



THE OFFICE OF CHIEF PARLIAMENTARY DRAFTSMAN

Tanzania
**Legislative
Drafting**
Newsletter

Hon. Hamza S. Johari
Strategies & Insights

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Our Vision

To be the Centre of Excellence
in Legislative Drafting

Our Mission

To quality and accessible
legislation for sustainable
development

Our Values

Integrity

We are honest with strong moral principles and ensure diligence in serving our nation. We always endeavor to observe good governance principles;

Professionalism

We are devoted to applying the highest level of required skills, knowledge, and competence to all staff in discharging their duties;

Synergy

We are committed to interacting and working together with a consortium of stakeholders in executing our mandates

Transparency & Accountability

We promote openness, honesty, and responsibility to all staff in executing the OCPD functions. All staff should complete tasks on time, meet performance expectations, work in teams, and be productive and efficient; and

Accessibility

All drafted legislation, translated legislation, revised laws, and the legislative instruments prepared for ratification are easily accessible by respective organs.

Our Motto

Clarity for Effective Legislation



THE UNITED REPUBLIC OF TANZANIA



LAWS OF TANZANIA

[PRINCIPAL LEGISLATION]
REVISED EDITION 2023

VOLUME

II

Chapters 19-32

LAWS
OF
TANZANIA

PRINCIPAL
LEGISLATION

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II

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LAWS
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PRINCIPAL
LEGISLATION

REVISED
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IV

Chapters
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THE LAW OF THE CHILD ACT

Consent of parent
and guardian

- 57.-(1) An adoption order shall only be made with the consent of the parent or guardian of the child.
- (2) Notwithstanding the provisions of subsection (1), the court may dispense with consent of any parent, guardian or relative of the child, if it is satisfied that-
- (a) the parent, guardian or relative has neglected or persistently ill treated the child; or
 - (b) the person cannot be found or is incapable of giving consent or that the consent is unreasonably withheld.
- (3) A parent, guardian or relative of a child who is the subject of an application for adoption or has given consent to the adoption order shall not be entitled to remove the child from the care and possession of the applicant except with the permission of the court and in the best interest of the child.
- (4) The court may require the consent of any person for the adoption of a child under an agreement.

THE LAW OF THE CHILD ACT

- (c) if the child is at least for the adoption has been for the child to exp
- (d) the applicant has any payment and to make any p reward to the court may or
- (2) Notwithstan court shall not ma investigation rep supporting the require some o make a report
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Tanzania
Legislative
Drafting
Newsletter



From CPD

Welcome aboard the Tanzania Legislative Drafting Newsletter!

First and foremost, I bestow upon the Lord all the honour and glory for his benevolence, provision, grace and the opportunity to serve the United Republic of Tanzania through this position as Chief Parliamentary Draftsman. Additionally, I would like to express my profound gratitude to the President of the United Republic of Tanzania, Her Excellency Dr Samia Suluhu Hassan, for entrusting me with the honourable duty of leading the Office of Chief Parliamentary Draftsman (OCPD), which has resulted in the publication of this Newsletter.

I also extend my earnest appreciation to the Attorney General of Tanzania, Hon. Hamza Said Johari, for his unwavering support and guidance throughout the preparation of this Newsletter and Hats off to Mr. Samuel Maneno, the Deputy Attorney General whose invaluable insights, leadership, and dedication have been instrumental in ensuring the success of this initiative.

At this juncture, it is imperative to acknowledge the dedication and commitment demonstrated by the entire staff of the Office of the Attorney General and the OCPD in particular. Your hard work and dedication have been crucial in the completion of this Newsletter, and I am deeply grateful for your contributions.

This publication inaugurates an inclusive and collaborative journey between the OCPD and its legislative stakeholders. It also examines the multifaceted aspects of legislative craftsmanship, presenting insightful articles that clarify the subtle and important elements of the legislative drafting process and its crucial impact on the legal landscape.

The Newsletter presents a comprehensive analysis of legislative drafting practices, with a particular emphasis on the ethical considerations that guide the decision-making process. It investigates the processes through which laws are formulated and revised, exploring strategies for ensuring their continued relevance in a rapidly evolving global context. The contributing authors provide clear perspectives on the significance of quality control mechanisms in enhancing the efficacy and efficiency of legal frameworks, underscoring the crucial role of meticulous review processes in the pursuit of effective and efficient legislative outcomes.

Further, it examines the import of drafting manuals as indispensable tools for legislative drafters, providing practical insights into their conception and utilisation. Another crucial subject addressed in this publication is public engagement in the legislative process and its function in nurturing transparency, accountability and legitimacy. The publication concludes with a contemplative analysis of bilingual legislation, accentuating its significance in diverse and multicultural societies.

It is worth noting that any reference in this publication to the Legislative Drafting Division pertains to the period prior to the formal establishment of the Office of Chief Parliamentary Draftsman. This clarification is provided to ensure historical and institutional context is well understood by our readers and stakeholders.

We hope this edition will serve as an invaluable resource for legislative drafters, legal scholars, and policymakers through the exploration of diverse perspectives that collectively enrich the understanding of the art and science of legislative drafting.
With legal eagles soaring high.

Editor's Note



Dear Readers,

Welcome to the first publication of our Tanzania Legislative Drafting Newsletter, where we delve into the intricacies of the drafting of legislation. In this edition, the authors cover a diverse range of articles that shed light on crucial aspects of legislative craftsmanship, from the vital role of quality assurance in enhancing the quality of legislation to the elements of drafting manuals.

Luluclara Mutungi's feature article details the establishment and evolution of the Office of Chief Parliamentary Draftsman (OCPD). Next in our collection is the exploration of bilingual legislation, an area of growing importance in our interconnected world. As legal systems become more globally interlinked, the ability to draft legislation in multiple languages is a skill of increasing significance. Our article provides practical challenges and best practices associated with bilingual legislation, ensuring our readers are well-equipped to navigate this complex terrain.

In legislative drafting, knowledge is power, and OCPD's article on drafting manuals serves as a valuable resource for both seasoned drafters and those new to the field. From best practices to emerging trends, we aim to equip our readers with the tools necessary to navigate the evolving landscape of legislative drafting.

Bavoo in his article appraises how quality assurance processes play an important role in shaping the legislative landscape. As we navigate the complexities of lawmaking, understanding the mechanisms that ensure the highest standards of precision and clarity is paramount. The experience shared by experts on this issue underscore the significance of a robust quality assurance framework fortifying the foundations of our legal system.

The primary roles undertaken by the OCPD are legal update, revision and dissemination. Therefore, this publication endeavours to highlight the significance and procedures related to the Laws revision exercises in a bid to foster collective understanding and collaboration with relevant stakeholders.

As societies evolve, public participation stands as a cornerstone of democratic governance, and in this issue, Masero explore the role of public participation in the legislative process. Engaging the public in the legislative process is not only a necessity but a powerful tool for ensuring transparency and legitimacy. The author delves into the ways in which public input can enrich the legislative process and contribute to more effective and representative laws.

This issue extensively draws on lessons learnt from the 2023 Regional Conference convened by the Commonwealth Association of Legislative Counsels (CALC). The conference aimed to highlight the prevalent challenges, emergent innovations, and visionary strategies pertinent to the legislative landscape. These visionary strategies include using technology in drafting, promoting public participation, and adopting international best practices to ensure the relevance and effectiveness of laws in a rapidly changing world.

To our readers, we earnestly hope that this publication sparks thoughtful reflection and provides practical flair for legislative drafters, policymakers, and all those involved in the lawmaking process. As always, we welcome your feedback and look forward to continuing the conversation on the art and science of legislative drafting in future editions.

Happy reading!

Hon. Judge Prof. Ukena J. Agatho
Editor-in-Chief

Pen and Policy: Tracing the Legacy of the Office of Chief Parliamentary Draftsman

By Luluclara Mutungi

The Office of Chief Parliamentary Draftsman (OCPD) serves as the key facilitator of the legislative process, ensuring that every law is drafted in accordance with the highest standards of accuracy, clarity and fairness. The OCPD has undergone a remarkable evolution, bearing witness to the ever-changing landscape of legislation and the ebb and flow of political administrations, each with its own unique vision and legislative agenda. Throughout its existence, the corridors of the OCPD have echoed countless discussions, brainstorming sessions and moments of intense scrutiny as policies and enactments are meticulously crafted to give life to laws that govern every aspect of society.



Established in the late 1950s, the then directorate of legislative drafting has evolved significantly from its initial setup within the Attorney General's Chambers to an entity with operational and budgetary autonomy currently known as the Office of Chief Parliamentary Draftsman vide the Legal Sector (Miscellaneous Amendment) Act No. 11 of 2023. The OCPD is led by the Chief Parliamentary Draftsman who occupies a fundamental role within the legal and political environment, serving as a driving force behind legislative initiatives that pave the way for enduring development and modernisation and ensuring that the principles of justice and equity find resonance within enacted law.

The story of the OCPD begins with Mr. P.R.N. Fifoot, the first Chief Parliamentary Draftsman (CPD), and continues through a distinguished lineage of CPDs, including Mr. G.C. Thorton (1966-1969), Mr. B.M. Rahim (1969-1975), Mr. George Liundi (1975-1979), Mr. S.K.B. Lushagara (1983-2002), interim CPD Ms. Esther Manyesha (2002-2006), Mr. Casmir S. Kyuki (2006-2015), Ms. Sarah K. Barahomoka (2015-2019), and the current CPD, Mr. Onorius J. Njole. Notably, during Mr. S.K.B. Lushagara's tenure (1983-2002), the legislative drafting division underwent significant restructuring with the establishment of the Office of the Deputy Chief Parliamentary Draftsman in order to ensure that the drafting process is managed with greater efficiency and oversight.

Juxton Mlay

Former Deputy Chief
Parliamentary Draftsman



The OCPD is influential in effectuating profound legal metamorphoses within the jurisdiction of Tanzania. For instance, the OCPD has steered the transition from colonial ordinances to Acts made by the Parliament; prior to the attainment of Independence, principal acts were promulgated by Her Majesty, the Queen, and the then people of Tanganyika only had the authority to enact subsidiary legislation referred to as 'Ordinances'. Subsequent to independence, the nation acquired full authority to enact all its laws, encompassing both the principal and subsidiary legislation. The OCPD has been instrumental in ensuring the smooth exercise of this authority and has been engaged in the preparation of all Principal legislation passed by Parliament and all subsidiary legislation made by various institutions and authorities within the country. The OCPD has played a vital role in embedding human rights into the Constitution through its preparation and facilitation of the Fifth Amendment.

The OCPD played a pivotal role in the transition of the economy from a centralised to a free market economy, which was accompanied by major changes in the legal regime involving amendments to the Bank of Tanzania Act, Chapter 197."

This significant amendment facilitated the integration of the Declaration of Human Rights into the constitutional framework. Subsequently, in the year 2000, another amendment was formally introduced to the Constitution, establishing the Human Rights and Good Governance Commission, which was entrusted with the vital task of raising awareness regarding the observance and protection of human rights, addressing complaints and investigating acts that constituted violations of those fundamental rights. To further cement this milestone, the OCPD enabled the enactment of various laws to reflect the constitutional changes that had been implemented, notably the Basic Rights and Duties Enforcement Act (Chapter 3) and the Commission for Human Rights and Good Governance Act (Chapter 391). On equal footing, it has aided the shift to a multi-party-political system, which has strengthened democracy in the country and transparency and accountability in electoral laws.

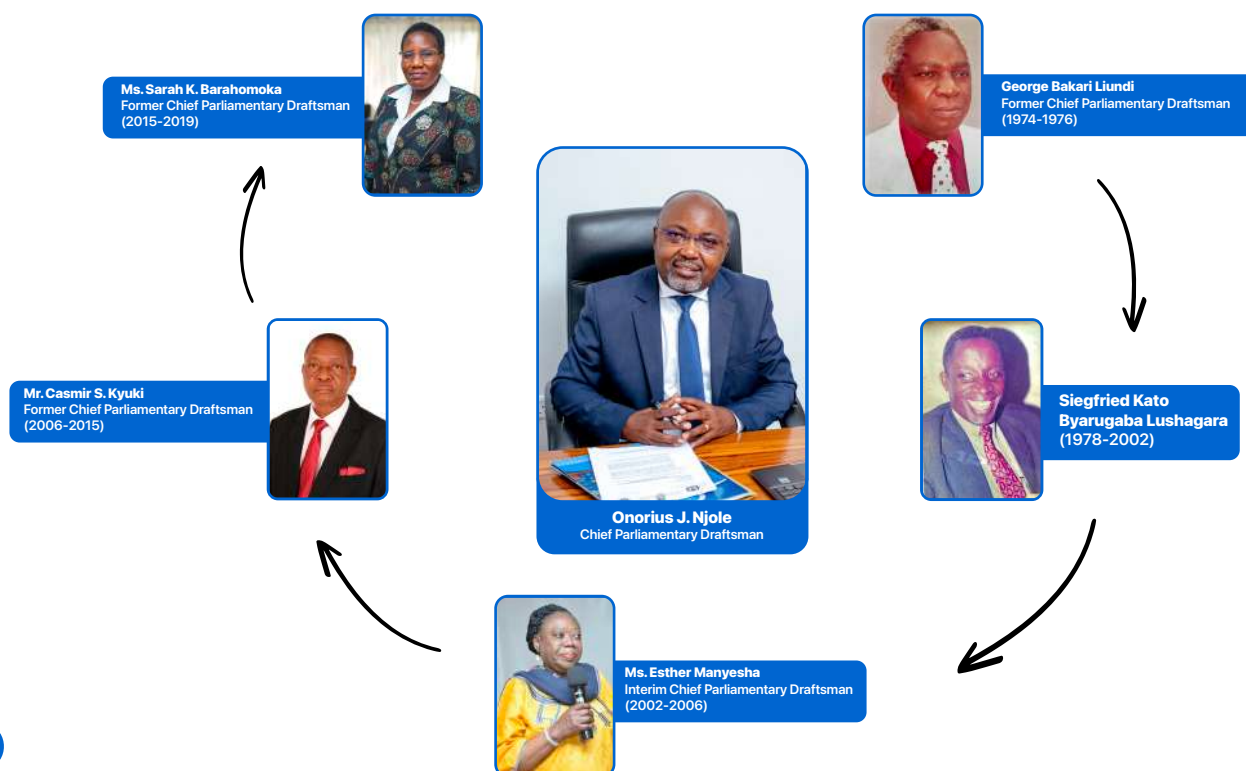
The OCPD played a pivotal role in the transition of the economy from a centralised to a free market economy, which was accompanied by major changes in the legal regime involving amendments to the Bank of Tanzania Act, Chapter 197, the National Bank of Commerce Act, Chapter 404, and the Cooperative and Rural Development Bank, Chapter 88.

Furthermore, the OCPD has been engaged in various legislative enactments post-independence that have facilitated the expansion of agriculture, the establishment of industries and the provision of price and market guarantees for farmers and industrialists within the country. These legislative enactments included the Small Industries Development Organization Act, Chapter 112 and statutes governing various agricultural

and commercial products such as the Tobacco Industry Act, Chapter 202; the Coffee Industry Act, Chapter 347; the Cashewnut Industry Act, Chapter 203; and the Sisal Industry Act, Chapter 30.

Moreover, in 2017, the Government made a deliberate and well-informed decision to implement a transformative shift in the system of management and harvesting of the country's natural resources. The primary objective of this decision was to ensure that the benefits derived from the country's abundant natural wealth are equitably distributed among all Tanzanians rather than being concentrated in the hands of a select few. In order to effect this paradigm shift, the Office was entrusted with the responsibility of preparing comprehensive legislation to implement the necessary changes. Among the key pieces of legislation developed by the Office are the Natural Wealth and Resources (Permanent Sovereignty) Act, Cap. 449, and the Natural Wealth and Resources Contracts (Review and Re-negotiation of Unconscionable Terms) Act, Cap. 350.

With its roots deeply embedded in Tanzania's history, the Office of Chief Parliamentary Draftsman has consistently played a crucial role in shaping the nation's legal framework and ensuring its alignment with the needs and aspirations of its citizens. The Office holds a profound and enduring legacy and an ongoing commitment to Tanzania's legislative needs.



Hon. Hamza S. Johari: Strategies and Insights



THE LEGAL JOURNEY AND SERVICE OF HONOURABLE HAMZA SAIDI JOHARI, THE ATTORNEY GENERAL OF THE UNITED REPUBLIC OF TANZANIA.

Honourable Hamza Saidi Johari, currently serving as the Attorney General of the United Republic of Tanzania, a role he assumed with great honour and responsibility on the 11th of August, 2024. His life has been one of dedicated public service, rooted in law, diplomacy, and national development.

Origin and Education Background

Honourable Hamza Saidi Johari was born and raised in Mtwara Tanzania. From a young age, he exhibited a passion for law, governance, and systems that drive development and public order.

He grew up with a deep admiration for justice, integrity, and national service. His academic journey led him to the University of Kyiv in Ukraine, where he earned both his Bachelor of Laws (LL.B) and Master of Laws (LL.M) degrees with a specialization in International Law. This foundation not only shaped his legal thinking but also ignited his lifelong passion for international legal frameworks and the rule of law.

Academic Contributions

Before entering into high-level public administration, he had the opportunity of shaping young minds as a lecturer. He taught Law of the Sea, Maritime Law, Law of Antarctica, and Air Space Law at the Tanzania People's Defense Force (TPDF) College. In the process he imparted critical legal knowledge to our nation's defense personnel. He also lectured at the National Institute of Transport, where teaching Insurance Law and the Law of the Sea, emphasizing the intersection of legal norms with transport and logistics in global trade.



Leadership in Civil Aviation

Honourable Johari's journey in public administration deepened with my service at the Tanzania Civil Aviation Authority (TCAA). He served as the Executive Secretary of the TCAA Consumer Consultative Council, advocating for consumer rights and ensuring a fair regulatory environment. Later on, he was appointed as the Director General of the Tanzania Civil Aviation Authority, a position that allowed him to steer the aviation sector towards safety, regulatory compliance, and international standards. These years honoured his executive leadership and negotiation skills, preparing him for higher national responsibilities.

As the Attorney General of the United Republic of Tanzania

On the 11th August 2024, he was appointed as the Attorney General of the United Republic of Tanzania. As the chief legal adviser to the government, he served at the heart of legal policymaking and constitutional interpretation. His role extends to advising the President, the Cabinet, Parliament and the Judiciary on legal matters, drafting legislation, representing the government in court, and ensuring the legal system upholds the values of the Constitution.

Within the Parliament, he plays a vital role in legal scrutiny, providing expert guidance on the legality and constitutionality of Bills, treaties, and executive actions. It is his duty to ensure that governance in Tanzania adheres to the rule of law, justice, and transparency.

Diplomatic and Legal Negotiations

Over a couple of years, he has chaired and led various high-level government negotiation teams, including:

- The Tanzania–Malawi Border Conflict, where diplomacy and legal reasoning were key to preserving peace and sovereignty.
- Negotiations with DP World, focusing on strategic investments, national interest, and the future of Tanzanian ports. He also led the negotiation with PUMA Energy Co. Ltd and secured mutually advantageous terms that safeguarded Tanzania Strategic interests. He further resolved the TANESCO–IPTL escrow dispute with the Standard Chartered Bank of Malaysia.

These negotiations required a balance of firmness and diplomacy, always ensuring that Tanzania's interests were upheld while respecting international norms and mutual cooperation.

Summing up

In conclusion therefore, Honourable Hamza Johari's journey from legal scholar to the office of Attorney General has been one of dedication to the ideals of patriotism, hard work and good governance. He remains committed to serving his country with integrity, legal excellence, and a vision for a stronger, fairer Tanzania.

Q&A

Q: When you assumed the role of the Director General of the Tanzania Civil Aviation Authority (TCAA) in 2016, you inherited an aviation industry in a state of flux, with Air Tanzania on the brink of collapse. You pledged to bring transformative change to the sector to support economic growth, and true to your word, the industry has seen remarkable and commendable progress under your leadership. Now, as the 11th Attorney General, what can the Office of Chief Parliamentary Draftsman expect from your tenure in this equally critical role?

I took leadership of the Tanzania Civil Aviation Authority in 2016, I confronted an institution in crisis, as Air Tanzania had virtually ceased operations and the industry lacked cohesion and vision needed to drive our economy forward. By assembling cross-disciplinary teams, forging strategic partnerships between public and private entities, and instilling a culture of continuous learning, we rebuilt national carrier operations and repositioned TCAA as a regulator focused on growth. Now, as the 11th Attorney General, I bring that same strategic clarity and collaborative spirit to the Office of Chief Parliamentary Draftsman whose vision is to be the centre of excellence in legislative drafting and whose mission is to provide quality and accessible legislation for sustainable development.

Our office has already established the Bespoke Training for State Attorneys, the Proficiency Series in Legislative Drafting and quarterly Master Classes, and I salute the progress achieved to date. I pledge to build directly on these foundations ensuring the bespoke programme continues annually with an evolving curriculum that addresses emerging legal challenges and hones advisory skills; deepening the proficiency series with advanced modules on plain-language drafting, sector-specific techniques and digital governance; and enriching master classes to tackle complex themes such as delegated legislation and regulatory impact analysis.

Finally, I recognize that drafting high-impact legislation is mentally demanding, intellectually rigorous and often under-recognized. To honour our team's dedication, I will introduce a transparent incentive framework merit-based awards, opportunities for publication in peer-reviewed legal journals and formal recognition ceremonies to celebrate their achievements. Though modest in monetary terms, publicly acknowledging their expertise sends a powerful message that the government values and invests in the voices shaping our nation's future.

Under my tenure as Attorney General, Tanzanians can expect statutes that are clear, precise and accessible and an institutional culture that nurtures talent, embraces innovation and rewards excellence, thereby fulfilling our mission to provide quality and accessible legislation for sustainable development and realising our vision of the OCPD as the centre of excellence in legislative drafting.

Q: Her Excellency Samia Suluhu Hassan, the President of the United Republic of Tanzania issued directives to address gaps in public legal practice, safeguard investments and business interests, improve justice delivery, and promote public legal awareness. During your tenure, how will you ensure these priorities are effectively implemented and the gaps are addressed through legislative drafting?

The Attorney General plays a critical role in strengthening public legal practice. Therefore, I will lead efforts to enhance the capacity and coordination of government legal officers through continuous training, standardization of legal services and institutional reforms that ensure accountability, professionalism and timely legal advice to ministries, departments and agencies.

Furthermore, the gaps are addressed by fast-tracking the rollout of a unified Government Legal System, and the introduction of centralized, digital drafting platform that all public entities will use when preparing any legal document. This system will embed standardized model clauses, built-in audit trails and version-control workflows so that every contract, memorandum or regulatory instrument is developed with full transparency and accountability from inception to signature. Building on our "Sheria Kifani" pilot, which introduced uniform templates for statutory instruments, automated legislative checklists and peer-review gateways. We will extend these innovations across every ministry and agency. By codifying these best practices into mandatory procedural directives, offering continuous technical support and integrating real-time quality-assurance checks, we will professionalize legal service delivery across government, eliminate drafting inconsistencies and ensure that every public legal instrument meets the highest standards of clarity and integrity.



Safeguarding investments, one of the key priorities of the Sixth President lies at the heart of our legislative agenda. In alignment with the President's vision, we led the enactment of the Investment and Special Economic Zones Act, 2024, which embeds clear fiduciary duties, streamlined arbitration pathways and enforceable sanctions. We continuously test these mechanisms against real-world case studies to ensure their effectiveness. Moreover, to boost public legal awareness, we have completed the general revision of laws for the Revised Edition of 2023 and undertaken a comprehensive translation of all revised statutes into Kiswahili and digitized our laws so that every citizen can access, understand and engage with the legal framework that governs them.

Q: Access to laws remains a challenge for many citizens, limiting their ability to understand and exercise their legal rights. What steps should the Chief Parliamentary Draftsman take to improve public access to laws and ensure greater legal awareness across the country?

To ensure that laws are accessed by every mwananchi, understood in exercising their legal rights, the Chief Parliamentary Draftsman and his team are competent and commendable individuals who have taken a multi-pronged approach. First, we completed the General Revision of Laws culminating in the Revised Edition of 2023, which not only consolidated and modernized our statute book but also cleared the way for a seamless translation of every provision into Kiswahili, the language of the common mwananchi. Second, in partnership with Laws Africa and GIZ, we have digitized the full body of Tanzanian laws on the Tanzlii platform where the Attorney General's Office through the Chief Parliamentary Draftsman, has exclusive mandate to upload and maintain all legislation, ensuring that citizens, practitioners and students can retrieve up-to-date statutes, amendments and explanatory notes at the click of a button.

In addition to actions already taken by OCPD, CPD should prioritize the digital publication of legislation by maintaining a centralized and regularly updated online platform that reflects new laws, amendments, repeals, and revisions in real-time. He should also complete the translation of subsidiary legislation from English to Kiswahili to make laws more accessible to a wider population and promote community legal education by collaborating with stakeholders to conduct outreach programs that raise public awareness of legal rights and obligations. Furthermore, the CPD should enhance inclusive law-making processes by facilitating public consultations and feedback mechanisms, ensuring that the nations actively participate in the legislative process, thereby fostering a sense of ownership and improving legal awareness across the country.

Q: In this era of Artificial Intelligence (AI) and advanced technology, how should a drafter plan to leverage these tools, to enhance efficiency in legislative drafting, improve service delivery to its stakeholders, and promote better access to laws?

A drafter must take deliberate steps to harness these innovations to transform the legislative drafting process and improve public service delivery. The Office of Chief Parliamentary Draftsman should invest in AI-assisted legal drafting tools capable of generating templates, detecting inconsistencies, and aligning new provisions with existing laws to enhance accuracy, consistency, and speed.

Second, to serve stakeholders better, a secure digital collaboration platform should be introduced to allow real-time drafting, review, and consultation among ministries, agencies, and legislative bodies.

We will embed these insights into our workflows by configuring the pilot tool to interoperate with our central repository of precedents and "istilahi" so that every suggestion aligns with Tanzanian drafting conventions, and by deploying AI-driven quality-assurance routines that scan for cross-reference errors, inconsistent definitions and unintended overlaps, while always retaining a trained drafter to exercise judgement where algorithms cannot.

Technology is only as effective as the people who wield it. Building on the AI Governance for Tanzania Initiative launched in 2022 under the Digital Agenda for Tanzania programme, we will institute an intensive upskilling curriculum that covers ethical AI deployment, prompt engineering best practices and data-privacy safeguards so that every member of our drafting team masters these tools responsibly.

Q: As the national elections approach, how prepared is your office to ensure that our legal framework effectively guarantees compliance, facilitates the efficient resolution of electoral disputes, and upholds a transparent and fair electoral process?

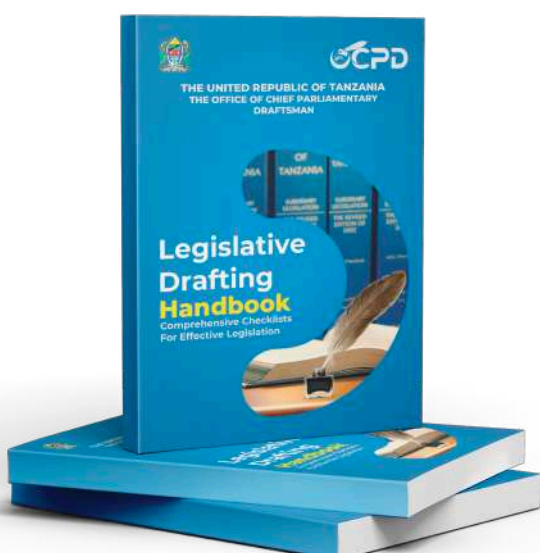
Our office has worked diligently to modernize Tanzania's electoral framework ahead of the upcoming national elections. We began by enacting the Political Parties Affairs Laws (Amendment) Act, 2023, which strengthens party registration criteria, mandates publication of audited accounts and imposes clear candidate-selection procedures to promote transparency and curb internal disputes. Also, the National Electoral Commission Act, 2023, establishes a truly independent electoral commission whose members are appointed through a bipartisan panel, enjoy security of tenure and operate under a strict code of conduct for safeguarding election management from political influence.

Finally, the Presidential, Parliamentary and Local Government Elections Act, 2023, consolidates disparate electoral rules into one coherent statute, introduces firm timelines for filing complaints, creates specialized tribunals for timely dispute resolution and codifies electronic voter rolls and result transmissions to eliminate ambiguity and delay. Together, these reforms bolster legal compliance by clarifying funding channels, empower an autonomous commission to administer the vote and streamline dispute-resolution processes; they also embed technology and enforceable deadlines to ensure a transparent, fair and credible electoral process. With this comprehensive legal framework for election our Office is ready to offer proper and purposive interpretation of the statutes when the need arise.

Q: On a lighter note, Hon. Attorney General, your role requires navigating complex legal and governance issues with precision and focus. How do you unwind after a long day of tackling the nation's legal challenges, and is there a hidden talent or hobby that might surprise us?

After a day spent advising on matters of national importance, I find my greatest solace in the beautiful game. As a die-hard supporter of Simba SC, I make it a point to catch every match I can, whether cheering from my living room or, on occasion, joining fellow fans at Uhuru Stadium. The energy of the crowd, the ebb and flow of the contest and the strategic artistry on the pitch help me clear my mind and recharge for the challenges ahead.

When I'm not following football, you'll often hear the smooth strains of jazz playing softly in my study, and every now and then I tune to the vibrant beats of Bongo Flava to lift my spirits and connect me to the pulse of our nation's youth. I also enjoy early-morning swims, gliding through the water to reset my focus and invigorate both body and mind. Whether it's a goal celebration, a late-night saxophone solo or the rhythm of my strokes in the pool. These moments of leisure remind me that balance is as essential in governance as it is in life.



Hon. Hamza Johari engaging in a discussion with William Lukuvi, Minister for Prime Minister Office, Parliament, Policy and Cordination during the 16th Parliament Meeting.

Next up>

Legislative Briefing

By Lulu Clara Mutungi & Nicodemus Chuwa



Nicodemus Chuwa
Assistant Chief Parliamentary Draftsman - Drafting Division



Parliamentary Session: 16th Sitting, 7th Session

This session was marked by dynamic debates and significant legislative developments. Here's a snapshot of the key discussions and decisions made on the floor:

Session Dates:

27th Aug – 6th Sept 2024

First reading:

Miscellaneous Amendment Bill (No. 3) of 2024.

Approved by the Cabinet Committee on Constitution, Law, and Parliament on August 21, 2024. First read on September 6, 2024, it will proceed in the 17th Parliamentary Session beginning on October 29, 2024.

Tanzania Broadcasting Corporation Bill of 2024.

Approved by the Cabinet Committee on Constitution, Law, and Parliament on August 21, 2024. First read on September 6, 2024, it will proceed in the 17th Parliamentary Session starting on October 29, 2024.

Second reading:

The Law School of Tanzania (Amendment) Bill, 2024

First read on February 16, 2024, and revised by the Parliamentary Committee on Administration, Constitution and Law, the bill was approved in the 16th Parliamentary Session on August 27, 2024. Amendments included reinstating the President of the Tanganyika Lawyers Association and adding the President of the Public Bar Association and the Dean of the University of Dar es Salaam (School of Law) to the Law School Board.

Tanzania Airports Bill, 2024

The bill was first read on June 28, 2024, during the 15th Parliamentary Session and referred to the Parliamentary Standing Committee on Infrastructure for revisions. It was read for the second time on August 28, 2024, during the 16th session, where Parliament approved it. During discussions, the Government pledged to address Parliament's advice by allowing the Airport Authority to manage airport fire services and to take over the collection of the passenger service fee, currently collected by airlines and submitted to the Tanzania Revenue Authority under the Airport Service Charges Act.

The Social Security Laws (Amendment) Bill, 2024.

This bill seeks to amend three laws: the National Social Security Fund Act (Chapter 50), the Public Servants Social Security Fund Act (Chapter 371), and the Workers' Compensation Act (Chapter 263), aiming to improve the management of Social Security Funds. It was first read on February 16, 2024, during the 14th Parliamentary Session, and reviewed by the Parliamentary Standing Committee on Social Services. After committee revisions, the bill was read a second time on August 28, 2024, during the 16th session, where it was discussed and approved by Parliament.

The Child Protection Laws (Miscellaneous Amendments) Bill, 2024

The bill was first read on June 28, 2024, during the 15th Parliamentary Session, and reviewed by the Parliamentary Standing Committee on Social Services, where improvements were made following consultations with the Government. It was read for the second time on August 30, 2024, during the 16th session, where it was discussed and approved by Parliament.

The Prevention and Combating of Corruption (Amendments) Bill, 2024.

The bill was first read on June 28, 2024, during the 15th Parliamentary Session and reviewed by the Standing Committee on Administration, Constitution, and Law, where several improvements were made. It was read for the second time on September 2, 2024, and approved by Parliament.

Miscellaneous Laws Amendment Bill, 2024.

First read on February 16, 2024, in the 14th Parliamentary Session, this bill was reviewed by the Standing Committee on Administration, Constitution, and Law. It was read for the second time on September 2, 2024, and approved by Parliament.

Competition Law Amendment Bill, 2024.

This bill was first read on February 16, 2024, during the 14th Parliamentary Session and reviewed by the Standing Committee on Industry, Trade, Agriculture, and Livestock. On September 3, 2024, it was read for the second time and approved by Parliament, with Article 13 regarding price setting removed for further review.

The Written Laws (Miscellaneous Amendment) Bill, 2024.

The bill was first read on June 28, 2024, in the 15th Parliamentary Session and reviewed by the Standing Committee on Administration, Constitution, and Law. It was read for the second time on September 3, 2024, and approved by Parliament, with amendments to the Immigration Law and Land Law removed for further review.

Hon. Hamza Johari, the newly appointed Attorney General, hosted an exclusive luncheon for the management and officers of the Office of the Chief Parliamentary Draftsman following the conclusion of the 16th Parliamentary Session on September 6, 2024.

The gathering served as an opportunity to reflect on the achievements and challenges of the recently concluded session, while fostering strategic discussions on future parliamentary engagements and the legislative agenda for the upcoming sessions.



This event underscored the Attorney General's commitment to collaboration and forward planning within the legislative drafting process.



Other Noteworthy Discourse:

Hon. Hamza Johari, the newly appointed Attorney General, was officially sworn in before Parliament on August 27, 2024.

Champion of Legal Excellence: Introducing Deputy Attorney General Samwel Maneno

Mr. Samwel Maneno is a visionary and transformational leader whose distinguished career reflects remarkable achievements, unwavering resilience, and a deep commitment to public service. His legal journey began at the National Social Security Fund (NSSF), where he served as Corporate Audit Manager before becoming Legal Manager for Corporate Affairs. His leadership, expertise, and ability to navigate complex legal and corporate environments set him apart as a key figure in Tanzania's legal landscape.

Following his tenure at the NSSF, Mr. Maneno was called to State House to serve as Personal Assistant to the President (Legal Affairs) within the President's Private Office. This prestigious position further honed his legal acumen and prepared him for his current role. On August 14, 2024, Mr. Maneno was appointed as the Deputy Attorney General of Tanzania, a role in which he continues to make significant contributions to the legal system.



Promoting Legal Excellence and Integrity

As Deputy Attorney General, Mr. Maneno exemplifies a commitment to upholding the highest standards of legal excellence and public service. His leadership has been instrumental in fostering professionalism and adherence to legal regulations among state attorneys, legal officers, and law officers across Tanzania. He has spearheaded initiatives aimed at standardizing legal duties, providing guidelines and tools to ensure uniformity and consistency in legal practices across institutions.

Mr. Maneno's dedication to capacity-building and professional development is evident in the specialized training programs he facilitates for state attorneys. His efforts ensure that Tanzania's legal professionals are equipped with the skills and knowledge necessary to meet the demands of their roles while maintaining the highest levels of integrity and efficiency.

Supporting Legislative Drafting

In addition to his responsibilities within the Office of the Attorney General, Mr. Maneno provides crucial support to the Office of the Chief Parliamentary Draftsman. His focus on creating an effective administrative framework has enabled the legislative drafting process to function smoothly, contributing to the overall improvement of Tanzania's legal infrastructure. His collaborative approach strengthens the ties between legal institutions and enhances the quality of legislative output.

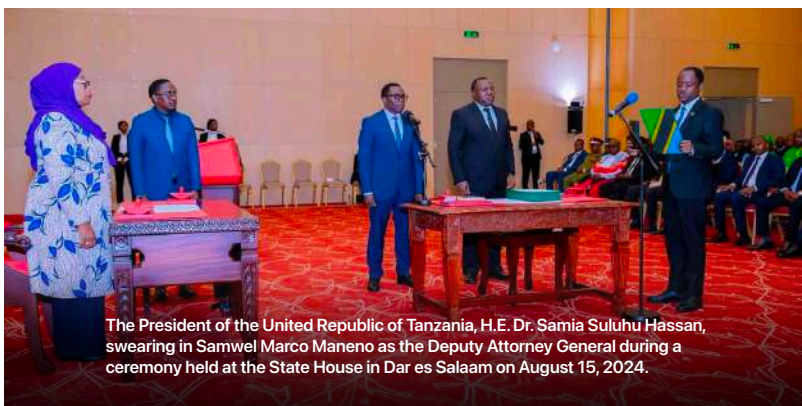
Educational Background and Professional Affiliations

Mr. Maneno's academic achievements are a testament to his dedication to lifelong learning. He holds a Bachelor of Laws (LLB) from Tumaini University, a Master of Science in Procurement and Supply Chain Management (MSc. PSCM) from Mzumbe University, and a Postgraduate Diploma in Legal Practice from the Law School of Tanzania. He has also completed advanced certifications from Harvard Business School in Negotiation Mastery, Digital Transformation, and Leading Change.

A respected member of the legal community, Mr. Maneno is affiliated with numerous professional bodies. He is a member of the Public Bar Association, Tanganyika Law Society, East Africa Law Society, and the Institute of Internal Auditors. Additionally, he is an affiliate member of the Procurement and Supplies Professionals and Technicians Board, the Institute of Directors in Tanzania, and a registered member of the Chartered Institute of Arbitrators.

Legal Expertise and Leadership

Mr. Maneno's extensive expertise covers a wide range of legal disciplines, including legal corporate affairs, public procurement governance, arbitration, public-private partnerships (PPP), and audit management for large-scale construction projects. His leadership continues to leave an indelible mark on Tanzania's legal system, shaping a future defined by fairness, excellence, and innovation.



The President of the United Republic of Tanzania, H.E. Dr. Samia Suluhu Hassan, swearing in Samwel Marco Maneno as the Deputy Attorney General during a ceremony held at the State House in Dar es Salaam on August 15, 2024.



**By Luluclara
Mutungi**

Streamlining the Legal Update, Revision, and Dissemination Processes in Tanzania: A Strategic Approach

The legislative landscape in Tanzania is confronted with the ongoing challenge of sustaining a legal framework that is both responsive and contemporaneous. Amid extensive reforms and unprecedented digital advancements globally, Tanzania stands at a critical turning point to enhance its legal system and call for a holistic approach that takes into account the unique needs of the country, including the complexities of its social, economic and political environment, to ensure the efficient and effective implementation of laws.

Laws revision is an editorial process that involves reviewing laws to incorporate all amendments and adaptations while eliminating repealed, obsolete, and unnecessary matters. This process is critical for legislative drafting, civic awareness, and economic development.

Article 59(3) of the Constitution of the United Republic, 1977 vests the Attorney General with the duty to advise the Government in all legal matters and act as the custodian of the nation's laws. Accordingly, in fulfilment of the constitutional duties, the Attorney General, vide the Office of Chief Parliamentary Draftsman, coordinates the revision and promulgation of laws and legal reforms and disseminates legal information to the public. The Laws Revision Act, Chapter 4 mandates the Attorney General through the Chief Parliamentary Draftsman to conduct periodic revision of legislation.

In discharging this mandate, the Attorney General has successfully undertaken one general Laws revision exercise in 2002 and several specific law revisions, to mention a few in 2015, 2019 and 2022. These revisions, however, have unveiled a set of persistent challenges, such as complex legal frameworks, limited resources and a notable gap in leveraging technological advancements. These challenges deleteriously impede the effective dissemination and timely updating of laws, consequently impacting the overall efficacy of the Tanzanian legal system and the sustainability of the periodic requirements as envisioned by the Laws Revision Act.

Traditional methodologies, such as the formation of technical committees and reliance on manual processes for consolidation, revision, and promulgation, have proven less efficient in a rapidly changing legal environment.

These approaches, while thorough, are time-consuming and often lag behind the pace of societal, technological and economic changes that demand quick legislative responses.

Despite the above-mentioned challenges, in 2023, the OCPD successfully completed the revision exercise involving all 446 Principal Legislation. This exercise effectively incorporated amendments to the laws up to December 2023. The Revised Edition of 2023 is expected to be launched around October 2024.

In the context of Laws revision, the notion of accessibility transcends the basic ability to access the law. It demands a nuanced approach that caters to the varied needs of a diverse spectrum of stakeholders, including legal practitioners, scholars, the general populace, and persons with disabilities. For instance, ensuring that legal documents are available in multiple formats and languages and providing assistive technologies for those with disabilities are crucial steps towards a truly accessible legal system.

Effective Laws revision and dissemination require a multi-sectoral approach, timely action, identification of the country's unique needs, and a collaborative platform with stakeholders. The opportunity lies in embracing digital transformation, block-chain technology and Artificial Intelligence (AI), which can streamline these processes and build institutional capacity to adapt and manage these changes effectively.

Ms. Rehema Musa Katuga
Assistant Chief Parliamentary Draftsman
Laws Revision Division



Over the last 15 years, many jurisdictions have moved to digital systems to manage legislation documents, underscoring the importance of data-driven decisions in legal reform. The embrace of technology in Laws revision is essential to address the needs of various law users, including the legal sector, citizens, academia, and government entities. The digital system aims to make legislation clear and accessible on the World Wide Web, presenting it in a format that suits all stakeholders.

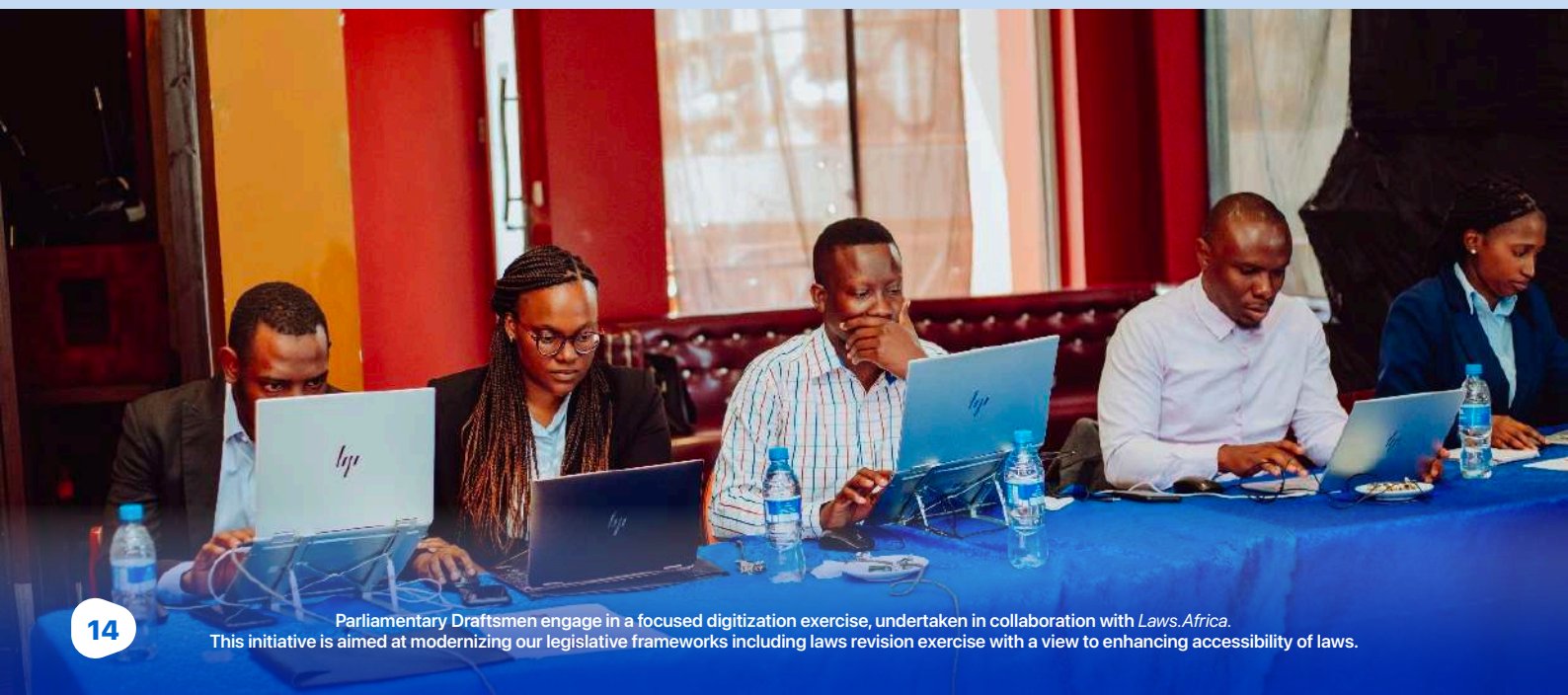
Tanzania can pave the way for a more efficient and dynamic legislative landscape and achieve significant strides in legal reform by adopting a forward-thinking approach that leverages digital solutions and fosters multi-sectoral collaboration and strategic planning

Kenya's experience in laws revision and dissemination offers valuable lessons for Tanzania. Kenya's approach, particularly over 27 years from 1995 to 2022, demonstrated the effective use of technology in consolidating and disseminating laws. This period saw the digitalisation of legal resources, making them more accessible and easier to update. The Laws of Kenya Database features unique web tools that provide a clear and accessible legislative outline, legislative history and hyperlinks to relevant information.

The way forward for Tanzania could entail a strategic integration of technology into the Laws revision and dissemination process. This initiative could encompass the development of advanced digital platforms for law consolidation, along with comprehensive online databases that facilitate seamless access to updated laws. Additionally, Tanzania should embrace, albeit carefully, cutting-edge technologies such as AI and machine learning to track amendments and revisions, which have the potential to significantly enhance efficiency.

Ensuring these digital tools are equipped with user-friendly interfaces will be key to their successful adoption and utilisation. Furthermore, fostering a culture of continuous learning and adaptation within legal institutions is crucial, and collaborative efforts, both within the country and with regional counterparts, can provide avenues for knowledge exchange and the development of best practices in legal reform.

Generally, optimising the legal system through improved dissemination, updating, and revision of laws is crucial and challenging, hence the need to address the inherent complexities of the legal framework and resource constraints. Tanzania can pave the way for a more efficient and dynamic legislative landscape and achieve significant strides in legal reform by adopting a forward-thinking approach that leverages digital solutions and fosters multi-sectoral collaboration and strategic planning.

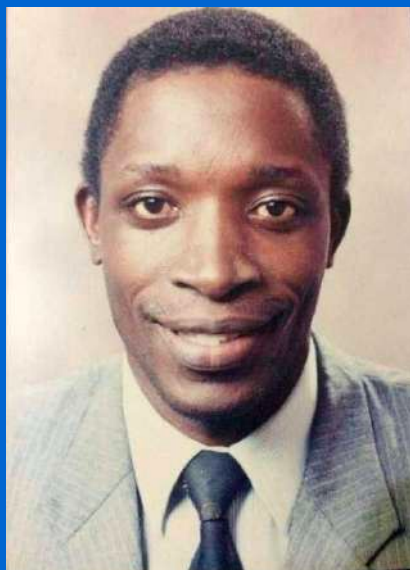




Mr. Chikombolero Gudlaga, Digitisation of Laws Expert from Laws.Africa, alongside our very own Mr. Vincent Masalu, Parliamentary Draftsman, during a high-level technical session held in Arusha. The session convened in collaboration with stakeholders from the public and private sectors, development partners and legal information experts, focused on advancing the digitisation of laws to enhance public access to laws as part of ongoing legal sector reforms.

The Master Blueprint: **Siegfried Kato Byarugaba Lushagara's Enduring Legacy**

By Kabyebemera Lushagara



Siegfried Kato Byarugaba Lushagara stands as an eminent figure in Tanzania's legal history, laying the groundwork for much of the country's legislative transformation. His career as Chief Parliamentary Draftsman spanned momentous decades of political liberalization, economic reform, and governance enhancement. His enduring legacy is embedded in the laws that continue to shape Tanzania today, making him the veritable architect of the nation's legal foundation.

Early Life and Education

Born on August 2, 1949, in Bugombe Village, Kagera Region, Siegfried was the third child of his family, with two elder siblings, Winifreda and Maximilian. His educational journey began at Bugombe Primary School before moving on to Rubya Seminary in the same region, where he completed his Ordinary Level Education. Eager to further his studies, he attended Kibaha High School for his Advanced Level Education from 1968 to 1969. His academic excellence paved the way to the University of Dar es Salaam, where he pursued a Bachelor of Laws (LL.B. Hons.) from 1970 to 1973. It was here that Siegfried Lushagara laid the foundation for his legal career, which would leave an indelible mark on Tanzanian legislation.

Career Development & Rise to Chief Parliamentary Draftsman

After his graduation in 1973, Mr. Lushagara began his career at the Attorney General's Chambers. Initially, he worked in the Directorate of Public Prosecutions before transitioning to the Directorate of Legislative Drafting as a Parliamentary Draftsman. His expertise grew further in 1977 when he attended a legislative drafting course in Nairobi, Kenya. This course was particularly significant as Tanzania was experiencing an urgent need for skilled individuals in the field of legislative drafting.

In 1978, following the sudden departure of his predecessor, Mr. George Liundi, Mr. Lushagara was appointed Acting Chief Parliamentary Draftsman. He excelled in this role, displaying remarkable leadership, intelligence, and resilience. His confirmation as Chief Parliamentary Draftsman in 1983 solidified his position as a central figure in Tanzanian legislative drafting, a role he held with distinction until his death in 2002.

Key Achievements as Chief Parliamentary Draftsman

During Mr. Lushagara's tenure, Tanzania underwent significant political liberalization and governance reforms. He played a crucial role in drafting key legislation that facilitated the transition from a one-party system to a multiparty democracy. The Political Parties Act of 1992 and subsequent Constitutional Amendments were pivotal in this transformation. Similarly, his work on the National Elections Act of 1995 helped establish procedures for free and fair elections, further strengthening the country's democratic processes.

Notably, Mr. Lushagara contributed to the 13th Constitutional Amendment in 2001, which abolished the Permanent Commission of Enquiry (PCE) and established the Commission for Human Rights and Good Governance (CHRAGG). His contributions also included the Bill of Rights in 1984, significantly enhancing governance and human rights in Tanzania.

From drafting transformative laws to mentoring the next generation of draftsmen, his influence continues to shape the legal frameworks that govern Tanzania today. His work endures as a Master Blueprint, a foundation for the country's legal future

Economic Reforms & Legislative milestones

Mr. Lushagara was instrumental in drafting legislation that facilitated Tanzania's economic liberalization in the 1980s and 1990s. His work on the Investment Act of 1997 provided a favorable environment for foreign and local investments, while the Land Act and Village Land Act of 1999 created a comprehensive legal framework for land tenure and administration.

One of his landmark achievements was the establishment of the Tanzania Revenue Authority (TRA) in 1995. Prior to its formation, tax collection was inefficient and fragmented; hence, his drafting of the TRA Act helped modernize tax collection, centralize revenue services, and enhance governance.

Anti-Corruption Efforts & Public Sector Reforms

Among Mr. Lushagara's significant achievements was his involvement in anti-corruption efforts, drafting the Prevention of Corruption Act of 1985 and supporting the establishment of the Prevention and Combating of Corruption Bureau (PCCB). Additionally, the Public Service Act of 2002, which he helped draft, improved efficiency, accountability, and transparency in the public sector.

His work extended to social legislation as well, where he played a key role in drafting the Law of the Child Act of 1991 and the Sexual Offences Special Provisions Act of 1998, further solidifying his contribution to legal reforms in Tanzania.



Capacity Building & Leadership

Mr. Lushagara was not only focused on legislation but also on building the capacity of the Directorate of Legislative Drafting, which was then only equipped with five draftsmen. Recognizing the need for growth, he worked tirelessly to recruit and train new draftsmen, with a strong commitment to gender equality by hiring several women. His belief in empowerment over command left a strong and capable team as his legacy.

Through his efforts, Tanzania's legal frameworks were comprehensively updated, particularly through projects like the Financial and Legal Management Upgrading Project (FILMUP). His leadership style, valuing teamwork and collaboration, made him a respected figure among his colleagues and within Parliament.

Mr. Lushagara contributed to the 13th Constitutional Amendment in 2001, which abolished the Permanent Commission of Enquiry (PCE) and established the Commission for Human Rights and Good Governance (CHRAAGG)."

Personal Life & Legacy

Beyond his professional accomplishments, Mr. Lushagara was a devoted family man and a man of deep faith. He was married to Praxeda, a retired teacher, and together they raised three children, some of whom followed in his footsteps, becoming lawyers themselves. He was also a respected elder in Tanzania Pentecoste Church, where his generosity and dedication to the church community were well known. A lover of reading, he accumulated a large collection of books on law and religion. His personal and professional lives were guided by principles of dedication, leadership, and service.

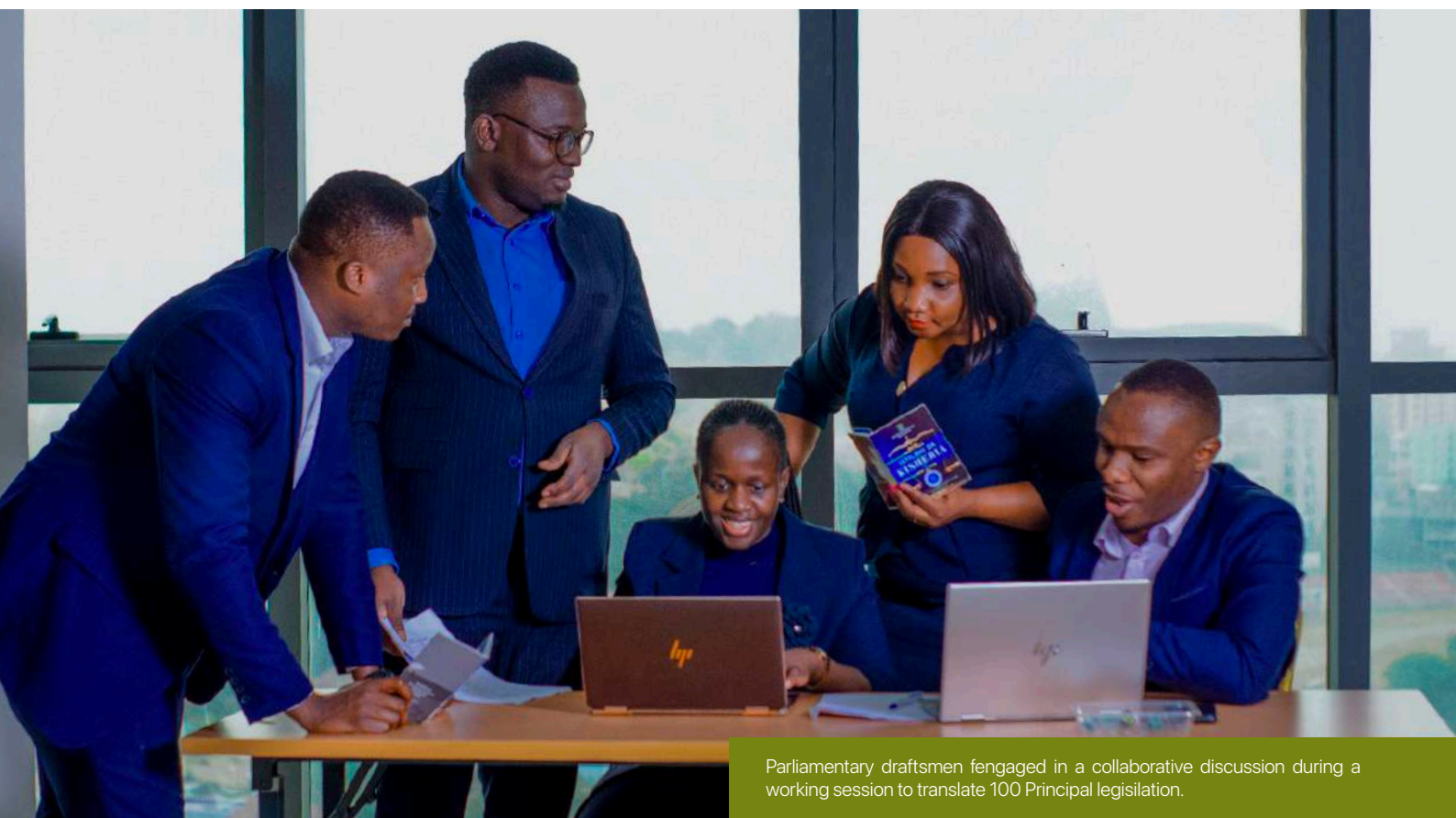
Siegfried Kato Byarugaba Lushagara passed away in 2002; however, his legacy endures. His legal expertise, mentorship, and contributions to Tanzania's legal system continue to inspire the legal profession in the country. His exemplary service was recognized with several awards, including the prestigious "Nishani ya Utumishi Uliotukuka," awarded posthumously in 2003 by President Benjamin William Mkapa.

ABOUT THE AUTHOR

Kabyemela Sunshine Lushagara is a seasoned Senior State Attorney with extensive experience in law and governance, currently serving at the Office of the Attorney General in Dodoma, Tanzania. With a robust academic background, Lushagara holds a Master of Arts in Revenue Law and Administration from the University of Dar es Salaam, a Postgraduate Diploma in Legal Practice from the Law School of Tanzania, and a Bachelor of Laws from Tumaini University. His legal career is marked by a specialization in contract negotiation, management of agreements, revenue and tax law administration, and corporate governance.

Use of Kiswahili in Legislation: **Tracing our roots and bridging the gap to accessible justice**

By Shaban Kabunga & Mariam Possi



Parliamentary draftsmen engaged in a collaborative discussion during a working session to translate 100 Principal legislation.

Language plays a crucial role in governance, legislation, and justice, as it is the medium through which laws are made, understood, and communicated. In the pre-colonial era, ethnic groups in Tanzania were using their native languages, and it was not until the 10th Century that Kiswahili was introduced as a result of interactions with Arab traders from trading in slaves, ebony, silver and ivory in the Coastal regions. By the 19th Century, Kiswahili rapidly spread across the country, with over 90 per cent of the population speaking Kiswahili.

In the 1880s, German colonialists promoted the widespread use of Kiswahili for administrative purposes while the German language was taught in schools. However, after World War I, the British assumed control of Tanganyika, marking the beginning of English as the country's designated official language. During the British colonial period, Indian statutes were either directly applied or adapted for use in Tanganyika.

The choice to use Indian laws was often pragmatic as they were seen to be in *pari matiria* to those of Tanganyika, as compared to English laws. The transition was officiated by The Tanganyika Order in Council, 1920, which facilitated the establishment of the English legal system as a replacement for the pre-existing German laws.

The transition to English as the leading language in Tanzania's judiciary, legislative drafting, and higher education solidified the influence of the English legal and linguistic system in the country's post-independence era. Despite the majority of citizens communicating in Kiswahili, laws were drafted in English, leading to a disconnect in understanding, accessing, complying with, and engaging with the legal system for many ordinary citizens.

The disconnect between the language of enacting legislation and the Kiswahili language, which was mostly used by ordinary citizens in communicating, prompted Government leaders to consider a transition. This led to the Parliamentary decision on 10th December 1963, which declared Kiswahili as the official language of the Parliament.

Furthermore, some laws, such as the Constitution of the United Republic, 1977, the Marriage Act Chapter 29, the Newspaper Act, No. 3 of 1976 and the Weather Forecast Act, No.6 of 1978, were enacted in Kiswahili.

The year 2021 was a defining moment for the use of Kiswahili in the laws when the government passed a decision that all laws were to be enacted in Kiswahili. This was through the amendment of the Interpretation of Laws Act, Chapter 1 through the Written Laws (Miscellaneous Amendment) Act No. 1 of 2021, by declaring Kiswahili as the language of the law and all decision-making bodies. The amendment was fashioned such that from April 2021 onwards, newly enacted laws shall be in the Kiswahili language, and laws enacted in English ought to be translated into Kiswahili.



Ms. Charity Rangi, Senior Law Reviser and Ms. Mariathereza Kamugisha Parliamentary Draftsman translating legislation in one of a translation exercise.

Before 2021, the Office of Chief Parliamentary Draftsman focused on translating specific laws at the user's request. An average of 15 to 20 Principal Laws and 25 to 30 Subsidiary Laws were translated each year. From 2021, the Office embarked on a journey to translate into Kiswahili all legislation enacted in English.

The Office prepared a strategy for translating all 446 principal legislation and enhancing the translation capacity of legislative drafters for the year 2023, an exercise that is to commence later this year. It is expected that by December 2024, all 446 principal legislations will have been translated, reviewed, and published in the Government Gazette.

The transition from English to Kiswahili was indisputably necessary for our legal system; however, the proper translation of laws is a meticulous and challenging process. For instance, legal language is very precise, and translations may not fully capture the exact meaning, concepts, or implications of the original laws. Translating legal texts requires a significant investment in time, manpower, and finances.

It is expected that by December 2024, all 446 principal legislations will have been translated, reviewed, and published in the Government Gazette

About the author

Shaban Kabunga is a Senior Legislative Draftsperson and State Attorney. He heads the Regional Community Laws Desk within the Office of the Attorney General - Legislative Drafting Division and actively contributes to regional legislative harmonization efforts. He has over 14 years of experience in drafting legislative instruments and has played a key role in treaty preparation and parliamentary ratification processes. He has extensive expertise in constitutional law, public service, natural resources, and finance.

Mariam Possi is a State Attorney and Parliamentary Draftsman, she is currently a member of the Quality Assurance Desk and the Division's Risk Champion.



During any major transition, there is a risk of legal ambiguities arising due to inconsistencies between old and new systems or translation discrepancies. Politics also plays a crucial role in any major transition. In a bid to counter the challenges expressed above, the OCPD has prepared tools such as Istila-hi za Kiswahili to aid legislative drafters in conducting effective translation.

It also conducts internal capacity-building programs to equip legislative drafters with knowledge and necessary skills. Furthermore, the OCPD intends to establish translation systems and software to streamline the translation exercise.

In conclusion, the journey of Kiswahili in Tanzania is more than just the story of a language. It is a reflection of a nation's identity, resilience, and aspiration to empower its people through accessibility and clarity in governance and justice. The steps taken in recent years to promote Kiswahili's role in the legislative framework are commendable and serve as a beacon for other nations to embrace their indigenous roots. In a more international sphere, the recognition and adoption of Kiswahili by prominent regional African organisations have happened over different timelines, underscoring its growing pan-African significance.

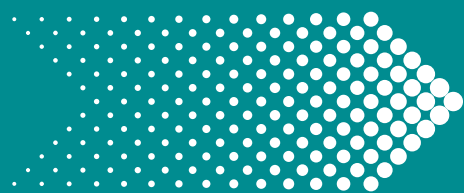


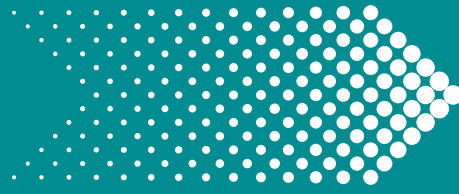
Mr. Said Nzori, presenting about key things to consider in translation of law and the difference between translation of law and interpretation of law.

In the Spotlight



From left to right: Hon. K. Mshomba, Deputy Registrar of the High Court of Tanzania, Mrs. Rehema Katuga, Assistant Chief Parliamentary Draftsman, Mr. Onorius J. Njole, Chief Parliamentary Draftsman, Mr. Nicodemus P. Chuwa, Assistant Chief Parliamentary Draftsman, and Mr. Shabaan Kabunga pose with officers from the Office of the Attorney General following a comprehensive training session for state attorneys.





Hon. Hamza S. Johari chaired the inaugural workshop on the Law Revision Manual with notable figures like Chief Parliamentary Draftsman Onorius J. Njole, High Court Judge Ubena John Agatho, former Chief Parliamentary Draftsman Sarah Barahamoka, and other distinguished legal professionals.



In an engaging roundtable discussion, Mr. Philemon Mrosso, Mrs. Veronica Katwale, and Ms. Luluclara Mutungi, draftsmen from the Office of the Chief Parliamentary Draftsman, deliberate on the transformative benefits of digitizing legislation in Tanzania.



Indian Ambassador H.E. Bishwadip Dey visited the Attorney General's Office in Dodoma, welcomed by Mr. Onorius J. Njole on behalf of the Attorney General, to discuss Tanzania-India cooperation.



George Masero, Parliamentary Draftsman (first from left) and Hassan Kigulugulu a Senior Parliamentary Draftsman (third from right) attending the 10th African Union Specialised Technical Committee on Justice and Legal Affairs at Zanzibar.



Kurt de Freitas Acting Attorney General of Anguilla and participants of the Consolidation of Laws Programme held by the Regional Laws Revision Centre. The Programme was attended by Erasto Phiri, Senior Librarian (second left) and Vincent Masalu, Parliamentary Drafter (third right).



Mr. Charles Nduku, corporate trainer and life coach, with staff of the Attorney General's Office – Legislative Drafting Division, leading a program on personal branding and culture transformation.

Spotlight



Parliamentary Draftsmen alongside Law Revisors and Librarians proudly display their certificates of successful completion of a specialized course on Digitisation and Revision of Legislation, conducted by Law.Africa in collaboration with the University of Cape Town.



Ms. Rehema Katuga, Assistant Chief Parliamentary Draftsman, speaks to country representatives at the "Sustainability of Open Access to Law in Tanzania" conference hosted by Laws.Africa in collaboration with GIZ Germany at Dar es Salaam.



From left to right: Parliamentary Draftsman, Mr. Vincent Masalu; Senior Public Relations Officer at TASAC, Ms. Mariam Nwayela; Parliamentary Draftsman, Ms. Mariathoreza Kamugisha; and Mr. Alfred Kanani, keenly engage in a lively discussion during a working meeting on strategic public relations with respect to the newly established Office of Chief Parliamentary Draftsman.



From left to right: Commissioner of Budget, Mr. Meshack Anyingisye, Former Solicitor General, Dr. Boniface Luhende, Chief Parliamentary Draftsman, Mr. Onorius J. Njole, and Former Chief Parliamentary Draftsman, Mr. Casmir Kyuki, keenly follow a presentation during the Bespoke Training, specially designed for State Attorneys, conducted from May to June 2024.



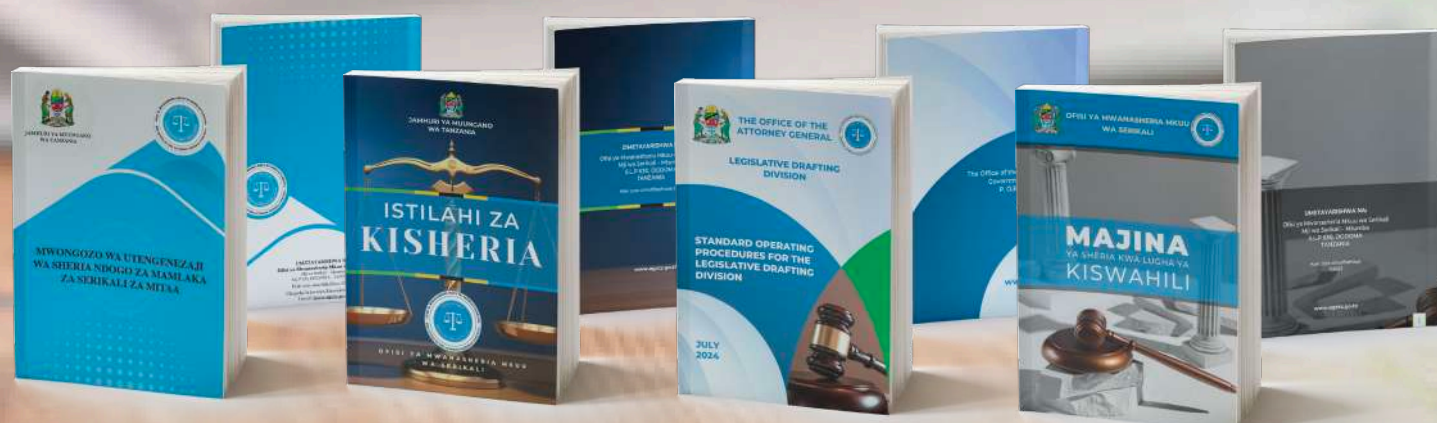
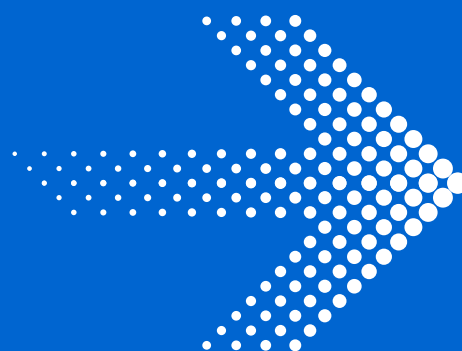
When we talk of synergy — this is what we mean. Our people, from different walks of life and professions, captured in one powerful frame. From left to right: Ms. Evangelina Manyama, Mr. Erasto Phiri, Mr. Said Nzori, Ms. Chresencia Mathayo, Mr. Gwakisa Mtauchila, and last but not least, Ms. Rehema Katuga.



Hon. Hamza Johari, The Attorney General together with the Minister of Foreign Affairs attending the EAC Council of Ministers where the Council considered the proposed amends to the Treaty on the Establishment of the East African Community.



The Art of Legislative Drafting



The Art of Legislative Drafting

The Million Dollar Comma: How a Tiny Punctuation Mark Cost a Fortune?

Contracts are serious business. Every word, every clause, and apparently every comma matters. Few cases demonstrate this better than the infamous Million Dollar Comma case, where a simple punctuation mark ended up costing Rogers Communications nearly \$1 million in revenue. It's the kind of story that reminds us how a seemingly insignificant detail can unravel even the most carefully planned agreements.

The Setup: A Deal on Utility Poles

Back in the early 2000s, Rogers Communications struck a deal with Bell Aliant over the use of utility poles for their telecommunications infrastructure. The agreement, on the surface, seemed straightforward: Rogers would use Bell Aliant's poles for five years, with automatic renewals for successive five-year terms unless someone wanted out. Simple enough, right?

But buried in the contract was a ticking time bomb; one misplaced comma that would blow up the agreement and launch a legal battle. Here's the fateful clause at the heart of the dispute:

"This agreement shall continue in force for a period of five years from the date it is made, and thereafter for successive five-year terms, unless and until terminated by one-year prior notice, or either party may terminate the agreement upon notice in writing not less than one year prior to the expiration of the first or any subsequent term."

A closer look at the seemingly straightforward sentence reveals a 'comma' before the word "unless." It's that little mark that caused the entire case to spiral out of control.

Two Sides, Two Interpretations

Rogers' Take: The Safe and Sensible Version

Rogers Communications interpreted the contract that:

- The agreement is for five years.

This section is dedicated to informing our readers about key concepts in legislative drafting. The section explores the Million Dollar Comma case, a prime example of how even minute details, like punctuation, can have significant legal and financial consequences.

- If either party wants out, they have to give one year's notice before the five-year term ends.
- No early exits. The contract is locked in for the full five years unless notice is given at the right time.

In their eyes, the comma was just part of a standard termination clause and nothing unusual. They believed the contract was designed to last for five-year terms, with no wiggle room for mid-term termination.

Bell Aliant's Take: The Comma Means Freedom!

Bell Aliant, on the other hand, had a very different interpretation. Thanks to that comma before "unless," they argued that the clause allowed them to terminate the contract at any time, as long as they gave one year's notice. According to their reading:

- They didn't have to wait for the five-year term to end.
- The comma gave them flexibility to terminate whenever they wanted—not just at the end of each five-year period.

In their view, the comma separated the right to terminate from the five-year term structure, giving them a much looser, more flexible exit strategy.

The Court's Verdict

The court took a deep dive into the grammar and ultimately sided with Bell Aliant. The ruling? The comma before "unless" allowed for termination at any time, not just at the end of a term. And with that, Rogers Communications' carefully planned five-year contract fell apart. The outcome being a financial fallout of a hefty \$1 million in lost revenue for Rogers, thanks to their mistaken belief that the contract was ironclad for five years.

How a Tiny Comma Made a Big Impact

So, why did this little comma create such a huge problem? Here's the crux of it:

- Without the comma, the sentence would clearly mean that notice to terminate could only be given before the end of a five-year term.
- With the comma, the sentence could be read to mean that termination could happen at any point during the contract, as long as one year's notice was given.

That single comma created enough ambiguity to allow Bell Aliant to argue their case and win. What Rogers thought was a simple, clear contract turned out to be open to interpretation, all because of a tiny punctuation mark.

Lessons Learned: Contracts, Clarity, and Commas

The Million Dollar Comma case is more than just an amusing anecdote for law students or a grammar cautionary tale. It highlights a critical truth in legal drafting, "precision matters". Every word, every punctuation mark, can have a real-world impact on how contracts are enforced.

It's a lesson for lawyers, businesses, and anyone signing on the dotted line: never underestimate the power of a comma! That little dot and squiggle can mean the difference between a five-year deal and a contract that can be ended at a moment's notice.

The Million Dollar Comma case serves as an informative and sobering reminder of how small details can lead to big consequences. In the end, Rogers Communications learned the hard way that even a seemingly trivial drafting error can come back to haunt you. For Bell Aliant, that comma was a ticket to an early exit and a big win in court.

So, next time you're drafting or signing a contract, take a closer look at the punctuation. It might just save you a million dollars.

The Critical Role of Public Engagement in the Legislative Process

The essence of democratic governance is deeply rooted in public participation. This crucial element empowers citizens to actively engage in the decision-making process, thereby bestowing legitimacy upon legislation while simultaneously nurturing a culture of transparency and fostering a solid foundation of trust. Public engagement, as conceptualised by the International Association for Public Participation (IAP2), is the complex notion of involving those impacted by decisions in the decision-making journey itself. The principle of public engagement is fundamental to the democratic system and serves as evidence of its legitimacy.

The sanctity of public participation is enshrined in Article 21(2) of the Constitution of the United Republic, 1977, guaranteeing citizens the right to actively engage in shaping decisions that affect their individual and collective well-being. The essence of public participation in legislative drafting is not merely about hearing the populace's voice but equally about integrating their perspectives into the legislative fabric, ensuring that the laws reflect the collective wisdom and practices of the stakeholders.

About the author



George B. Masero is a Parliamentary Draftsman who has been pivotal in developing laws addressing key national and regional issues. As a member of the Regional Community Laws Desk, he collaborates with legal experts from the EAC, SADC, and AU to resolve legal challenges and promote legal integration.

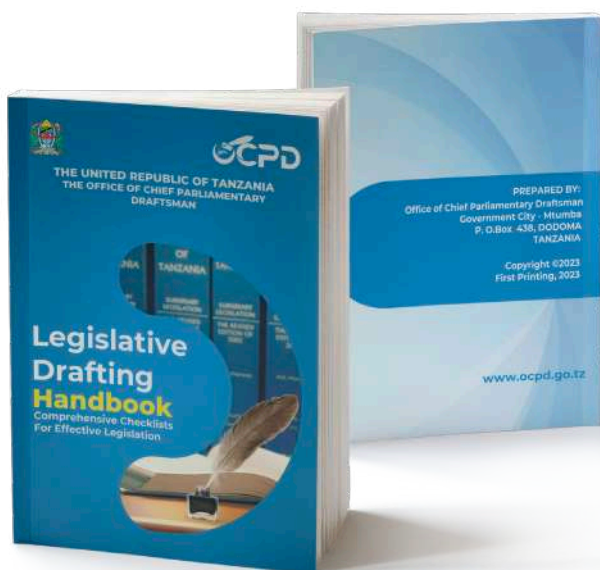
“Public engagement in legislative drafting is a pillar of a democratic system that ensures the attainment of legitimate, publicly owned and functional legislation.”

Public engagement, in the context of legislative drafting, manifests in two primary forms. The initial form is orchestrated by the Government during the preparation of Cabinet papers for a proposal to draft new legislation. At this stage, the portfolio Ministry engages different institutions to provide opinions regarding the proposed legislation. The underlying rationale for this consultative process is to ensure coherence and prevent jurisdictional overlaps among government bodies, particularly in areas such as levy implementation where multiple regulatory authorities might have intersecting interests.

The second form commences with the first reading of the bill in accordance with Order 96 of the Parliamentary Standing Orders of 2023. Subsequently, the Speaker of the National Assembly directs the bill to an appropriate Parliamentary Committee for detailed scrutiny, as outlined in Order 97. This Committee stage is crucial for public input, as the Parliament invites stakeholders and the general public to express their opinions during public hearings of the bill.

Public engagement is essential, particularly for legislation that directly affects the interests or affairs of individual citizens. In Tanzania, this is exemplified by the public engagement efforts in the enactment of significant laws such as the Referendum Act, the Media Services Act, the Constitutional Review Act, the Universal Health Insurance Act and the recent electoral laws. To further solidify the mandatoriness of public engagement in 2018, the Constitutional Court of Kenya invalidated the Contempt of Court Act of 2016, citing the absence of public participation as a critical flaw and highlighting the profound impact of the public's voice in legal frameworks. Also, the Constitutional Court of South Africa, in the case of **Doctors for Life International v. the Speaker of the National Assembly & Others**, held that the Parliament failed to uphold its constitutional obligation to facilitate public involvement before passing the Choice on Termination of Pregnancy Amendment Act and the Traditional Health Practitioners Act.

As the saying goes, every coin has two sides; despite the significance of public engagement, it still has its demerits, which include political agendas and motivations. This is a demerit that strongly disarms the essence of public engagement, as politicians use it to spread and influence the public on their political agendas, beliefs, and affiliations. This is among many reasons why most people in power do not conduct public engagement accordingly or rather limit it. Regardless of the stated demerits, public engagement in legislative drafting is a pillar of a democratic system that ensures the attainment of legitimate, publicly owned and functional legislation.



Quality assurance as a tool for quality legislation

The term "quality" is a relative term. It depends on a number of factors. To assess whether something is of good quality, you need to examine its characteristics. Quality can be gauged by comparing one object to another. In legislative drafting, scholars agree that quality legislation should be precise, clear, consistent, coherent, effective, and accessible. Other scholars have attempted to assess quality in terms of the process, substance and form.

Legislative drafting is a specialised form of legal writing that involves creating and formulating laws. It is a meticulous process through which legal professionals, often legislative drafters or legal experts, craft language to be enacted as legislation by a governing body. This intricate art aims to transform policy objectives and societal needs into clear, effective, and enforceable legal provisions.

About the author



Bavoo Anatoly Junus is a Senior Parliamentary Draftsman. He heads the Quality Assurance Desk within the Office of the Attorney General - Legislative Drafting Division and actively contributes to criminal justice reforms as a member of the Criminal Justice Sub-Committee Secretariat. He is also a prolific writer and a GENOS-certified emotional intelligence coach and has authored numerous publications in criminal law, criminology, legislative matters, taxation, and intellectual property.

The purposes of legislative drafting are multifaceted and essential to the functioning of a legal system. It seeks to provide clarity and precision in the expression of legal rules. Ambiguous or vague language can lead to misinterpretation, legal uncertainty and disputes; hence, legislative drafters should strive to create laws that leave little room for ambiguity, ensuring a more predictable and consistent application of the law.

Another fundamental purpose is to promote accessibility and understanding of laws. Laws are meant to be comprehensible to the general public and legal professionals alike. Through careful selection of language, structure, and format, legislative drafters enhance the accessibility of legal texts, making them more understandable to those who need to comply with, enforce, or interpret the law.

Quality Assurance is a systematic process that ensures products or services meet specified requirements by putting in place mechanisms to prevent defects or errors in the development or manufacturing process."

Also, it serves the purpose of aligning legal norms with societal values and policy objectives. As societal needs evolve, laws must adapt to address new challenges and opportunities. Legislative drafters play a crucial role in translating these evolving priorities into effective legal frameworks that reflect the values and aspirations of the community.

Furthermore, legislative drafting aims to ensure coherence and consistency within the legal system. Drafters must consider existing laws and legal principles through careful analysis and integration of legal norms to avoid conflicts or contradictions, as their role contributes to a harmonious and well-functioning legal framework.

Therefore, legislative drafting is a vital component of the legal process, facilitating the transformation of policy goals into enforceable laws. The precision, accessibility, alignment with societal values, and coherence provided by effective drafting are indispensable elements for the functionality and legitimacy of any legal system.

Quality Assurance is a systematic process that ensures products or services meet specified requirements by putting in place mechanisms to prevent defects or errors in the development or manufacturing process. It is a proactive approach to quality management that involves planning, implementation, assessment and continuous improvement. Quality Assurance plays a vital role in the legislative drafting process, serving as a safeguard to enhance the overall quality, accuracy and effectiveness of the drafted legislation.

Quality Assurance focuses on maintaining consistency and uniformity in legislative texts. Drafters must ensure that the terminology and language used are consistent throughout the document and align with existing legal frameworks. This consistency is essential for legal professionals and citizens alike, providing a reliable foundation for interpreting and applying the law.

Quality Assurance processes in legislative drafting are designed to ensure compliance with established legal principles and constitutional requirements. They help identify any provision that may conflict with the principles of due process, equal protection, and constitutional rights, thus preventing potential legal challenges. They also help identify potential unintended consequences or conflicts that may arise from the proposed legislation. By thoroughly reviewing the draft, quality assurance processes mitigate the risk of creating laws that contradict existing statutes or legal norms.

Quality Assurance extends beyond the drafting phase and considers the practical implications of implementing the proposed laws. It addresses issues related to enforceability, administrative feasibility and the potential impact on various stakeholders. By anticipating challenges and streamlining implementation, it enhances the effectiveness of the legislative process.

Formulation of quality legislation is vital to ensure that the law is clear and understandable. Various measures can be employed to ensure the formulation of quality legislation. For instance, peer review, which subjects legislative drafts to reviews by peers and experts in the field, aids in identifying potential issues and ensures that the legislation aligns with legal principles and policy objectives.

Similarly, engaging stakeholders, including legal experts, affected industries, and the public, provides valuable input and perspectives in draft legislation. Such a collaborative approach helps refine legislation and address potential concerns.

Quality Assurance can also take the form of simulation and technical review sessions. Conducting technical reviews, including proofreading, roundtable discussions, and legal and linguistic analysis, helps identify any technical errors, inconsistencies, or areas requiring clarification. Simulating the application of the legislation in real-world scenarios helps identify practical challenges and refine the language to address potential issues before the law is enacted.

As the foregoing discussion reveals, Quality Assurance plays a crucial role in ensuring that legislation is not only of the quality envisaged but also accessible, comprehensible, and implementable. To attain this outcome, a number of measures and strategies need to be deployed. Quality assurance, therefore, is considered an effective tool in the modern legislative drafting arena and a revolving process. Therefore, it should be embraced throughout the legislative process and even after the enactment of legislation.

Q&A with the drafters



Interview with James Lekey Parliamentary Draftsman

1. What motivated you to pursue a career in legislative drafting?

When I started to pursue legal studies, I became more interested in legislative drafting. I am passionate about being a legislative drafter because it is a career that gives me an opportunity to draft laws for the country. It would also make me more conversant with laws and the circumstances surrounding their enactment. I desire to see my work contribute to the nation's development.

2. Can you describe a typical day in your role as a legislative drafter? What are the key tasks and challenges you encounter?

My role as a legislative drafter is to prepare Bills to be submitted to the National Assembly, draft subsidiary legislation, vet subsidiary legislation, prepare professional advice relating to enacting laws, and peruse drafting instructions. The main challenge in this career is working in a high-pressure environment since there are so many activities to be done within a limited time.

3. In your view, what is the most rewarding aspect of being a legislative drafter?

The most rewarding aspect is seeing a bill I have worked on become a law. Knowing that my effort has a real-world impact and contributes to the nation's development is incredibly satisfying. Honestly, it's a standing ovation moment for a fine legislative drafter like myself.

4. What has been the most surprising aspect of working in legislative drafting that you didn't anticipate before joining?

Before joining legislative drafting, I didn't anticipate that the working circumstances would be complex and demanding. I thought that drafting instructions would be given on time to allow the drafter enough time to research and prepare the bill. Unfortunately, the drafting instructions are given in a short time, with no time for research and preparation, hence the high pressure of work.

5. What is the biggest misconception people have about the legislative drafting profession?

Essentially, people confuse legislative drafting with law-making. They think legislative drafters are the lawmakers, while in reality, lawmaking is the inherent function of the parliament, and the legislative drafter merely assists the parliament in putting its enactments in good order.



Interview with Abdulswabury Shomary Parliamentary Draftsman

1. What motivated you to pursue a career in legislative drafting?

I was enthusiastic about knowing the law in its entirety, so I pursued a career in legislative drafting. I believed my thirst for legal knowledge would be well quenched since the career affords an opportunity to understand the law (piece of legislation) from its inception to its expiry.

2. Legislative drafting can be complex and demanding. How do you stay motivated and manage stress in this high-pressure environment?

I manage to remain stress-free and motivated despite the demanding nature of the working environment by first prioritising my tasks and managing my time efficiently. I also make sure that I work closely and in a friendly way with colleagues to share my workload and perspectives.

3. In your view, what is the most rewarding aspect of being a legislative drafter?

If the question were for the owners of the manufacturing industry, they could tell you that they are only pleased to see the market flooded with top-quality products sold at a very handsome price and that the customers are in great demand for them. However, for us drafters, the most rewarding aspect is seeing the tangible impact of drafted legislation on society and the legal system because that is our product.

4. What advice would you give to individuals aspiring to enter the field of legislative drafting?

Frankly, I would advise them to develop excellent research, analytical, and writing skills, among other things, and to make sure they do not miss an opportunity to gain practical experience through internships or clerkships before embarking on a career in legislative drafting, as this would make their lives at work a bit easier.

5. What has been the most surprising aspect of working in legislative drafting that you did not anticipate before joining?

The level of respect accorded to the legislative draftsmen: In my few years of experience in legislative drafting, I have lived to witness that legislative drafting is one of the disciplines which is less familiar to many yet has become one of the most respectable disciplines to the people and institutions enjoying its services, where its respectability is highly associated with the end product of its day to day activities which impacts the society in great measure.

5. Can you share an experience where you felt your work significantly contributed to legislative reform or social change?

Yes, I can briefly share that experience by first admitting that I happened to take part in the preparation of a bill which included the amendments of the Advocates Act, where the amendments, among other things, intended to abolish the practice by non-advocates or unqualified person by increasing the penalty for whoever found guilty of such an offence; owing to that proposed amendment I felt a sense of accomplishment as I believed that it would lead to positive legal changes or social improvements.



Interview with Loveness Nyumayo

Parliamentary Draftsman

1. Can you describe a typical day in your role as a legislative drafter? What are the key tasks and challenges you encounter?

The role of a legislative drafter begins with legal research and a thorough understanding of laws such as the Constitution, Interpretation of Laws Act, Laws Revision Act, Public Service Act and Public Service Standing Orders; these ground norm laws stand as your guidance in performing daily task and doing in house assigned task from legal advisory, meetings with stakeholders, vetting of subsidiary legislation and drafting of bills. Again, seeking legal consultation with senior colleagues for guidance on complex legal matters. Last, review your assigned tasks to check the accuracy, consistency and adherence to in-house rules. Legislative drafting can be intellectually challenging, requiring an understanding of complex legal concepts, meeting tight deadlines, and the need for swift legislative responses to emerging issues can create time pressure. All these need a legislative drafter to be innovative, skilled and knowledgeable.

2. How well has your previous experience or academic background prepared you for this role?

A strong working experience and legal foundation have been a great advantage in legislative drafting since they have honed my communication skills, both written and verbal, research skills, and ability to analyse legal matters. To be a good legislative drafter, one often needs a combination of legal education, practical experience, and professional development through continuous learning and adaptability to legal development.

3. Legislative drafting can be complex and demanding. How do you stay motivated and manage stress in this high-pressure environment?

Prioritising tasks based on urgency and importance, where possible, applying the FIFO method in managing office tasks: first in, first out. Fostering open communication with colleagues by sharing insights, seeking advice, and working together on challenging tasks can help distribute the workload and reduce stress.

4. In your view, what is the most rewarding aspect of being a legislative drafter?

Seeing the tasks I have been assigned come to completion is the most rewarding experience. Seeing a bill progress through the legislative stages and eventually become law was immensely gratifying. Again, it is in a team that is so firm that every colleague makes efforts to leap over one another for the good reputation of the office. Celebrating the small and great office wins as a team is so rewarding that you can't distinguish if it was an individual task or teamwork. We all win.

5. What advice would you give to individuals aspiring to enter the field of legislative drafting?

I encourage individuals who aspire to be legislative drafters to pursue their dreams when the opportunity knocks on their doors. All they need is a comprehensive understanding of the legislative process. Legal experience and work experience are phenomenal advantages. They should also be adaptive to changes and innovative, as legislative drafting demands these abilities.

6. What has been the most surprising aspect of working in legislative drafting that you did not anticipate before joining?

Working with different stakeholders, including policymakers, legal experts, and interest groups, can be more extensive than anticipated. Achieving consensus and addressing diverse perspectives can be challenging. A drafter needs to be bold and firm to achieve rewarding results.

Again, in drafting legislation, for instance, a bill may be subject to public scrutiny and debate. The impact of laws on the public can be significant. I experienced how drafters navigate public opinions and respond to public needs.

7. Can you share an experience where you felt your work significantly contributed to legislative reform or social change?

One impactful experience is my involvement in vetting subsidiary laws in civil aviation. It was a challenging process that required extensive research, collaboration, and careful consideration of the stakeholders' demands. It is appealing to know that my work has contributed to reforming the civil aviation sector.

8. What is the biggest misconception people have about the legislative drafting profession?

Legislative drafting is often perceived as purely technical without political considerations. In reality, drafters operate within a political context and need to be aware of political dynamics, party interests, and the potential impact of laws on different constituencies. Political sensitivity is integral to successful legislative drafting.

This is what loving what you do looks like! Ms. Loveness Nyumayo, all smiles and fully engaged in her work during a course conducted by Laws.Africa on the digitisation of laws. Her cheerful demeanor radiates positivity, reflecting both her passion and commitment. Standing beside her, offering thoughtful assistance, is Mr. Timotheo Luambano, a senior librarian.



Reinventing Legislative Drafting in Africa: Experience from the Commonwealth Association of Legislative Counsels (CALC) Regional Conference

By Luluclara Mutungi



COMMONWEALTH ASSOCIATION OF LEGISLATIVE COUNSEL AFRICA REGION CONFERENCE 2023
Sarova Whitesands Beach Resort & Spa, Mombasa - Kenya 23rd - 25th October 2023

The Commonwealth Association of Legislative Counsel (CALC) Regional Conference, held in Mombasa, Kenya, from the 23rd to the 25th of September 2023, was a forum designed for legislative experts from across the Commonwealth nations. The forum aimed at shaping the future path of legislative drafting within the African landscape.

This article endeavours to showcase the key themes of the conference as tabled by different presenters from different countries, spotlighting the prevalent challenges, emergent innovations, and visionary strategies envisaged for redefining legislative drafting in Africa.

Prof. Albert Mumma and Vyonna Bondi's "Reinventing Legislative Drafting for African Progress: A Kenyan Case Study" offered a critical examination of Kenya's legislative drafting landscape. They identified conflicting mandates,

resource inefficiencies, and the absence of quality assurance mechanisms as key challenges. The presentation stressed the need for comprehensive reforms across English-speaking African countries to improve legislation quality, address political transitions and manage external drafters.

On how African countries can improve the quality and effectiveness of legislation, Dr Johnson Okoth Okello emphasised the importance of Post Legislative Scrutiny (PLS) in assessing the efficacy of laws. PLS plays a crucial role in identifying implementation gaps, assessing practical implications and determining the need for amendments. Dr. Okello's presentation underscored PLS's role in enhancing legislation quality and improving lawmaker accountability.

As for challenges and solutions in updating and revising laws in Africa, a joint panel was held by Kenya Law, the Office of the Attorney General of Tanzania (OAG) and Laws. Africa highlighted the lack of access to high-quality and up-to-date laws. They pointed out the significant deficit in access to reliable, accurate and current legislation and emphasised the need for a new approach to legal drafting in Africa. Ms Rehema Katuga and Bavoo Junus, panellists from OAG, proposed solutions that included adopting modern technology to improve access to laws.

To further complement the adoption of modern technology in improving access to laws, Matthew Waddington shared his experience regarding 'computer-readable legislation' by introducing a project that explores the possibility of making legislative drafts readable by computers. His presentation highlighted the importance of exposing the logical structure in legislative drafts to make them more accessible for computers. He emphasised the role of computers in guiding through complex logical structures and the potential for drafters to enhance legislative quality using artificial intelligence, digitisation and computational aids.

“Through focusing on issues such as modernisation, post-legislative scrutiny, and the challenges inherent in the current systems, the conference offered valuable insights into improving legislative practices across the continent, particularly in Tanzania

Regarding drafting for Constitutional Change, Professor Edoba Bright Omeregie and Dr Shamsu Yahaya expounded on the best practices for drafting proposals for Constitutional Change with a particular focus on Nigeria and the United States of America (USA) by evaluating their respective drafting styles. They compared the incremental form of drafting in Nigeria, which promoted the proliferation of Constitutional Change proposals, with the non-incremental style used in the USA and recommended that jurisdictions adopt the non-incremental style to streamline their process.

During the conference, participants had an opportunity to share experiences from different countries regarding bilingual drafting and translation of legislation.

The experience from Tanzania in this aspect is that currently, legislation is drafted in Kiswahili, and after ninety (90) days of coming into operation, the same is translated into English. To further incorporate Kiswahili, all legislation which was previously enacted in English is being translated into Kiswahili. It was underscored that the key issue in handling bilingual drafting and translation of legislation is to ensure that there is consistency between the enacted and translated legislation, and to this effect, Tanzania has prepared a number of tools such as Drafting Manuals, ***Mwongozo wa Uandishi wa Sheria Ndogo, Istilahi za Kisheria*** and ***Majina ya Sheria Kwa Kiswahili***.

The presentation on drafting practices among Portuguese-speaking countries discussed the need to understand both the material and formal rules of legal drafting. It emphasised the importance of common criteria, standards, and rules for legal drafting to improve understanding of investment conditions in these regions.

To sum up, the CALC Regional Conference in Mombasa brought to the forefront the dynamic and evolving nature of legislative drafting in Africa. Through focusing on issues such as modernisation, post-legislative scrutiny, and the challenges inherent in the current systems, the conference offered valuable ideas into improving legislative practices across the continent, particularly in Tanzania.



From left; Senior Parliamentary Draftsman Mr. Bavoo Junus, Assistant Chief Parliamentary Draftsman - Revision Division Ms. Rehema Katuga, and Senior Parliamentary Draftsman.

The Legislative Drafting Manual, 2023

By Mariam Possi & Lydia Choma



About the authors

Lydia Choma is a Principal State Attorney with a career spanning over fourteen years. She has served as the Director of Legal Services at the National Health Insurance Fund and Chairperson to the Audit Committee of the Registration Insolvency Trustee-ship Agency.

Mariam Possi is a State Attorney and Parliamentary Draftsman, she is currently a member of the Quality Assurance Desk and the Division's Risk Champion.

Legislative drafting manuals have been adopted in various jurisdictions to avoid haphazard approach to legislative drafting. In Tanzania, the proposal to prepare a Legislative Drafting Manual has been under contemplation for many years. Preparation of this Manual has, therefore, been a particular priority of every Chief Parliamentary Draftsman. The coming into play of this Manual marks a legacy for not only the Office of Attorney General but the nation as a whole.

The Office of Chief Parliamentary Draftsman is a specialist independent drafting office purposely positioned to become the centre of legislative excellence with the primary objective of improving the overall quality of laws of the United Republic to a consistently high standard. This manual aims to promote uniformity in the form, style, and language of laws, thereby making the resulting laws effective and conforming to the government's wider responsibility to the rule of law.

The Manual has been drafted in a user-friendly but comprehensive way to assist persons with little or no experience in legislative drafting in the preparation of both principal and subsidiary legislation, as well as a teaching aid in legislative matters and for Development of the manual was informed and tailor-structured to complement other resources such as the Constitution of the United Republic, Cap.1, Office of the Attorney General (Discharge of Duties) Act, Cap. 268, Parliamentary Standing Orders, 2020, Public Service Standing Orders, Local Government Laws and other relevant laws. Much as the Manual can never solve every legislative problem, it is the first step towards minimising issues that may arise thereto.

“This manual aims to promote uniformity in the form, style, and language of laws, thereby making the resulting laws effective and conforming to the government's wider responsibility to the rule of law.”

The idea for the manual was borne from an understanding that how legislation is drafted is an indication of its quality. A law that follows a logical structure and is written in clear and user-friendly language is easier to understand and apply. A poorly drafted legislation, on the other hand, leads to mistakes in its implementation, possible litigation and a need for amendments to cure the initial oversights, ultimately resulting in higher costs. Furthermore, it creates uncertainty for citizens and not only undermines the rule of law but also negatively impacts the credibility of the legislator. A good law should adhere to the principles of necessity, effectiveness, accessibility, clarity and coherence.

In light of the foregoing and to enable the adherence to the above-stated principles, the OCPD has prepared the Legislative Manual, 2023 for legislative drafters and other practitioners concerned at any stage of the legislation drafting process with the view to equip them with necessary drafting techniques and to ensure the quality of the resulting legislation.

The Manual narrates the legislative process in various stages, which entail preliminary matters, norms, principles, skills and procedures of legislative drafting. It focuses on the aspects of policy formulation and rationale behind its development and translation of policy into legislation; a step-by-step summary of the process of preparation, drafting and publication of proposed Bills and Acts of Parliament; matters related to amendment and rectification of printing errors in legislation, the legislative language and style of drafting; matters related to procedures for formulation of subsidiary legislation; revision and translation of laws; and the process of drafting various legal documents necessary for rectification of international instruments, report writing and self-development for legislative drafters.

Conclusively, the preparation of laws involves time and resources to ensure that the resulting laws comply with local norms and international standards, promote quality policy and improve access to information to empower legislative drafters to draft effective legislation. This manual provides insight and guidance into the art of legal drafting in general and legislative drafting in particular.

Better Policies Better Lives: **The Impact of Subsidiary Legislation and the Imperative of Drafting Principles**

By Chresencia Mathayo

Chresencia Mathayo is a Parliamentary Draftsman who has served on various national committees and secretariats. She also heads the By-law Desk within the Tanzania Office of the Attorney General, overseeing the quality and standards of subsidiary legislation.

In the complex system of governance, legislation plays an important role in shaping the daily experiences of individuals. Legislation also contributes to economic development and stability and facilitates social progress by reflecting changing societal norms and values. The role of legislation is crucial in developing better policies and improving lives.

While principal legislation provides the overarching framework of laws, subsidiary legislation fills in the details, specifying the practical implementation and enforcement mechanisms. Understanding the significance of subsidiary legislation and adhering to drafting principles are crucial steps in ensuring that policy objectives translate into tangible improvements in people's lives.

Subsidiary legislation encompasses regulations, rules, orders, notices, declarations, proclamations, by-laws and other instruments authorised by principal legislation to give details to its provisions. These subsidiary laws serve as the operational blueprint for various Government institutions and regulatory bodies, defining the specific procedures, standards, and requirements necessary for compliance. Whether in the realms of health, education, investment, or environment, subsidiary legislation exerts a direct and profound influence on the lived experiences of citizens.

Consider, for instance, in healthcare, the newly enacted Universal Health Insurance Act of 2024 establishes broad principles and rights related to access to healthcare services for all Tanzanians through affordable insurance policies without compromising medical standards. However, subsidiary legislation will provide detailed guidelines regarding the registration of insurance schemes, the minimum price to be paid for an insurance package, and medical services available to an individual under each insurance package, to mention a few. The careful crafting of subsidiary legislation ensures that the overarching goals of health policy—such as equitable access, quality care, and patient welfare, are effectively realised at the grassroots level.

Cognizant of the role of subsidiary legislation in impacting everyday lives and following the amendment of the Interpretation of Laws Act in 2021, vide Act No. 1 of 2021,



the Government of Tanzania directed that all newly promulgated subsidiary legislation be written in Kiswahili. The goal of this directive was to ensure that the policies enacted into laws are implemented through subsidiary legislation written in a language understood by the majority of Tanzanians. Furthermore, it is a procedural requirement that in the preparation of subsidiary legislation, all key stakeholders be engaged, especially those to be directly affected by the provisions of such legislation. Engagement of stakeholders in various stages of preparation of subsidiary legislation is crucial as it provides an opportunity for the targeted individuals to understand how certain policies are proposed to be implemented through legislation.

“Engagement of stakeholders in various stages of preparation of subsidiary legislation is crucial as it provides an opportunity for the targeted individuals to understand how certain policies are proposed to be implemented through legislation.”

Moreover, the efficacy of subsidiary legislation relies not only on its content but also on the process by which it is crafted to ensure it brings about positive change in the lives of individuals and communities. The individuals involved in the legislative process, whether the drafters, legal officers, or subject matter experts, play a crucial role in translating policy intentions into concrete legal instruments. During the drafting of subsidiary legislation, compliance with drafting principles is essential to safeguard the integrity, effectiveness, and legitimacy of such subsidiary legislation.

Drafting principles encompass a range of considerations, including precision, coherence, and consistency. Since subsidiary legislation has a direct impact on individuals, clarity in expression is paramount to ensure that the intended meaning is accurately conveyed and easily understood by those subjects to the law.

Adherence to drafting principles helps guard against unintended consequences, loopholes, or ambiguities that may undermine the intended policy outcomes. By fostering rigorous scrutiny during the drafting process, the quality and effectiveness of subsidiary legislation can be enhanced, thereby maximising its potential to improve people's lives.

Failing to adhere to drafting principles has direct adverse effects on the individuals subject to the law, including the miscarriage of justice, persons being bound by impractical provisions, and failure of the Government to execute its policies as intended.

In the quest to achieve the goal of having subsidiary legislation written in accordance with drafting principles and to curb the identified adverse effects, the OCDP has taken various initiatives towards capacity building for different groups of people involved in the drafting process.

These initiatives include the issuance of the Legislative Drafting Manual, Manual for Preparation of By-laws, Check-lists of Matters to Consider in Legislative Drafting and training sessions for legislative drafters and other legal officers in public service on the principles of legislative drafting.

As we reflect on the role of subsidiary legislation in shaping Tanzania's development trajectory, it becomes evident that the quest for better policies is inseparable from the pursuit of better lives for all Tanzanians. In closing, it is important to remember that the true measure of progress lies not only in the legislation promulgated but also in the impact they have on the lives of citizens. It is through the enactment and enforcement of laws that societies uphold principles of justice, foster inclusive growth, and chart a course towards a more equitable and sustainable future. By striving for better policies, we can indeed pave the way for better lives if implementing legislation is written in conformity with drafting principles.



Ms. Chresencia Mathayo in conversation with the Chief Parliamentary Draftsman, Mr. O.J. Njole and the Assistant Chief Parliamentary Draftsman, Mr. S.A. Nzori, discussing areas for improvement during the review of the Legislative Drafting Manual.

Stakeholder Review

Mr. Palloty M. Luena *Bank of Tanzania (BoT)*



The Bank of Tanzania (BoT) highly values its collaboration with the Office of the Chief Parliamentary Draftsman, which has been critical in strengthening the financial legal framework. Key achievements include the amendment of the Mining Act, Cap. 123, requiring 20% of minerals from rights holders or licensed dealers to be offered to the Government through BoT—a policy that has significantly bolstered gold reserves and currency stability. Strategic incentives, such as a reduced royalty rate of 4% (down from 6%) and zero-rated VAT (instead of 18%), were introduced to encourage mineral sellers to transact with BoT. Additionally, the enactment of the Microfinance Act, Cap. 407, has protected citizens from exploitative lending practices and promoted financial inclusion.

The Chief Parliamentary Draftsman has also been instrumental in supporting BoT's regulatory functions, including the issuance of legal notices on banking license revocations, demonetization, and monetization, which are vital to maintaining financial stability and public trust.

This partnership has been marked by exceptional expertise and dedication, and BoT looks forward to continuing this collaboration to foster economic resilience and prosperity.

Ms. Toni Mbilinyi *Energy & Water, Utilities Regulatory Authority (EWURA)*



EWURA appreciates the invaluable support of the Chief Parliamentary Draftsman alongside his team of dedicated parliamentary draftsmen in developing and refining regulatory laws that enhance governance, efficiency, and transparency in the energy and water sectors. Through this collaboration, we have successfully enacted and amended key legislation that promotes fair competition, protects consumer interests, and ensures sustainable service delivery.

The expertise, professionalism, and commitment the parliamentary draftsmen offer have been instrumental in streamlining regulatory processes, fostering investment, and strengthening compliance. Their dedication to crafting well-structured legal frameworks has greatly contributed to the stability and growth of our regulated sectors.

Working with this team has been an enriching experience and we look forward to continued cooperation in ensuring a firmer foothold for a sustainable energy and water service.

Directors of Legal Services
from some of our key
stakeholders



Better Policies Better Lives:
**The Impact of Subsidiary
Legislation**





Ms. Kapwete John *Tanzania Tourist Board (TTB)*



TTB deeply appreciates the dedication and expertise of the Parliamentary Draftsmen in shaping policies that enhance the tourism sector and ensure local communities benefit from conservation efforts. A key milestone in this collaboration was the amendment of the Wildlife Conservation Act, Cap. 284, through the Finance Act of 2024. This crucial reform has streamlined the collection of hunting tourism revenues, allowing funds to be managed by the Tanzania Wildlife Management Authority (TAWA) instead of being directed to the Government's Consolidated Fund. This change has significantly reduced delays in revenue disbursement, ensuring that Wildlife Management Areas (WMAs) receive their rightful earnings on time. We recognize and commend the CPD and his entire team's commitment, meticulous approach and hard work in drafting legislation that directly benefits both conservation efforts and the livelihoods of those who depend on wildlife resources.



Ms. Maria Makalla-Memba *Tanzania Civil Aviation Authority (TCAA)*



At TCAA, we deeply value our partnership with the CPD in advancing aviation regulations. One of our proudest achievements together is the development of laws that govern Remotely Piloted Aircraft Systems (Drones), ensuring their safe integration into Tanzania's airspace. While legislative drafting might appear as just a technical task, but working alongside the CPD team has shown me that it's both a science and an art. The team excels in translating complex legal concepts into provisions that are clear, accessible, and easily understood by all. Their expertise has been essential in striking the right balance between fostering innovation, ensuring security, protecting public safety, and safeguarding privacy while maintaining high aviation standards. We commend their dedication and look forward to even more successful collaborations.



Mr. Elisamehe M. Macha *Medical Stores Department (MSD)*



MSD sincerely appreciates the Parliamentary Draftsmen for their invaluable support in strengthening our legal framework. In 2021, with their expertise, MSD was given a corporate status with mandate to undertake production activities, enhancing efficiency and accountability beyond its core functions of procurement, storage, and distribution of health commodities. More recently, in 2024, the meticulous and brilliant work of the legislative draftsmen led to a key regulatory breakthrough under the Public Procurement Regulations, 2024 (R.138). This provision enabled MSD to independently conduct clearing and forwarding of its products rather than relying on GPSA, reducing demurrage costs and ensuring timely delivery of critical medical supplies. These achievements reflect OCPD's dedication, precision, and commitment to impactful legislation. We are grateful for their support and look forward to continued collaboration.

Our Services

Our core task entails giving effect to Government policies and directives by drafting legislation. We equally issue advice to ministries, independent departments, agencies and other Government institutions and organisations on the legislative process.

Our major functions include:

1

Advise the Attorney General on proper and purposeful meaning of enactment of Parliament, subsidiary legislation and other legal instruments;

2

Receive from ministries drafting instructions based on Cabinet decisions and implement the instructions as required;

3

Draft legislative proposals into Bills for enactment into laws;

4

Draft all legislative instruments and resolutions for ratification by the National Assembly;

5

Receive from ministries legislative calendar for each financial year and advise accordingly;

6

Facilitate, through the Attorney General, the submission of legislation passed by the National Assembly which applies to both parts of the Union to the House of Representatives;

7

Draft or scrutinise proposed subsidiary legislation;

8

Translate principal and subsidiary legislation;

9

Revise principal and subsidiary legislation;

10

Prepare and submit monthly reports to the Attorney General on matters and duties discharged by the Chief Parliamentary Draftsman for guidance and direction; and

11

Perform any other function incidental and necessary for the implementation of the functions of the Office of Chief Parliamentary Draftsman as provided in the Office of Attorney General (Discharge of Duties) Act, Cap 268.

Our Major On-going Projects

1 General Revision of Laws, 2023

This project entails the comprehensive update of Tanzania's principal laws by incorporating all amendments since the last revision, as required under the Law Revision Act, Cap. 4. Initiated in 2019 by the Office of the Attorney General, the exercise is projected to revise 446 principal laws, exceeding the 415 of those revised in 2002. Once formally proclaimed by the President under section 12, the 2023 Revised Edition will become the official version of the law, and all previous editions will be rendered invalid. In line with section 17, signed copies will be deposited with the Chief Justice, Speaker of the National Assembly, and another designated location. This is more than just legal housekeeping, it's a full system upgrade for Tanzania's legislative framework.



2 Translation of Laws

This project is anchored in the legal requirement under the Interpretation of Laws Act, Cap. 1 which mandates the translation of laws into Kiswahili, the national language and the everyday language of the common **mwanaanchi**. After all, what good is a law if only lawyers can understand it? The Attorney General, through the Office of Chief Parliamentary Draftsman, is tasked with this responsibility to ensure every citizen can access and understand the laws that govern them. Currently, the focus is on translating 466 revised laws emanating from the General Revision of Laws, 2023 marking a monumental step in bridging the gap between legislation and the wananchi. This initiative also fulfils presidential directives from the Fifth Government Administration to the current Government Administration, emphasizing Kiswahili as the language of the law and a tool for inclusion, justice, and civic empowerment.

3 The Making of Model Legislation (Sheria Kifani)

This project was initiated to address recurring challenges identified by the Parliamentary Standing Committee on Subsidiary Legislation. These challenges include drafting deficiencies, inconsistencies with principal legislation, and instances of non-compliance with constitutional principles. To resolve these issues, the Office developed **Sheria Kifani**—model subsidiary legislation and by-laws to guide Local Government Authorities and other delegated bodies. These templates promote legal consistency, policy alignment, and adherence to national drafting standards. The project also supports the development of an electronic legislative drafting system, allowing government legal officers nationwide to easily access and adapt the templates, because quality legislation should never be out of reach.

4 Digitisation of Laws

This strategic project, implemented in partnership with Laws.Africa and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), focuses on the digital documentation and structuring of Tanzania's laws. The initiative ensures that all laws are captured in a machine-readable, standardised format enabling better accessibility, interoperability and long-term preservation. The project supports Tanzania's broader e-Government agenda and the development of an open, searchable and sustainable legal information framework aligned with international best practices. As Mr. Onorius Njole, CPD aptly put it, "If we don't take charge of digitising our laws in this digital era, someone else will. Better to shape the change than be shaped by it."



The Attorney General's Legislative Influence on Economic Transformation and Access to Justice in Tanzania

By Onorius J. Njole, CPD

Introduction

The Constitution of the United Republic of Tanzania, 1977 (hereinafter 'the Constitution'), establishes the Attorney General as the principal legal advisor to the Government of the United Republic of Tanzania and custodian of laws accordingly the Attorney General assumes a multifaceted role in the nation's legal and governance frameworks. Article 59 of the Constitution outlines the responsibilities and authority of the Attorney General, which extend beyond advisory functions to encompass substantial involvement in the legislative process.

The Attorney General, in his capacity as the chief custodian of laws, has the duty to ensure that all laws both principal and subsidiary are efficient, effective, accessible and conform to mandatory legal principles and embody constitutional rationality. This entails reviewing proposed legislation, providing legal advice pertinent thereto to government bodies, and ensuring their compliance with constitutional and established legal principles. The Attorney General's role in legislative matters begins at the drafting stage, where he provides legal guidance to government stakeholders at all stages of the formulation of laws until their ultimate completion. Once draft laws are prepared, the Attorney General scrutinizes them to assess their constitutionality and compatibility with existing legal frameworks prior to publication procedures.

The Attorney General is equally responsible for facilitating the interpretation and implementation of laws as well as their consolidation and revision; this involves the provision of legal opinions to government ministries, departments, and agencies that serve as authoritative guidance on legal matters, ensuring the consistent and uniform application of laws across the government, identifying outdated or obsolete laws, and recommending their repeal or amendment.

Furthermore, Article 59B of the Constitution empowers the Attorney General to actively participate in parliamentary proceedings, albeit without the right to vote. This provision facilitates the Attorney General's direct involvement in legislative discussions and the formulation of laws. The Attorney General's active participation in this process is not merely symbolic; it facilitates his role in shaping legislation by enabling him to enrich legislative discussions with his wealth of knowledge and expertise, as well as foster cooperation between the legislative and judicial branches, which, as a result, drives optimal economic growth and increased access to justice in the country.

Theoretical Framework

The Developmental State Theory facilitates a broader understanding of the role of the Office of the Attorney General in this context, as it highlights the importance of legislative initiatives in promoting economic growth and ensuring access to justice. The theory posits that an interventionist state can drive national economic development through targeted policies and oversight.

The Developmental State Theory particularly emphasizes a state's role as a key architect of economic transformation contrary to the traditional view of the state as a regulator and hence for a developing nation to achieve rapid industrialization and economic transformation, a well-established and strategically oriented state apparatus is essential to navigate and direct the processes of economic change.

The theory further elaborates that state-directed economic strategies can serve as instrumental mechanisms for establishing conducive conditions for economic growth. These conditions encompass maintaining stability in macroeconomic frameworks, investing in infrastructural development, and formulating policies that support sectors deemed strategic. Additionally, a developmental state places emphasis on constructing institutions that not only contribute to economic growth but also ensure that the benefits derived from such growth contribute to broader social objectives which include, inter alia, enhanced access to justice.

To be concise, economic transformation and access to justice can be achieved vide legislative initiatives that result in; the creation of more equitable legal frameworks, strengthened property rights, minimizing or eradicating corruption, and ensuring an accessible and efficient the legal system.

Various scholars have demonstrated how legislative reforms lead to economic transformation and access to justice such as Johnson (1982)¹, who expounded on how Japan's Ministry of International Trade and Industry (MITI) guided the country's post-war economic advancement through targeted industrial policies and interventions. His analysis enables an understanding of how legislative frameworks can be designed to directly influence economic sectors, leading to sustained industrial growth and economic stability. He discovered that MITI not only influenced industrial policy but effectively managed the relationship between the government and private sector to foster innovation and industrial growth.

¹ Johnson, C. (1982). *MITI and the Japanese Miracle: The Growth of Industrial Policy, 1925-1975*. Stanford, CA: Stanford University Press.

Through targeted policies, such as tariffs, subsidies, and fostering certain industries, Japan was able to convert its economic weaknesses into strengths, leading to a technology-driven economy.

Woo-Cummings (1999)² compiled various analyses on how different East Asian states utilized government policies to influence economic outcomes. Her exploration of Asian economies provides a comparative perspective, showing how states like South Korea and Taiwan used legal and institutional reforms to create environments conducive to economic expansion and technological innovation.

She explores how various Asian states, each with distinct political and economic backgrounds, applied the developmental state model and through which she concluded that despite these differences, successful states shared a common strategy of heavy state intervention in the economy coupled with established bureaucratic systems. These states managed to transform their economies by effectively aligning policy interventions with market goals, resulting in high rates of financial growth and industrialization.

Evans (1995)³ similarly introduces the concept of "embedded autonomy". He elaborates that embedded autonomy happens when effective states are deeply connected to the private sector yet autonomous enough to implement policies that serve the public good. His work includes discussions on how states can reform legal systems to improve their function, thereby enhancing access to justice and making the judicial system more responsive to the needs of economic transformation. His concept of "embedded autonomy" highlights the balance that successful developmental states achieve between being connected to the private sector while maintaining enough autonomy to implement aggressive development strategies. His research showed that states that managed this balance well could efficiently mobilize resources, implement large-scale industrial policies, and ensure that the economic benefits of growth were broadly shared among the population, thereby improving access to resources and justice.

Rodrik (2007)⁴ emphasizes the importance of building suitable institutional frameworks for economic policies to be effective. He argues that legal reforms tailored to specific national contexts can foster economic growth by improving the rule of law, reducing transaction costs, and creating a predictable business environment. His research illustrates how legislative reforms are crucial in aligning economic policies with justice systems to ensure equitable growth. He emphasizes the adaptability of institutional frameworks to local conditions as a crucial element for economic success. He determined that countries with tailored economic policies and legal reforms with respect to their specific realities tended to experience more sustainable growth. His work also highlights that such tailored approaches often lead to improvements in the rule

of law and access to justice, as legal systems evolve to better meet the needs of their economies and societies.

Overview of the Office of the Attorney General legislative strategy

In a bold strategic move to enhance the quality and effectiveness of legislative activities in the country, the Office of the Attorney General has pioneered the transformation of its legislative drafting division into the Office of Chief Parliamentary Draftsman (OCPD) vide the Legal Sector Laws (Miscellaneous Amendments) Act¹ hereinafter referred to as 'the Act.'

The Act establishes the Office of the Chief Parliamentary Draftsman (hereinafter 'the OCPD') as a semi-autonomous office within the structure of the Office of the Attorney General. Organizational independence grants the OCPD authority to make independent decisions regarding administrative, planning, and financial matters, leading to a substantial enhancement of its operational efficiency and agility in the legislative drafting process which consequently enables the OCPD to customize its procedures and standards. The establishment of the OCPD is expected to facilitate an optimization of the drafting process, mitigate delays, and improve the overall quality of legislation.

Moreover, autonomy empowers the OCPD to foster specialized expertise which is anticipated to enable it to concentrate extensively on legislative challenges and strategically allocate resources to prioritize sensitive projects, ensuring that legislative drafts exhibit technical proficiency and align closely with the broader legal and policy frameworks of the government in order to enhance the effectiveness and responsiveness of the legislative process.

Economic and Judicial Transformation through Legal Reform

The Office of the Attorney General, in collaboration with relevant stakeholders, has undertaken a series of targeted legislative reforms. These reforms have been strategically focused on key sectors with the aim of enhancing the economic landscape and attracting global investors. The legislative adjustments have been carefully crafted to align with international standards, thereby enhancing Tanzania's competitiveness in the global marketplace.

Significant legislative reforms to bolster economic development across several critical sectors in the United Republic include reforms in the mining sector, banking, finance, capital markets and securities, the health and the legal sector. This section explores these legislative enactments and their impact on the country's economy and access to justice.

² Woo-Cummings, M. (Ed.). (1999). *The Developmental State*. Ithaca, NY: Cornell University Press.

³ Evans, P. (1995). *Embedded Autonomy: States and Industrial Transformation*. Princeton, NJ: Princeton University Press.

⁴ Rodrik, D. (2007). *One Economics, Many Recipes: Globalization, Institutions, and Economic Growth*. Princeton, NJ: Princeton University Press.

¹ Act No. 11 of 2023

In the mining sector¹, the Office of the Attorney General facilitated the enactment of a comprehensive set of measures aimed at modernizing the mining industry by increasing competitiveness and addressing several long-standing challenges. One of the most significant changes concerned the simplification of the licensing process, previously obtaining a mining license was a time-consuming and complex procedure, often involving multiple government agencies and numerous delays.

The revised act streamlined the process, introducing a one-stop-shop approach and reducing the number of required permits. The objective was to make it less costly and time-consuming to secure a license, thus easing the entry of businesses into the mining sector.

Similarly, another notable aspect of the mining reforms was the incorporation of clearer directives for environmental adherence. The revised act establishes specific environmental criteria and mandates that mining enterprises must uphold. This constituted a fundamental stride in guaranteeing that mining activities are undertaken sustainably, mitigating environmental effects, and safeguarding the interests of local communities.

The reforms further aimed to attract long-term investments into the mining sector whereby the Government in recognition of the importance of foreign investment in the industry's development and took targeted steps to improve the investment climate. These measures included tax breaks and guarantees against expropriation, as well as the establishment of a consistent and predictable regulatory framework.

Banking Sector Reforms are also part of the broader efforts that Office of the Attorney General to facilitate the creation of a conducive environment for foreign direct investments (FDIs), whereas the Banking and Financial Institutions (Capital Adequacy) (Amendment) Regulations 2023 and the Banking and Financial Institutions (Licensing) (Amendment) Regulations 2023 have been introduced to ensure that banks maintain adequate capital buffers and meet stringent licensing criteria. Through the maintenance of adequate capital buffers, banks can better absorb potential losses and mitigate financial risks, ensuring the safety and soundness of the financial system. This measure aligns with international best practices and thereby brings Tanzania's banking sector in line with global norms.

The amendment to the banking sector further encapsulates rigorous licensing criteria for banks. This ensures that only financially sound and well-managed institutions are granted banking licenses, promoting a competitive and stable banking environment. The criteria include, *inter alia*, assessments of the banks' capital, management, business plans, and internal controls. The aim was to foster a banking sector that is resilient and capable of driving economic

growth by raising licensing requirements. Additionally, the Capital Markets and Securities segment has seen various reforms aimed to enhance investor confidence by improving regulatory oversight and increasing transparency. The Capital Markets and Securities Act has had amendments to facilitate easier access to capital for businesses and provide better protection for investors, making Tanzania's capital markets more appealing for both domestic and international stakeholders.

The Office of the Attorney General has also facilitated extensive reforms in the public finance domain aimed at simplifying tax regimes, addressing sectoral challenges and streamlining the allocation of public funds, as manifested through various enactments such as;

Sheria ya Tume ya Mipango ya mwaka 2023 which establishes the Planning Commission, defining its composition, responsibilities, and authority. The commission is tasked with coordinating national development plans, allocating resources, and ensuring the effective implementation of economic development strategies. This approach promotes structured economic planning, fosters sustainable development, efficient resource utilization, provides a clear legal framework for economic planning, predictability and stability for investors, and contributes to overall economic growth.

The Public Private Partnership (Amendment) Act, 2023 hereinafter 'the PPP Act' which overhauls Tanzania's public-private partnership laws with the aim of positioning Tanzania as a preferred investment destination. Key changes include applying the PPP Act to special arrangements for strategic projects, mandating the use of special purpose vehicles for PPP projects, exempting solicited projects from competitive bidding under certain criteria, introducing alternative dispute resolution mechanisms, and providing tax incentives for qualified public-private partnership projects.

The Appropriation Act, 2023² which authorized the allocation of a considerable sum from the Consolidated Fund to support essential government services during the fiscal year culminating on June 30, 2024. More specifically, the Act allocates Forty-Four Trillion, Three Hundred Eighty-Eight Billion, Sixty-Six Million, Seven Hundred Nineteen Thousand Shillings (44,388,066,719,000) for this designated purpose. The funding covers the government's annual expenses and appropriations, including the right to reallocate. In comparison to the previous fiscal year, the Appropriation Act, 2022 allocated a slightly lesser sum for government services, reflecting the government's strategic financial planning in alignment with its operational and developmental priorities. The Appropriation Acts serve as fundamental components of the government's budgetary process, facilitating the execution of planned expenditures and the effective implementation of governmental policies and projects.

In the same vein, the Office of the Attorney General facilitated the preparation and assent of the Finance Act, 2023¹ and the Public Procurement Act. The Finance Act introduces significant changes in tax regulations. Key aspects under this Act include amendments to income tax rules, clear rules for direct disposal of membership interests, and clarification of tax treatment for new membership interests and transfers between resident entities. The Act also amends digital service tax regulations, extends the filing deadline for non-resident electronic service providers, and clarifies the scope of DST. It introduces a single installment income tax of 3% for transactions involving the disposal of interests in land or buildings without evidence of incurred costs, and changes in withholding tax, including the removal of the obligation on residential rental payments and the introduction of a final withholding tax on payments for purchasing precious metals and stones from small-scale miners. Income tax exemptions are provided for gains from internal restructuring of mining companies and investment returns derived by the National Health Insurance Fund. The Act revises the presumptive tax regime for transporters of passengers and goods with new rates for individuals and entities whose annual turnover does not exceed TZS 100 million.

The Public Procurement Act on the other hand marked a significant milestone in the governance of public procurement in the Republic of Tanzania. This legislative act establishes a comprehensive framework for the effective management and administration of public procurement and supply. It repeals the Public Procurement Act of 2011 and in its stead establishes a modern and robust legal foundation that fosters transparency, efficiency, and accountability in public procurement matters.

The Office of the Attorney General has also actively participated in Health Sector Reforms by coordinating legislative initiatives such as the Sheria ya Bima ya Afya kwa Wote ya mwaka 2023. This landmark legislation establishes a universal health coverage system in Tanzania, aiming to make healthcare accessible to all citizens, improving public health and supporting economic productivity by ensuring a healthy and productive workforce.

Tanzania's judicial system has been strengthened further with key legislative reforms aimed at improving transparency, fairness, and accessibility. These changes are critical to ensuring that justice is not only served but is also perceived to be served by all citizens. Key reforms in the justice system include Arbitration Act Revisions. The recent updates to the Arbitration Act have marked a significant step in refining Tanzania's approach to arbitration. These amendments aim to modernize the arbitration process, making it more aligned with international practices in order to resolve disputes more efficiently, which is particularly appealing to foreign investors and can significantly impact economic development by providing a more predictable and neutral forum for dispute resolution.

The Office of the Attorney General has facilitated a refurbishment in electoral laws, which resulted in the Sheria ya Uchaguzi wa Rais, Wabunge na Madiwani ya mwaka 2024². The law was enacted to govern the election process for the President, Members of Parliament, and Councilors, detailing procedures for nominations, campaigning, voting, and counting of votes. This legislation is intended to strengthen the public's faith in the legal system and provide a structured framework for resolving electoral disputes. It is intended to promote access to justice by ensuring that individuals can seek legal remedies in cases where electoral laws are violated, thus fostering a fair and transparent electoral process.

Analysis of the impact of Legislative reforms on Investment, Transparency, Fairness, and Accessibility

The Office of the Attorney General has facilitated a refurbishment in electoral laws, which resulted in the Sheria ya Uchaguzi wa Rais, Wabunge na Madiwani ya mwaka 2024². The law was enacted to govern the election process for the President, Members of Parliament, and Councilors, detailing procedures for nominations, campaigning, voting, and counting of votes. This legislation is intended to strengthen the public's faith in the legal system and provide a structured framework for resolving electoral disputes. It is intended to promote access to justice by ensuring that individuals can seek legal remedies in cases where electoral laws are violated, thus fostering a fair and transparent electoral process.

Legislative changes serve not only as procedural measures but also as strategic initiatives. They are meticulously designed to create an environment that promotes investments and facilitates economic growth. A country can establish a reputation for dependability and consistency in business practices by strengthening regulatory frameworks.

The Office of the Attorney General's recent legislative efforts have resulted in a range of reforms intended to enhance various governance and public welfare sectors. Notable among these are the Public Private Partnership (Amendment) Act and the Finance Act, 2023. Both of these Acts aim to stimulate economic growth by optimizing investment conditions and transforming existing tax policies.

The Sheria ya Ununuzi wa Umma ya Mwaka 2023 revolutionized public procurement by increasing efficiency and transparency, thus reducing the incidence of corruption. Additionally, the Finance Act, 2023 tightened financial regulations to combat financial crimes, and the Sheria ya Bima ya Afya kwa Wote ya Mwaka 2023 established universal health coverage, which is crucial for enhancing public health and economic productivity by ensuring all citizens have healthcare access.

¹ Act No. 7 of 2023.
² Act No. 1 of 2024.

The improvements in the mining and financial sectors are expected to catalyze an upsurge in investment, contributing to broader economic growth and stability. The tangible impact of these reforms is discernible in the increased activities within the mining sector, which can be attributed to the recent legislative changes that have streamlined processes and provided clearer operational guidelines. These reforms have been instrumental in attracting new foreign investments from major global mining companies and have not only boosted local employment but have also spurred economic activity in related industries. For example, reforms in the mining sector have attracted major investments from global companies like Barrick Gold, significantly boosting local employment and economic activity. This expansion directly results from streamlined licensing processes and enhanced regulatory frameworks.

Furthermore, the agricultural sector has seen transformative changes due to legislative reforms aimed at improving productivity and sustainability. The Kilimo Kwanza (Agriculture First) initiative, supported by various agricultural policies, has provided farmers with better access to resources, modern farming techniques, and markets. These efforts have increased agricultural output and improved the livelihoods of rural communities. Additionally, the enactment of the Energy and Water Utilities Regulatory Authority Act (EWURA) and the National Energy Policy 2015 have created a favorable environment for renewable energy investments. These reforms have led to the development of significant projects such as the Julius Nyerere Hydropower Station, which aims to boost the country's electricity supply sustainably.

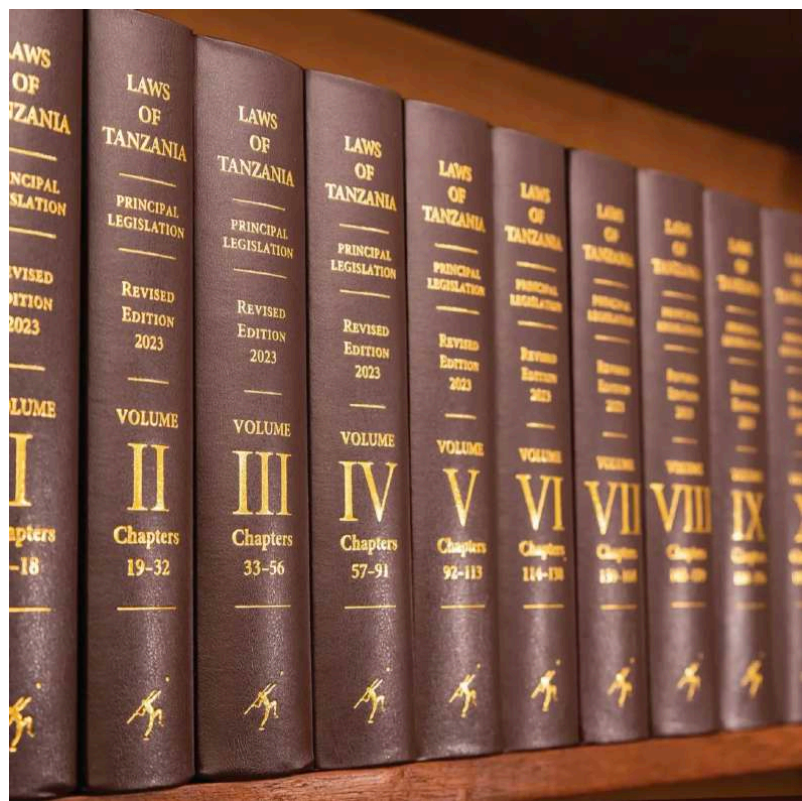
The legislative reforms have equally had a profound and beneficial impact on small and medium-sized enterprises (SMEs). The financial reforms enacted in particular included noteworthy simplifications of registration and licensing procedures, the provision of tax incentives, and the guarantee of access to financing. These measures have collectively created a more favorable environment for SMEs to thrive and prosper. The reforms have also catalyzed substantial advancement in the sectors of digital economy and innovation, and furthermore, legislative encouragement for digital transformation has engendered opportunities for economic growth.

Reforms in the Arbitration and election laws were designed to bolster confidence in Tanzania's legal system and its capacity to handle commercial and civil disputes effectively. The reforms effectively streamlined procedures, clarified dispute resolution laws, and significantly reduced the time and expense associated with legal processes, making justice more accessible to both local businesses and international entities.

Conclusion

In light of the preceding discussion, it is apparent that the Attorney General's legislative actions are of paramount significance in setting the foundation for Tanzania's future. The efficacy of these initiatives, however, will ultimately be assessed based on their ability to promote a vibrant economy and an equitable judicial system. Going forward, the path is laden with the dual challenge of not only formulating effective laws but also their actualization to ensure tangible benefits for the nation.

As the United Republic of Tanzania progresses on its developmental trajectory, it extends an invitation to all stakeholders to actively participate in a shared commitment to fostering an environment where economic prosperity and judicial integrity coexist harmoniously. It beckons each citizen and stakeholder to reflect on their role in engaging with and influencing these transformative processes. Are we adequately prepared to adapt to and thrive in the evolving landscape shaped by these legal frameworks?



Staff Recognition Corner



Best Team Player

Mr. Erasto Phiri ✨

Erasto is the heartbeat of our team. He knows his craft inside and out, and no matter what you need or when you need it, Erasto is the go-to person for assistance. He has an exceptional ability to find exactly what you're looking for, whether it's a crucial document, key information, or support in navigating challenges. His dedication to synergy makes our mission possible. Thank you, Erasto, for always being there!



Best Facilitator

Bavoo Junus ✨

Bavoo is our gem—an exceptional facilitator who brings clarity, energy, and expertise to every session. He knows his craft well and has guided discussions both within and beyond our organization, ensuring that legislative drafting is not just a process, but a powerful tool for change. His ability to make complex topics accessible and engaging is unmatched. Thank you, Bavoo, for being a beacon of knowledge and inspiration!



Most Punctual Staff Member

Evangelina Manyama ✨

In a field where time is always of the essence, Evangelina is our steady anchor. She understands that every second counts and ensures that deadlines are met with precision and grace. She is the first to arrive and the first to deliver, always ahead and her commitment to punctuality keeps us on track and our work flowing seamlessly. Thank you, Evangelina for your unwavering dedication to timeliness and excellence!



Most Outstanding Coordinator

Philemon Mrosso ✨

Every office needs someone who keeps things running and for us, that's Philemon. From coordinating activities to following up and ensuring smooth budgeting, he handles it all with calm efficiency and focus. Philemon connects the dots, keeps us on track, and makes sure nothing slips through the cracks. His presence keeps us organised, calm, and productive. Thank you for being the steady hand behind our daily operations!



Most Sociable Staff Member

Frida Mwera ✨

Frida brings warmth, energy and connection wherever she goes. She has a natural gift for making everyone feel welcome, valued and included. Whether it's a casual conversation or a team discussion, her positivity and openness create an environment where synergy thrives. Thank you, Frida, for making our workplace feel like a home!



Staff Who Best Embodies the 'Don't Worry! Be Happy' Spirit

Abdulswaburi Shomary ✨

In the fast-paced world of legislative drafting, where pressure is constant, Abdulswaburi is the refreshing presence that keeps us grounded. Funny and simple. He has a way of turning even the most stressful moments into light-hearted ones. Thank you, Abdulswaburi, for bringing joy, laughter, and resilience to our team!



Most Athletic Staff Member

Timotheo Luambano ✨

Timotheo is the definition of endurance and team spirit! Whether it's marathons, games, or sports, he proudly represents our team with passion. He may not hit the gym, but he sure knows how to keep moving! His dedication to athletics is a reminder that staying active is not just about fitness, it's about discipline and teamwork. Thank you Timotheo for carrying our team's competitive spirit far and wide.



Staff Member with the Most Sophisticated Look

Editha Maganga ✨

Where legislative drafting meets elegance, fashion and style, you'll find Editha. With her impeccable sense of presentation, she embodies confidence and grace, effortlessly blending professionalism with sophistication. Whether in meetings, official events or daily office life, she simply stands out! Thank you, Editha, for bringing style and elegance to our team!

**Employee
of the Year | 2024**



Ms. Chresencia Mathayo

Employee of the Year 2024

THE OFFICE OF THE ATTORNEY GENERAL

The Office of the Chief Parliamentary Draftsman: **Establishment and Responsibilities**

By Onorius J. Njole, CPD

The Office of the Chief Parliamentary Draftsman in Tanzania serves as a fundamental component in the legislative machinery. The office's primary responsibility lies in ensuring that proposed laws are thoroughly researched, legally sound, and in line with the constitutional framework. This article explores in depth the establishment, responsibilities, and broader impact of the Office of the Chief Parliamentary Draftsman. It traces the historical development of this office from the pre-independence era to the present day. This article also examines the constitutional and legal frameworks that govern the operations of the office, the challenges it encounters, and its potential future prospects, with the aim of elucidating the significance of the Office of the Chief Parliamentary Draftsman in shaping Tanzania's legislative landscape.

Introduction

The Office of the Chief Parliamentary Draftsman (OCPD) in Tanzania serves as a cornerstone of the nation's legislative architecture, entrusted with the critical responsibility of drafting laws that are precise, coherent, and aligned with constitutional principles. This Office operates at the confluence of legal expertise, policy formulation, and parliamentary procedures, reinforcing Tanzania's sociopolitical stability and legal coherence. The OCPD's centrality to the legislative process underscores its vital role in the promotion of the rule of law and the effective governance of the state.

The OCPD's significance lies in its capacity to translate complex policy frameworks into precise legal texts that minimise ambiguity and enhance enforceability. In a diverse nation like the United Republic of Tanzania, characterised by socio-cultural plurality and a dynamic economic and political environment, high-quality legislative drafting is indispensable for fostering equitable development, safeguarding fundamental rights, and promoting democratic governance.



Beyond its technical role, the OCPD serves as a bridge between policymakers and the judiciary, ensuring that laws adhere to constitutional and jurisprudential standards. Additionally, the OCPD plays a pivotal role in harmonising Tanzania's domestic legislation with its international obligations. The Office bolsters Tanzania's compliance with global legal norms by aligning local laws with treaties and conventions ratified by the state, thereby enhancing its credibility and standing within the international community. Consequently, the OCPD's contributions extend beyond the confines of domestic governance, reflecting its integral role in the broader context of global interdependence and international law.

The Evolution of the OCPD

The historical evolution of the OCPD is closely linked to Tanzania's broader legal and constitutional trajectory. The OCPD's development mirrors the nation's journey toward establishing a legal system that embodies indigenous values while responding to contemporary governance challenges.

During the pre-independence era, legislative drafting in the United Republic of Tanzania, then Tanganyika, was firmly rooted in the colonial legal apparatus established by German and later British administrations. The colonial legal framework prioritised the interests of imperial powers, focusing on the preservation of colonial control, the facilitation of economic exploitation, and the suppression of political dissent. Legal drafting was centralised within colonial administrative structures, often ignoring the socio-cultural realities and aspirations of Tanganyika's indigenous populations.

Under British rule, legislative drafting was carried out by expatriate legal officers trained in the common law traditions of England. The statutes enacted during this period, heavily influenced by English legal models such as the Indian Penal Code, were often rigid and ill-suited to local contexts. These laws reflected the paternalistic and extractive governance approach of the colonial state, which sought to impose external legal norms with minimal regard for local participation or ownership.

Toward the end of the colonial era, the rise of nationalist movements and increasing demands for self-governance necessitated a reevaluation of the legal framework. Indigenous leaders and reformers advocated for legislative mechanisms that would reflect local values and address the unique challenges of Tanganyika's society. This period of political awakening laid the foundation for the establishment of a post-independence legal drafting institution capable of meeting the needs of a sovereign state.

The attainment of independence in 1961 marked a paradigm shift in Tanzania's legal and constitutional landscape. The newly sovereign state, under the leadership of President Julius Kambarage Nyerere, embarked on an ambitious project to dismantle the colonial legal framework

and replace it with a system that aligned with the principles of Ujamaa (African socialism), self-reliance, and national unity. Central to this transformation was the establishment of the Attorney General Chamber Legislative Drafting Division, a specialised division dedicated to drafting laws that would support the nation's developmental and governance objectives.

In its nascent years, the OCPD operated with a small team of legal experts tasked with translating the government's socialist policies into actionable legislation. Landmark statutes drafted during this period included laws on land nationalisation, villagization programs, and the establishment of cooperative societies, all of which were instrumental in advancing Tanzania's vision of social and economic equity.

As the country transitioned into a multiparty democracy in 1992 and embraced economic liberalisation, the role of the Legislative Drafting Division expanded significantly. The complexities of a pluralistic political system, coupled with increased engagement in regional and international treaties, necessitated a more sophisticated approach to legislative drafting. Today, the OCPD operates at the intersection of domestic and international legal standards, ensuring that Tanzania's laws are responsive to both local needs and global obligations. The Office's evolution underscores its adaptability and enduring relevance in an ever-changing legal and political environment.

Constitutional Framework

The constitutional foundation of the OCPD is firmly linked to the constitutional purview of the Attorney General, as enshrined under Article 59 of the Constitution of the United Republic of Tanzania, 1977. Article 59 elaborates on the powers, qualifications, and obligations of the Attorney General. This Article designates the Attorney General as the principal legal advisor to the Government and the custodian of the law, entrusting him with, inter alia, the responsibility of overseeing legislative drafting to ensure alignment with constitutional imperatives.

Operating within this constitutional framework, the OCPD ensures that all drafted legislation adheres to core constitutional principles, including the protection of fundamental rights, the promotion of good governance, and reinforcement of the rule of law. This alignment is achieved through close collaboration with the Office of the Attorney General, ministries, and other governmental entities, creating a robust system of checks and balances and preserving the coherence and legitimacy of Tanzania's legal system.

Establishment of the Office

The establishment of the OCPD signifies Tanzania's determination to construct a legislative system capable of addressing the multifaceted needs of a sovereign state. Initially conceived as a division within the Office of the Attorney General, the OCPD's primary mandate was to provide specialised legislative drafting expertise. This structural arrangement highlighted the symbiotic relationship between the OCPD and the broader legal functions of the Office of the Attorney General.

A transformative moment in the institutional history of the OCPD came with the enactment of the Legal Sector Laws (Miscellaneous Amendments) Act, No. 11 of 2023. This landmark legislation granted the OCPD operational and budgetary autonomy, effectively reconstituting it as an independent entity within the Office of the Attorney General. The newfound autonomy was designed to enhance the OCPD's operational efficiency and responsiveness to the dynamic needs of Tanzania's evolving governance landscape.

The process of establishing the OCPD as an autonomous institution included significant capacity-building initiatives, such as the recruitment and training of specialised legal drafters and the development of standardised drafting procedures. These measures have positioned the OCPD as a cornerstone of Tanzania's legislative infrastructure, capable of producing high-quality legislative outputs that reflect the country's constitutional and developmental objectives.

Role and Functions of the Office of the Chief Parliamentary Draftsman

The OCPD upholds its constitutional mandate to deliver legislative drafting services of the highest calibre. Its contributions ensure that Tanzania's legal framework remains robust, coherent, and aligned with both domestic imperatives and international legal standards. The OCPD therefore fulfils a multifaceted role, acting as a vital component of Tanzania's legislative machinery.

The OCPD is entrusted with the critical task of drafting bills that translate governmental policies into actionable and enforceable laws. This function necessitates extensive stakeholder consultations, rigorous legal research, and a profound understanding of legislative principles to ensure the resulting statutes are clear, coherent, and practicable.

The OCPD regularly reviews existing laws to identify and address inconsistencies, redundancies, and gaps. This continuous process ensures that the legal system evolves in tandem with societal and governance needs. As Tanzania increasingly integrates into regional and global legal systems, the OCPD plays a crucial role in harmonising domestic legislation with international treaties and conventions. This function not only ensures

compliance with international obligations but also bolsters Tanzania's credibility and standing in the global legal arena.

The OCPD serves as a critical advisory body, offering expert legal guidance to government ministries and agencies on legislative matters. This role ensures that policy proposals are legally sound, constitutionally compliant, and aligned with statutory requirements.

Beyond its technical functions, the OCPD is instrumental in strengthening Tanzania's legal profession. Through the training of legal drafters and the promotion of best practices in legislative drafting, the OCPD fosters a sustainable and competent legislative drafting capacity within the country.

Impact of the Office

The OCPD has significantly influenced Tanzania's legal and governance structures, shaping legislative reforms that underpin constitutional principles, human rights, and socio-economic advancement. Among its most transformative contributions was its involvement in the 1984 Fifth Amendment to the Constitution, which integrated the Declaration of Human Rights into Tanzania's constitutional framework. This marked a pivotal step in institutionalising the protection and promotion of fundamental rights. Building on this foundation, the OCPD played a key role in drafting the 2000 constitutional amendments that established the Human Rights and Good Governance Commission. This Commission was tasked with raising public awareness on human rights, investigating rights violations, and addressing complaints. To actualise these constitutional provisions, the OCPD facilitated the development of critical legislation, including the Basic Rights and Duties Enforcement Act (Cap. 3) and the Commission for Human Rights and Good Governance Act (Cap. 391).

The OCPD's efforts were also instrumental in facilitating Tanzania's transition to a multiparty political system. Through the drafting of electoral reforms, the Office laid the groundwork for increased transparency, accountability, and fair representation, thereby strengthening democratic governance. These reforms continue to serve as foundational pillars for the country's political stability and pluralism.

In addition to its constitutional and political reforms, the OCPD has played a vital role in advancing Tanzania's economic development. In the post-independence era, it drafted a series of laws that facilitated agricultural expansion, industrialisation, and market stabilisation. Notable examples include the Small Industries Development Organisation Act (Cap. 112) and key sectoral legislation such as the Tobacco Industry Act (Cap. 202), Coffee Industry Act (Cap. 347), Cashewnut Industry Act (Cap. 203), and Sisal Industry Act (Cap. 30). These statutes provided critical support for farmers and industrialists, ensuring market stability and price guarantees and fostering economic growth.

In 2017, the government embarked on a transformative policy shift aimed at ensuring equitable management and distribution of natural resource benefits. The OCPD was pivotal in drafting the legislative framework necessary for this reform, culminating in the enactment of the Natural Wealth and Resources (Permanent Sovereignty) Act (Cap. 449) and the Natural Wealth and Resources Contracts (Review and Re-negotiation of Unconscionable Terms) Act (Cap. 350). These laws have become instrumental in safeguarding national sovereignty over natural resources and promoting sustainable resource management practices.

More recently, the OCPD has expanded its impact through the enactment of the Sheria ya Bima ya Afya kwa Wote, which underscores the government's commitment to universal health coverage, ensuring equitable access to healthcare for all citizens. The OCPD's role in drafting social security reforms further reflects its dedication to strengthening the nation's social safety nets, particularly for vulnerable populations. Revisions to the Public Procurement Act and its accompanying regulations have modernised procurement processes, enhancing transparency, efficiency, and accountability in public resource management. Moreover, the OCPD has contributed to legislative efforts addressing tax reform, education, and environmental sustainability, ensuring that Tanzania's legal framework remains adaptive to contemporary challenges and global commitments.

Through its legislative achievements, the OCPD has solidified its role as a cornerstone of Tanzania's governance and development architecture. Its contributions reflect the nation's aspirations for justice, equity, and prosperity, providing a robust foundation for sustainable development, the protection of human rights, and economic progress.

Challenges and Future Directions

The OCPD despite its valiant performance faces several challenges that influence its capacity to effectively execute its mandate. One of the foremost challenges is the growing complexity of modern legislative drafting. Tanzania's legal framework has evolved to accommodate emerging social, economic, and technological realities; the OCPD navigates intricate policy issues while ensuring clarity, coherence, and alignment with constitutional principles. This complexity necessitates a significant investment in human resources, particularly the recruitment and continuous professional development of highly skilled legal drafters.

Resource constraints present another critical challenge. Despite its operational autonomy, the OCPD often faces limitations in budgetary allocations, which can hinder its ability to recruit personnel, invest in advanced drafting technologies, and undertake comprehensive legislative reviews. These constraints are exacerbated by the increasing volume of legislative demands, including the

need to harmonise domestic laws with regional and international obligations.

The OCPD also faces challenges related to stakeholder engagement. Effective legislative drafting requires collaboration with multiple actors, including policymakers, government agencies, and civil society organisations. Ensuring timely and meaningful consultations while managing diverse interests is a delicate balancing act that demands significant institutional capacity.

Looking ahead, the OCPD endeavours to foster stronger partnerships with stakeholders. The OCPD is working towards institutionalising mechanisms for stakeholder engagement, ensuring that consultations are inclusive, transparent, and responsive to the diverse needs of Tanzanian society. Enhanced stakeholder collaboration can lead to more robust and widely accepted legislative outcomes.

Conclusion

The Office of the Chief Parliamentary Draftsman is a cornerstone of Tanzania's legislative framework, entrusted with the critical task of translating governmental policies into coherent and enforceable laws. Operating within a robust constitutional framework and with newly acquired operational autonomy, the OCPD has demonstrated its capacity to address the evolving needs of the nation's governance landscape. However, the office contends with multiple challenges related to resource constraints, stakeholder engagement, and the increasing complexity of legislative drafting. The future of the OCPD lies in its ability to adapt, innovate, and lead in shaping Tanzania's legislative landscape for generations to come.



Julius Nyerere Hydropower Station at Rufiji



Standard Gauge Railway (Dar es Salaam to Dodoma)



Dar es Salaam port

Spelling Word Scramble

Can you crack the scramble?

Share your solutions with us for a chance to be featured in the next newsletter!

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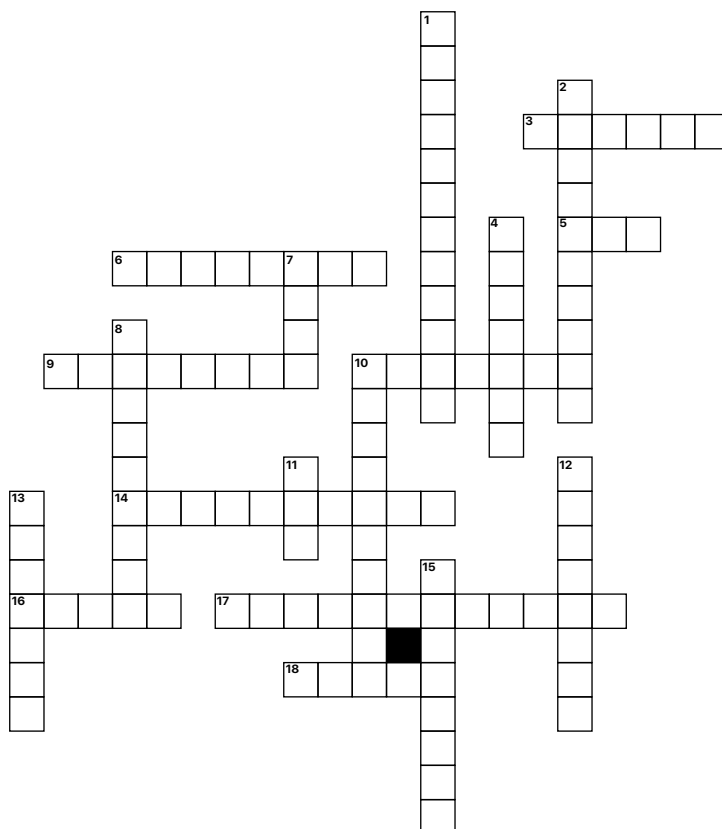
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Lexicon challenge: Can you solve it?



Across

3. To officially cancel a law
5. An enforceable rule of action in a society
6. An introduction to a law
9. Brief explanations notes beside sections
10. A condition or exception in a law
14. A smaller part of a section in a law
16. To make changes to a law
17. When a law starts
18. The name of a law

Down

1. The area where a law applies
2. A rule made under a law
4. A single clause of a law or legal document
7. A proposed law
8. A part of a law that provides details



Lydia Choma is a Principal State Attorney with a career spanning over fourteen years. She has served as the Director of Legal Services at the National Health Insurance Fund and Chairperson to the Audit Committee of the Registration Insolvency Trusteeship Agency.



Shabaan Kabunga is a Senior Parliamentary Draftsman. He has participated in several inquiry commissions for the Prime Minister, including those on fuel importation, supply, and pricing, and has also served on various Boards of Directors and committees. Additionally, he contributes to the legal community by moderating seminars, leading awareness programs, and facilitating forums on legislative drafting for legal professionals and public officers.



Kabyemela Sunshine Lushagara is a seasoned Senior State Attorney with extensive experience in law and governance, currently serving at the Office of the Attorney General in Dodoma, Tanzania. With a robust academic background, Lushagara holds a Master of Arts in Revenue Law and Administration from the University of Dar es Salaam, a Postgraduate Diploma in Legal Practice from the Law School of Tanzania, and a Bachelor of Laws from Tumaini University. His legal career is marked by a specialization in contract negotiation, management of agreements, revenue and tax law administration, and corporate governance.



Bavoo Anatoly Junus is a Senior Parliamentary Draftsman. He heads the Quality Assurance Desk within the Tanzania Office of the Attorney General and actively contributes to criminal justice reforms as a member of the Criminal Justice Sub-Committee Secretariat. He is also a prolific writer and a GENOS-certified emotional intelligence coach and has authored numerous publications in criminal law, criminology, legislative matters, taxation, and intellectual property.



Chresencia Mathayo is a State Attorney and Parliamentary Draftsman. She is a key member of the team and has played a vital role in the successful enactment of several landmark laws. With her extensive knowledge and expertise in legislative drafting, she has chaired and advised high-level meetings and continues to contribute to critical legal reforms. Ms. Mathayo serves on various committees and secretariats, and currently heads the By-Laws Desk within the Office of the Attorney General, where she oversees the quality and standards of bylaws to ensure legal coherence and compliance.



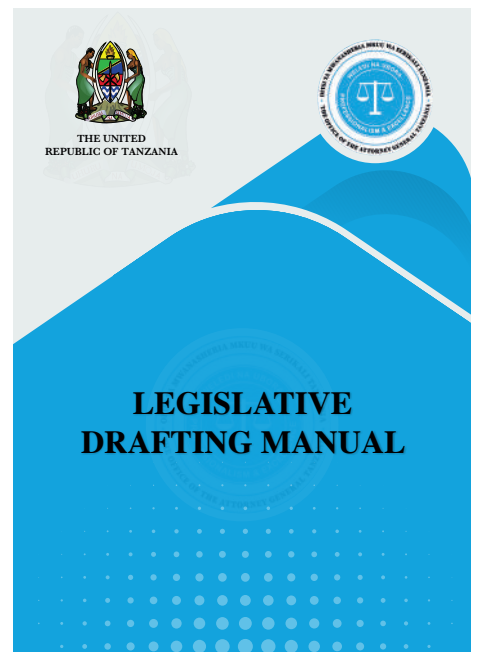
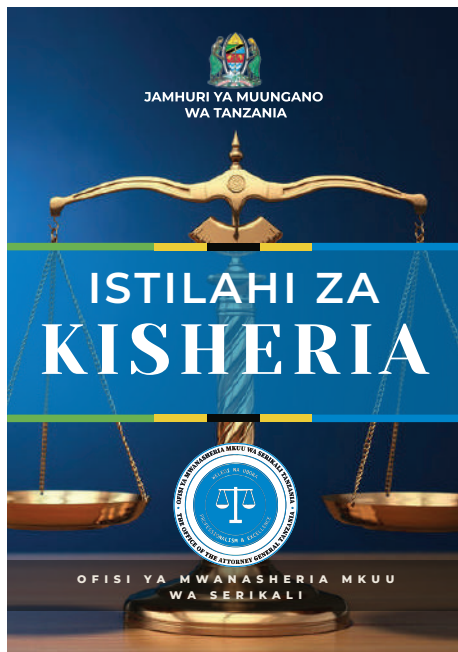
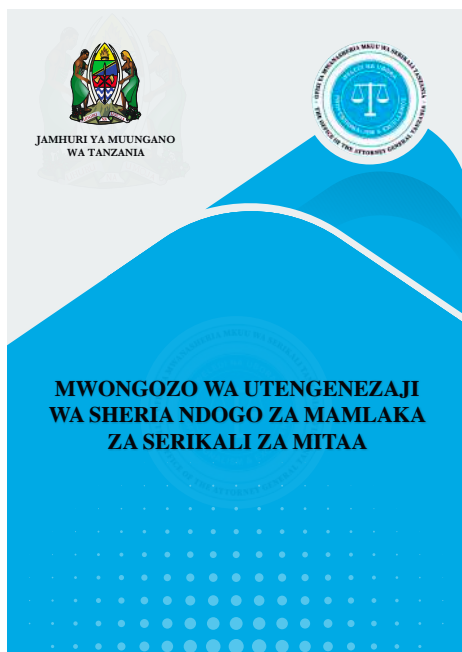
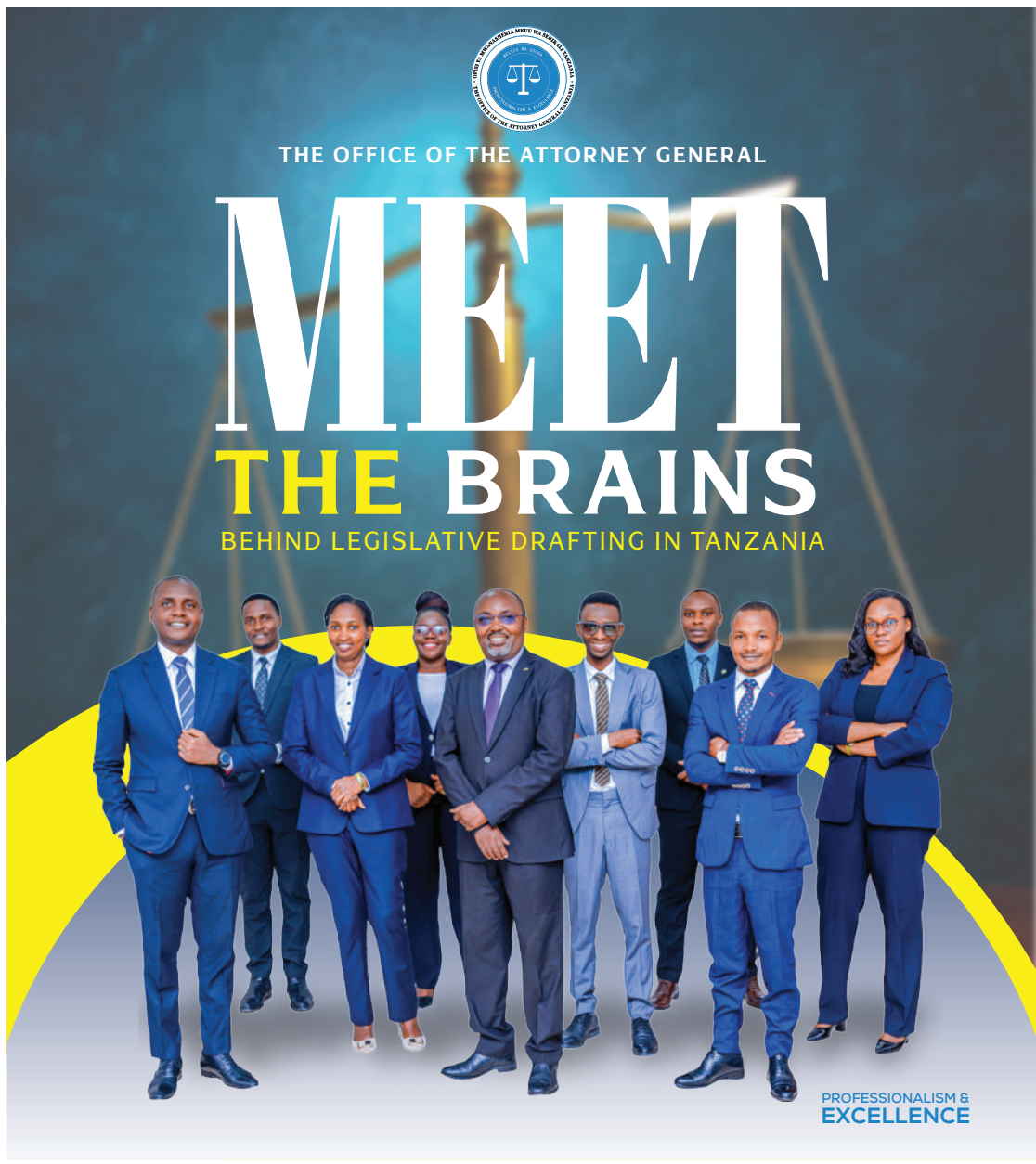
George Masero is a Parliamentary Draftsman who has been pivotal in developing laws addressing key national and regional issues. As a member of the Regional Community Laws Desk, he collaborates with legal experts from the EAC, SADC, and AU to resolve legal challenges and promote legal integration.

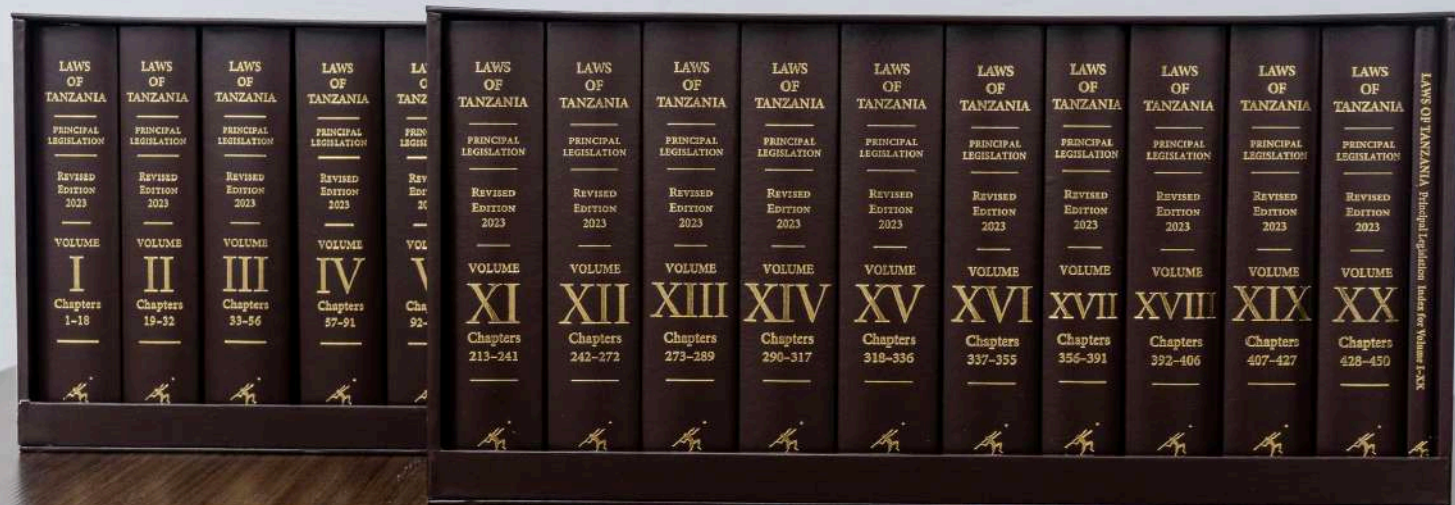
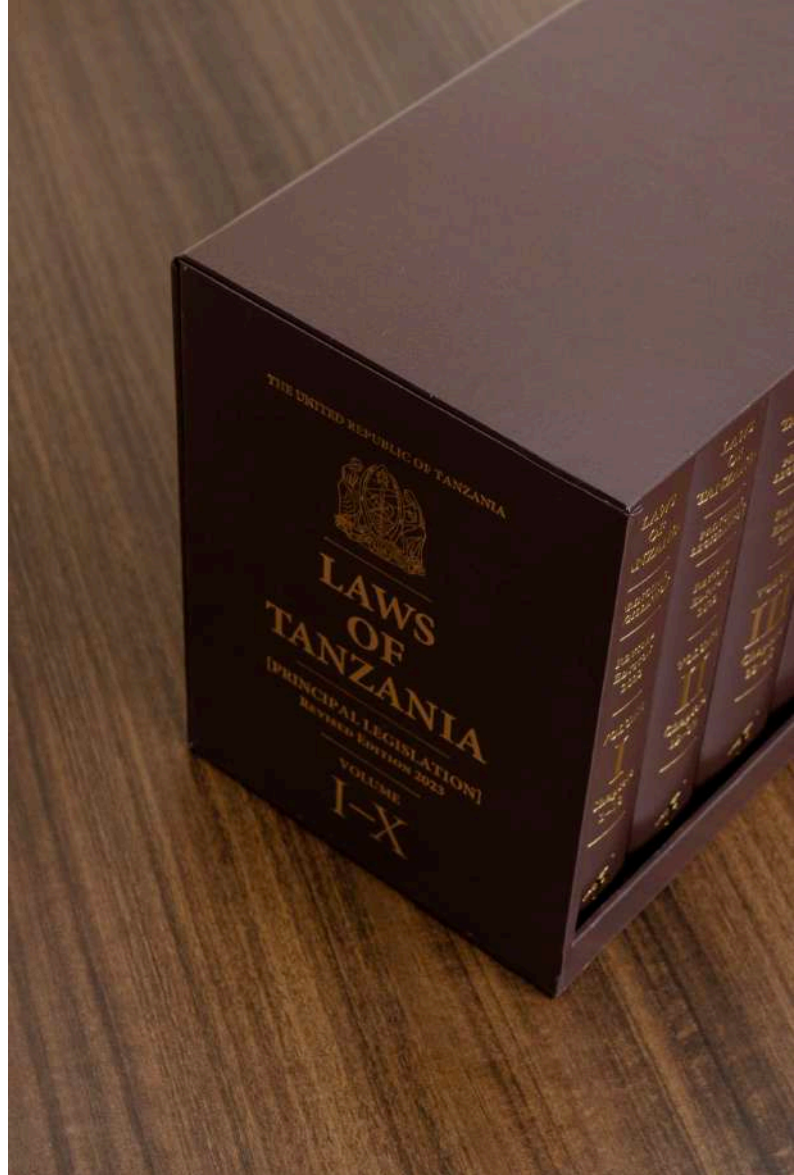
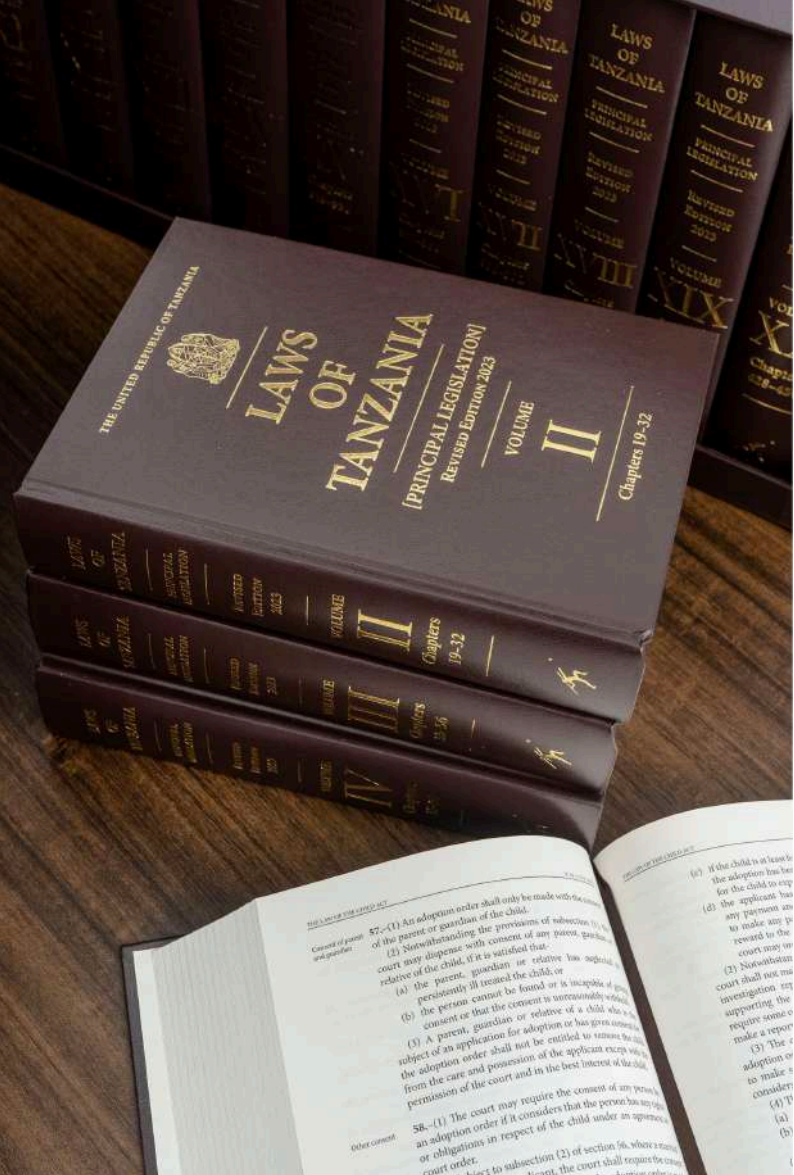


Mariam Ibrahim Possi is a State Attorney and Parliamentary Draftsman. She holds a Master of Laws degree from the university of SouthWales, postgraduate diplomas in Legislative Drafting from Zambia and Post-Graduate Diploma in Law from the Law School of Tanzania. She is the Division's Risk Champion and a member of the Quality Assurance Desk. Prior to her current appointment, Mariam was a legal practitioner at ENSafrica Tanzania (now Rex Attorneys), where she specialised in civil and commercial litigation and served as an expert advisor on labour matters.



Luluclara Mutungi is a State Attorney recognized for her expertise in legislative drafting and parliamentary affairs. She plays a pivotal role on the Regional Community Laws Desk, where she collaborates with regional blocs such as the EAC, SADC, and AU to drive legal integration. In addition to her legislative work, Mutungi represents the Attorney General on key task forces, where she contributes to strategic legal reforms and the advancement of critical legal initiatives.





July 2026 Edition Loading...

As we close this chapter, preparations are already underway for the next edition of our newsletter, set for release in July 2026. This upcoming issue promises to deliver even more compelling and thought-provoking content, with insightful articles on trending legislative topics, rich reflections on our journey as the Office of Chief Parliamentary Draftsman (OCPD), and highlights of the milestones we've achieved along the way.

We will also spotlight new ventures, flagship projects and innovations that continue to shape our institution's impact and legacy along with so much more thrilling, engaging and meaningful content curated to inform, inspire and ignite discussion. Stay tuned, the best is yet to come.



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