university teaching. The document should clearly state the number of scholarship for each training institution and modalities for training;
- (5) Pg.10 – Training Priorities for Institute of Judicial Administration excludes PhD training as an essential qualification for research and consultancy
- (6) The Training Programme should take into account modalities for distant law teaching which is an important tool for the Open University of Tanzania (OUT).

5.0 COMMENTS FROM THE FLOOR

- (i) President's Office – Public Service Management:

Mr. Fimbo Director of Training made the following comments –

- i. New areas of Law and Legal developments must be part of the training programmes
 - ii. The Programme name English language skills is not a commonly used name therefore the name be communication skills.
- (ii) Belgium Technical Cooperation: Mr. Monc Denyse made the following comments –
 - i. Prevention of Corruption Bureau should have been included in the assessment;
 - ii. Care should be taken to ensure that there are no duplication of efforts, particularly with the training institution since they have financial support from various donors and fall under the Ministry of Higher Education, Science and Technology;
 - iii. The overall indication shows that, there is no doubt that the value of the training programme is acceptable by the institutions. There is a need of raking the programmes to start with the highest priority for operationalisation and to obtain funding.

6.0 RESPONSE BY CONSULTANTS:

- (i) Prioritisation of Training Needs: These were revised based on the comments of the Consultative Meeting of December, 2003 and consultations with the legal institutions;

- (ii) The name English language skills is more appropriate than communication skills because the priority is to equip the personnel with the English language than enabling them to communicate using English language.

7.0 SUMMARY OF KEY ISSUES RAISED

- (a) **Department of Judiciary:** The training programme revised such that it includes alternative dispute resolution for newly appointed judges and advocates, and customer care services and leadership and management skills for District Registrars, resident magistrates, district magistrates and primary court magistrates.
- (b) **Attorney General's Chambers:**
- Further consideration on the revised prioritisation of the training needs to address the comments raised in the workshop and any other developments;
 - The training programmes and schedules be revised to incorporate changes in the revised priorities;
 - Distinction should be made between specialisation and developments in new area of Law;
 - Advocacy skills in public prosecution and training of trainers on the job training for public prosecutors should be included in the training programmes;
 - Fight against corruption is within good governance therefore the programme be designed to enhance good governance skills for the personnel in the legal institutions.

Law Reform Commission:

- Redesign the training programmes based on the comments in the workshop giving priority in enhancing capacity in research methodology and report writing.

Commission of Human Rights and Good Governance

- The training programme should include programmes on counselling, customer care services and report writing.

Legal Training Institutions:-

- The training programmes should include distance training modalities in legal training and PhD programmes for IJA, training schedules be designed in consultation with the training institutions due to difference in academic calendars.

Legal Registries

- Align the training schedules and training programmes based on the comments raised in the workshop.

8.0 AGREEMENT ON THE WAY FORWARD:

It was observed that it is only the training institutions and the office of the registrar of societies that have provided comments on the training schedule. It is important for the departments to consider the training schedules and the programme contents. It was therefore agreed that institutions/departments provide comments to the consultants by 21st may, 2004 to enable them to finalise the training programme.

9.0 CLOSING REMARKS

Mrs. Sophia Wambura, Senior Deputy Registrar, Court of Appeal of Tanzania on behalf of the Workshop Chairman, Mr. A.G. Mwarija, Registrar Court of Appeal of Tanzania thanked the participants for their dutiful participation in the deliberations on the 2nd Draft Report. Further, she reminded the participants to ensure that their respective institutions provide accurate and update information to the Consultants report so as to enable the report to be realistic and hasten timely completion of the consultancy report. She finally declared the Workshop closed at about 7.30 p.m.

Appendix 1
MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS
Legal Sector Reform Programme: Quick Start Project

**WORKSHOP ON THE PROPOSED TRAINING PROGRAMME FOR THE KEY LEGAL
 SECTOR INSTITUTIONS**

DATE: Friday 7th May, 2004

VENUE: Courtyard Hotel, DSM

| TIME | AGENDA | RESPONSIBLE |
|-------------------------|--|---|
| 8.30 – 9.00 a.m. | Registration and Introduction | Secretariat |
| 9.00 – 9.10 a.m. | Opening Remarks | DAG/PS; RCA |
| 9.10 – 9.40 a.m. | Review of the Priority Training Needs | Consultants |
| 9.40 – 10.10 a.m. | Overview on the Proposed Training Programme for Legal Sector Institutions | Consultants |
| 10.10 – 10.30 a.m. | Discussions | ALL |
| 10.30 – 11.00 a.m. | Tea Break | ALL |
| 11.00 – 11.30 a.m. | Proposed Training Programme (general and specialised legal education, technical and operational functions, Good Governance and Institutional Management & Leadership & Training Schedule | Consultant |
| 11.30 a.m. – 12.30 p.m. | Comments by Institutions | Representatives from Judiciary, MJCA, AGC, LRC(T), CHRAGG, BRELA, Registrar of Titles, Registrar of Societies, Legal Training Institutions & other key stakeholders |
| 12.30 p.m. – 1.00 p.m. | Summary of Key Issues and agreement on the way forward | Secretariat |
| 1.00 – 1.15p.m. | Closing Remarks/Vote of Thanks | Chairperson |
| 12.30 p.m. – 2.00 p.m. | Lunch Break | |

LIST OF PARTICIPANTS

| NAME | TITLE | INSTITUTION |
|--------------------|--|---|
| Johnson Kaijage | Legal Officer | Better Regulation Unit |
| Abbas B. Tetti | Director of Investigation | Commission for Human Rights and Good Governance |
| Dr. B.T. Mapunda | Lecturer | University of Dar es Salaam |
| Mr. A.G. Mwarija | Registrar Court of Appeal | Judiciary |
| Ms. S. Wambura | Senior Deputy Registrar, Court of Appeal | Judiciary |
| Mr. Joel Laurent | Lecturer | Mzumbe University |
| Mr. Ross Kinemo | Lecturer | Mzumbe University |
| Mr. G.F. Kilaja | Accountant | Law Reform Commission |
| e. Kingo Magembe | Economist | Vice President's Office |
| D.R. Makani | Administrator | A.G's Chambers |
| G.P. Shaidi | Director of Public Prosecutions | A.G's Chambers |
| L.K.N. Kaduri | Asst. Director of Public Prosecutions | A.G's Chambers |
| Hon. E.N.E. Mushi | Principal | IJA – Lushoto |
| B. Kinyenje | Legal Officer | TAMWA |
| R.F. Mbaruku | Parliamentary Draftsman | A.G's Chambers |
| P.F. Khwelo | Dean | Open University |
| Munisi A. | Coordinator LSRP | Ministry of Justice |
| D.L. Chidowu | State Attorney | A.G's Chambers |
| Thomas Kadushi | Business Support manager | BRELA |
| A.B. Mkapa | Deputy Registrar | BRELA |
| H.O. Mgonja | Assistant Registrar | BRELA |
| R. Ntimizi | Asst. Reg. of Titles | Land Registry |
| T.Z.M. Rugonzibwa | Asst. Adm. General | Administrator General |
| K. Marsk | Programme Analyst | UNDP |
| Vande Vorstenbosch | Legal Sector intern | CiDA |
| John Shao | Governance Adviser | CIDA |
| Monc Denys | Counsellor | Belgium Embassy |
| Cecilia B. Shiyo | Vice President | Tanganyika Law Society |
| Samson Fimbo | Director | Public Service Management |