

PRIME MINISTERS' OFFICE:
BUSINESS ENVIRONMENT STRENGTHENING FOR TANZANIA
(BEST-AC)

**MAPPING OUT THE CHANGE PROCESS AND
DYNAMICS FOR POLICY REFORMS IN
TANZANIA**

REPORT

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MAPPING OUT THE CHANGE PROCESS AND DYNAMICS FOR POLICY REFORM IN TANZANIA

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EXECUTIVE SUMMARY

The government of the United Republic of Tanzania has for the past 10 years undergone a reform process that delegated most of the actual implementation activities to its Agencies through Executive Agency Act (2004). The core responsibility of the Ministries now remains on policy formulation, regulation, monitoring and evaluation.

The process of policy formulation usually starts with implementing agent such as Government Executive Agency, Regulatory Authority, Regulatory Board and Government Funds such as Roads Fund Board, Department within the Ministry or any other Government institution with legal mandate to initiate the move for change. The initial source of change can be internal or external. By external it means the implementing agent can receive input or demand from other sources, be it from PSOs, Civil Society, NGOs, Faith based Organization or any other private institution regarding the need for policy review and/or formulation of new policy through lobbying and advocacy.

In this regard, the lobbying process has never been an easy task yet found to be a most significant and influential way for any such change. PSOs and whoever wants to influence policy change has to first of all realize that for lobbying to be effective, intensive mechanism of lobbying techniques has to be applied at all stages of policy formulation processes. This study therefore maps out the channels, processes and dynamics for change through private sector lobbying of public sector. It sketches out at what point lobbying by PSOs is to be initiated, the entry points concerned and how to go about throughout the lobbying process.

The process through which the policy formulation undergoes is long and very involving and sometimes the dynamics are complex and sensitive to the extent that no single person can afford lobbying alone throughout to the parliament. It therefore requires joint efforts by PSOs under different umbrella to join efforts and fight for change right from the initial stage to the

parliament. With reference to this study findings there are basically five channels crucial for effecting change. These stages are:

- i) Initial Stage/Level;
- ii) The Ministry, Departments and Agencies (MDAs);
- iii) The Inter Ministerial Technical Committees (IMTC);
- iv) The Cabinet; and
- v) The Parliament.

At each stage there are different entry points, lobbying technicality, facilitators and barriers for effective policy change. At all stages of policy formulation, lobbying is crucial and inevitable. Lobbying is a strategic and well-designed targeted activity to key stakeholders and decision makers that aim at influencing policy, laws and regulations at the upper-most levels of public or private sector institutions. There are general and specific techniques that are applicable in policy formulation processes. General techniques include public awareness through the Media, workshop, and seminars. Specific techniques depend on the particular stage at which lobbying is done, and may include identifying the specific person or group of people that has influence over the change process and/or formulation of the policy and try to get audience with him/her. By having audience with the responsible person, make sure that you get prepared to table clearly your case and state explicitly the changes you would wish to see reflected in the policy. In view of the aforementioned, for PSOs to effectively lobby for policy change, this study recommends the following:

- i) Lobbying should be applied at all stages of policy preparation processes;
- ii) Media should be taken as a leverage for change and influential means of lobbying;
- iii) PSOs should join hand during lobbying process for maximum outcome;
- iv) Capacity building within PSO is important and should be pursued;
- v) The initial stage of policy preparation is so important for intensified lobbying;
- vi) Every stakeholder is important in the process of policy formulation and therefore should not be ignored in the lobbying for change;
- vii) PSOs should form links with interfacing agencies as such will easy the lobbying process;

- viii) Lobbying should not be treated as a tag of war rather a peaceful process of influencing change for public interest; and
- ix) Lobbying requires skills and PSOs should identify the skillful individuals for effective lobbying during policy formulation and bill preparation.

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LIST OF ABRIVIATIONS

ACT	Agriculture Council of Tanzania
ATE	Association of Tanzania Employers
AZT	Agriculture Council of Tanzania
BEST-AC	Business Environment Strengthening For Tanzania
BET	Board of External Trade
BoT	Bank of Tanzania
BRELA	Business Registrations and Licensing Agency
CHAWATA	Chama Cha Walelavu Tanzania
CRB	Contractors Registration Board
CTI	Confederation of Tanzania Industries
DfID	Department for International Development
DPP	Directorate of policy and Planning
ESRF	Economic and Social Research Foundation
EWURA	Energy, Water Utilities Regulatory Authority
FBO	Faith Based Organizations
HAT	Hotel Association of Tanzania
IMTCs	Inter Ministerial technical Committees
LAPF	Local Authorities Pensions Fund
LGA	Local Government Authority
MDAs	Ministry, Departments and Agencies
MEVT	Ministry for Education and Vocation Training
MKUKUTA	National Strategy for Growth and Reduction of Poverty
MKURABITA	Property and Business Formalization Programme
MoAFC	Ministry of Agriculture, Food Security and Cooperatives
MoEM	Ministry for Energy and Minerals
MoFEA	Ministry of Finance, Planning and Economic Affairs

MoLFD	Ministry of Livestock and Fisheries Development
MoNR	Ministry of Natural Resources & Tourism
MoT	Ministry of Transport
MoW	Directorate of Safety and Environment
MoW	Ministry for Works
MPs	Members of parliament
MTI & M	Ministry of Trade, Industries and Marketing
NBS	National Bureau of Statistics Tanzania
NCC	National Construction Council
NDC	National Development Corporation
NEMC	National Environment Management Council
NGOs	Non-Governmental Organization
NHC	National Housing Corporation
NSSF	National Social security Fund
PMO	Ministry for State Prime Ministers’ Office, Investment and Empowerment
PPF	Parastatal Pensions Fund
PSOs	Public Sector Organizations
PSPF	Public Service Pensions Fund
RITA	Registration Insolvency and Trusteeship Agency
SIDA	Swedish International Development Cooperation Agency
SIDO	Small Industries Development Organisation
SUMATRA	Surface and marine Transport Regulatory Authority
TAA	Tanzania Airports Authority
TACEA	Tanzania Civil Engineering and Contractors Association
TACECA	Tanzania Civil Engineering and Contractors Association
TAHA	Tanzania Horticulture association
TANAPA	Tanzania National Parks Authority
TANESCO	Tanzania Electric Supply Company Limited
TANEXA	Tanzania Exporters association

TAOA	Tanzania Air Operators Association
TATO	Tanzania Association of Tour Operators
TAWOMA	Tanzania Women Miners Association
TAWOMA	Tanzania Women Miners Association
TBS	Tanzania Bureau of Standards
TCAA	Tanzania Civil Aviation Authority
TCCIA	Tanzania Chamber of Commerce, Industry and Agriculture
TCIA	Tanzania Chamber of Commerce
TCRA	Tanzania Communications Regulatory Authority
TCT	Others are the Tourism Confederation of Tanzania
TCT	Tourism Confederation of Tanzania
TFCC	Tanzania fair Competition Commission
TFDA	Tanzania Food and Drug authority
TIC	Tanzania Investments Centre
TMA	Tanzania Meteorological Agency
TNBC	Tanzania National Business Council
TPA	Tanzania Ports Authority
TPDC	Tanzania Petroleum Development Corporation
TPSF	Tanzania Private Sector Foundation
TRA	Tanzania Revenue Authority
TTB	Tanzania Tourist Board
VETA	Vocational Education and Training Authority
VIBINDO	Vikundi Vya Biashara Ndogondogo
WMA	Weight and Measure Agency
ZAPCO	Zanzibar Clove Producers Association
ZNCCIA	Zanzibar National Chamber of Commerce, Industry and Agriculture

INTRODUCTION

1.1 Background

Mapping out the Change Process and Dynamics for Policy Reforms in Tanzania is a study commissioned by BEST-AC, a private sector support program for advocacy under the Prime Minister’s Office, intended to map out the routes and the dynamics for change that PSO’s must navigate to achieve the greatest effect for easing business and investments in the private sector in Tanzania.

BEST-AC (Business Environment Strengthening for Tanzania - Advocacy Component) was launched in 2004 to be a component within the private sector, funded in equal parts by the Danish Embassy, DfID, the Netherlands Embassy, and SIDA, with a focus on improving the regulatory and business environment throughout the country by engaging the business community to improve the business environment through the business community’s trade and private sector organisations.

Ever since its inception, BEST-AC has over time put in place the systems for delivery, has identified and delivered the requisite products and yet still finds itself challenged by the private sector organization’s (PSO) inability to influence and affect policy change in the business environment. Although BEST-AC is not the sole player in influencing policy change in Tanzania, despite its efforts to the present Tanzania’s policy environment seems to not have considerably improved, hence a need to rethink for a practical solution to the matter.

Such apparent inability of PSOs to skillfully engage the right channels, tools and evidence to fruitfully move the resolution of business hindering issues moved BEST-AC to see the need for increased effective PSO influence on public policy changes that will favourably impact the business environment in Tanzania. It is under this auspex that the consultant was tasked with

this study to specifically map out the routes and the dynamics for change that PSOs must navigate to achieve greatest effect.

1.2 Aim and Objectives

As aforementioned, the aim of this study is to map out the channels, processes and dynamics for change through private sector lobbying of public sector, be they at levels of ministry/MDAs, Executive or Parliament. Specifically the objectives of the assignment are to:

- i) Inform the public sector organizations about the channels, processes, facilitators and barriers to policy change in Tanzania;
- ii) Take an inventory of Ministries, Departments and Agencies (MDAs) that control policies and procedures for which PSOs lobby for change;
- iii) Map out the routing of PSO's influencing all the way through to bill preparation;
- iv) Map out the process of entry into influencing the executive branch, through its own ministerial system; and
- v) Map out the interfacing entities and its relationships for PSOs to achieve its ends.

1.3 Methodology

1.3.1 Approach

The design of this study started with the definition of aim and objectives which formed a basis for development of proper instruments for data collection. A survey team of professionals was then deployed. Based on the nature of the study and information needed from respondents, the study adopted purposive sampling technique coupled with snowball sampling technique.

The method mapped current methods for policy change including processes involved and dynamics, and the gaps that exist in the lobbying process. Using interview guides to conduct semi structured interviews, high level officials from ministerial Departments, Parliament, and interfacing entities i.e. CEOs, Directors, heads of programs or units, staff

in the selected institutions as well as carrying out discussions with recipients of services rendered by these Private Sector Organizations (PSOs).

The observations and recommendations made in this Report are based on reports and documents review by the consultant, interviews held with officials from selected organisations with respect to TOR and Consultants’ opinion based on findings of the assignment. With this report a list of contacted officials is attached (**Appendix 1**).

1.3.2 Source and Type of Data

The sources of data as presented in this report are in accordance with the key theme of the study. In this regard, both Ministry Department Agencies (MDAs, Executive branch, Parliament and Interfacing Agency including the PSOs have been sampled as sources of information.

With respect to PSOs as the target beneficiary for this study, the sampling frame consisted of a list of 20 PSOs in eight (8) groups according to sectors. Eight PSOs in all were selected to be included in the sample from a list of 20 to represent each sector. In each group one institution was selected for a detailed interview. The sampled PSOs selected for further discussions and data collection for this study were the Tanzania Civil Engineering and Contractors Association (TACECA), Tanzania Women Miners Association (TAWOMA), Agriculture Council of Tanzania (AZT), Zanzibar Clove Producers Association (ZAPCO) and Confederation of Tanzania Industries (CTI). Others are the Tourism Confederation of Tanzania (TCT), Vikundi Vya Biashara Ndogondogo (VIBINDO) and Association of Tanzania Employers (ATE).

Table 1.1: Sampling Framework for PSOs

S/N	Sector	Name of the Private Sector Organizations
1	Construction	Tanzania Civil Engineering and Contractors Association (TACECA)
2	Mining	Tanzania Women Miners Association (TAWOMA)
3	Agriculture	Agriculture Council of Tanzania (ACT) Tanzania Horticulture Association (TAHA) Zanzibar Clove Producers Association (ZAPCO) Association of Kilimanjaro Specialty Coffee Growers Tanzania Milk Processors Association (TAMPA)
4	Industries	Confederation of Tanzania Industries (CTI) Tanzania Chamber of Commerce Industry and Agriculture (TCCIA) Zanzibar National Chamber of Commerce, Industry and Agriculture (ZNCCIA) Tanzania Private Sector Foundation (TPSF)
5	Tourism	Tourism Confederation of Tanzania (TCT) Hotel Association of Tanzania (HAT) Tanzania Air Operators Association (TAOA) Tanzania Association of Tour Operators (TATO)
6	Commerce, Industry, Trading	Vikundi vya Biashara NdogoNdogo (VIBINDO) Tanzania Exporters Association (TANEXA)
7	Employment	Association of Tanzania Employers (ATE) Chama cha Walemavu Tanzania (CHAWATA)
8	Legal	Tanganyika Law Society (TLS)

1.4 Significance of the Study

1.4.1 Background

BEST-AC concentrates on a project management methodology, the program uses grant proposal mechanism to support PSOs to carry out advocacy projects. BEST program uses logical framework to evaluate performance of such projects on the basis of their focus, timeliness and fulfilment. This assessment procedure remains very much process based. The World Bank Annual Report on Easy of Doing Business 2010 ranks Tanzania at 131 out of 183 economies, five points lower than that of 2009. This finding challenges BEST AC to show the impact of its work and investment in building the capacity of PSOs on one side, evaluating whether or not the type and volume of investments undertaken so far, have the ability to affect policy change, sustainably.

1.4.2 Investment Impact on Advocacy

BEST AC has been supporting member organizations to come together to identify and discuss factors that hinder growth and development of their businesses. Through this

study BEST AC will be able to assist the PSOs better and will improve the impact of its investment on advocacy and policy reform for better business environment in Tanzania, which will impact the PSOs performance.

1.4.3 Identification of Best Practices

This study is useful to existing business organizations as it provides guidelines on the channels, processes and dynamic involved in lobbying for policy change. This finding is important in winning support and understanding of those involved in making and allocating resources. Unlike before this study and its findings is a testimony of the importance of organization to making available resources for advocacy work.

1.4.4 Knowledge Gap

Ministerial Departments and Agency will also find this study useful as the fact that change not necessarily be initiated by PSOs. There is a general feeling by PSOs that most policy barriers are as a result of poor understanding of how the private sector works, by some government officials. This concern has been discussed in lengthy with example in this study. This study is therefore useful to MDAs as it identifies some barriers to better business environments that need their attention.

1.5 Scope and Limitations

The nature of this study requires interviewing high level officials from MDAs, Parliament and Interfacing Entities including PSOs. However, it was not possible to reach them all as planned. It should be noted that the intended interviewees are high officials who are very busy people. Nevertheless, the consultant managed to collect necessary input from the few reached.

Similarly, some PSOs sampled for this study are still at the inception stage of their proposal development and negotiation for funding by BEST AC. It is for this reason that such organizations could only share their plans and processes they intend to embark on in advocating for policy change as opposed to sharing their experience in influencing policy that influence their operating environment.

PSOs ADVOCACY CHANNEL TO INFLUENCE POLICY CHANGE

2.1 Background

With the focus on where and how the private sector can channel its lobbying activities, two major things have been given due consideration in this study; firstly are the channels to which such advocacy and lobbying activities can be channeled and secondly the channels through which such advocacy and lobbying can be done. At this part the study identifies the two important aspects and some highlights on how each aspect can positively contribute towards PSOs’ advocacy channel to influence policy change.

2.2 Channels to Which Advocacy and Lobbying is effective

Channels towards which advocacy and lobbying can be directed are as follow:

- i) Implementing Agencies;
- ii) Sector Ministries;
- iii) The Executive Arm of the Government;
- iv) The Parliament; and
- v) Interfacing Entities.

2.2.1 Implementing Agencies

The list in this part includes some Government Agencies and Departments which are important for the PSOs to look at while lobbying for certain changes to take place. This is the entry point where background paper for policy formulation is usually prepared although this list is not in itself exhaustive, it is designed to provide a cross section of one of the avenues through which advocacy and lobbying can be channeled.

- i) Tanzania Revenue Authority (TRA)
- ii) Tanzania Communications Regulatory Authority (TCRA)
- iii) Social security schemes such as PPF, PSPF, and LAPF
- iv) Tanzania Bureau of Standards (TBS)

- v) Surface and marine Transport Regulatory Authority (SUMATRA)
- vi) Energy, Water Utilities Regulatory Authority (EWURA)
- vii) Business Registrations and Licensing Agency (BRELA)
- viii) Tanzania fair Competition Commission (TFCC)
- ix) Tanzania Electric Supply Company Limited (TANESCO)
- x) National Development Corporation (NDC)
- xi) Tanzania Investments Centre (TIC)
- xii) Vocational Education and Training Authority (VETA)
- xiii) National Strategy for Growth and Reduction of Poverty (MKUKUTA)
- xiv) The Property and Business Formalization Programme (MKURABITA)
- xv) Contractors Registration Board (CRB)
- xvi) Tanzania Food and Drug authority (TFDA)
- xvii) Tanzania Ports Authority (TPA)
- xviii) Tanzania Airports Authority (TAA)
- xix) Public Service Pensions Fund (PSPF)
- xx) Tanzania Tourist Board (TTB)
- xxi) Tanzania National Business Council (TNBC)
- xxii) Bank of Tanzania (BOT)
- xxiii) Tanzania Civil Aviation Authority (TCAA)
- xxiv) Tanzania Petroleum Development Corporation (TPDC)
- xxv) National Housing Corporation (NHC)
- xxvi) Economic and Social Research Foundation (ESRF)
- xxvii) National Bureau of Statistics Tanzania (NBS)
- xxviii) Tanzania Meteorological Agency (TMA)
- xxix) Registration Insolvency and Trusteeship Agency (RITA)
- xxx) Board of External Trade (BET)
- xxxi) Tanzania National Parks Authority (TANAPA)

2.2.2 Ministries

Once the need for policy formulation has been identified, and the background paper worked out by implementing Agent, it then forward to the respective sector Ministry for preparation of cabinet paper. The Department of Policy and Planning is responsible for preparing the cabinet paper. This is an area where the PSOs can channel propositions directly to responsible sector ministry so as to influence change. Below is a listed of current ministries under the present government;

- i) Ministry of Finance
- ii) Ministry of Trade, Industries and Marketing
- iii) Ministry of Agriculture, Food Security and Cooperatives
- iv) Ministry for State Prime Ministers’ Office, Investment and Empowerment
- v) Ministry for Education and Vocation Training
- vi) Ministry of Natural Resources & Tourism
- vii) Ministry of Livestock and Fisheries Development
- viii) Ministry for Energy and Minerals
- ix) Ministry of Transport
- x) Ministry of Labour and Employment
- xi) Ministry of Communication Science and Technology
- xii) Ministry of Health
- xiii) Ministry of Information, Youth, Culture and Sports
- xiv) Ministry of Justice and Constitution Affairs
- xv) Ministry of Labour and Employment
- xvi) Ministry of Lands, Housing and Human Settlements Developments
- xvii) President’s Office Public Service Management
- xviii) Ministry of Foreign Affairs and International Co-operation
- xix) Ministry of Home Affairs
- xx) Ministry of Livestock and Fisheries Development
- xxi) Ministry of Water
- xxii) Ministry of Community Development, Gender and Children

xxiii) Ministry of Defence and National Service

2.2.3 The Executive Branch

This is the executive branch of the Government referred to as the cabinet in its meetings. Members of the Cabinet are all Ministers of the United Republic of Tanzania and the President of Zanzibar. All Government decisions are made through the Cabinet presented in the form of cabinet papers prepared and presented by respective sector Ministries. The Chairperson of the Cabinet is the President of the United Republic of Tanzania. The cabinet affairs are coordinated by the cabinet secretariat which is chaired by the Chief Secretary State House. All policies and bill preparation before approval must pass through the cabinet for approval. Policies are approved at the cabinet level but bills are forwarded to the Parliament for being passed into legislation.

2.2.4 Parliament

Akin to the government's agencies and departments and ministries listed above, another area to which PSOs' lobbying and advocacy can be directed is the parliament. The parliament, despite having its major function of law making, has another core duty of foreseeing and holding the government accountable to it for all its operations and activities. It is this study's finding therefore that, the parliament be regarded as another channel for advocacy and lobbying in order to improve business environment in Tanzania. This is because normally a policy lays down what is to be done and thereafter a piece of legislation is necessary so as to make the particular policy enforceable.

2.2.5 Interfacing Entities

There are some institutions which, although not so directly involved with the above mentioned institutional arrangement for channeling policy formulations, they are, in a way so important in the process of policy formulation and lobbying. These include:

- i) Research institutions such as ESRF;
- ii) Academic institutions;

- iii) International Organizations such as EU, GTZ, SIDA, IMF and WB, USAID, DANIDA, IrishAID, DfID and JICA and forums such as GBS Donor Group and TROIKA Plus which has regular meeting with Government officials.
- iv) Prominent or Influential People who can be approached to influence change.

2.3 Channels through which Advocacy and Lobbying is Undertaken

With the above mentioned channels to which advocacy and lobbying can be directed, some means and tools to deliver the intended lobbying are important to be identified. This is on the ground that, it is important for the PSOs to know, not only where to lobby but also how/by what means to carry out such lobbying. This study revealed a number of strategies through which the intended lobbying can be done to achieve the intended changes in the business environment. They include;

- i) The use of media;
- ii) Direct contact with MDAs’ officials; and
- iii) Through the interfacing entities and prominent figures.

2.3.1 Use of Media

The Media in Tanzania has continued to play an important role in informing and educating the public. The power of the Media cannot be underestimated in a sense that even the general public has, in some instances, built a trust in the media more than the government. The media therefore has become an important tool for PSOs’ lobbying. The Government machinery appreciates the power of media in awareness and support for the Government and their leadership so as to protect their positions and the reputation.

Practice shows that Private Sector Organisations in Tanzania have taken advantage of this powerful tool to channel their advocacy and lobbying. They have used the media to raise the attention of the policy makers, the public and even the donor community on issues with negative impact to their business environment. Different approaches of the media have been used ranging from press conferences, press talks and media interviews

to air their concerns regarding policy environment and make calls for immediate remedial action by the government and policy makers.

The advantage of using Media is that it is quick with wider coverage and mostly with positive outcome. PSOs that use media as a means of advocacy and lobbying accredit their positive outcome to good relationship they have with the media. They normally have people in the media who have confidence in their work to connect with their claim and support their cause.



Fig. 2.1: Media channel for advocacy

2.3.2 Direct Contact with MDAs’ Officials

During the policy formulation process, the lobbying is effective if taken through to officers responsible for drafting the policy within the respective sector Ministry. Normally the Directorate of Policy and Planning which is available in each Ministry is responsible for all policy preparation and processes hence will be easy to locate as an entry point. Other officers include Directors within technical Departments of the respective sector Ministry, high level officials within the Ministry like Permanent Secretary or even the Minister.

Interpersonal advocacy channel works when PSOs have networks and contacts of people holding positions in the government. It involves contacting people holding decision-making position in the government, ruling party and influential people to win their support to change the business environment to support their businesses. This channel of advocacy is direct in its approach through courtesy calls, business meetings, scientific presentations, informal discussions etc.

CTI finds this approach effective because they have the stream of contacts in government offices, which they can tap when there is a problem. Use of this channel is effective when the promoter has contacts and networks of those who are involved in policy formulation.

In year 2002 CTI advocated successfully for the reduction of power tariff for Industrial use by 17%, only to raise it up again later. The advocacy process included presentation of a position paper, brief meetings with the minister of finance and its directors. The advocacy strategy included counter proposal of how the government can recover the lost revenue from other sources.

In year 2007 the government announced new minimum wage for companies that employ more than 300 people and export 25% of its produce to be TZS 150,000/=. Association of Tanzania Employees engaged a consultant to collect information on the impact of this rapid salary increment to the economy. Study results were shared during the meetings with senior government officials from the ministries of labour, trade and marketing, and finance. Appeal letters from affected industries submitted letters indicated their decision to retrench large number of employees. Several individual meetings with people holding high level offices who are known by ATE officials to explain and assist them to talk to those in the ministry of labour paid off. The minimum wage was reduced to TZS 80,000/=



Fig 2.2: Direct Contact Advocacy Channel

2.3.3 Interfacing entities

The use of interfacing entities such as international organization, members of the development partner's group, Research institutions, Academic institutions and even prominent public figures during lobbying process usually delivers significant results.

PSOs need to identify the appropriate interfacing entity relevant for the lobbying to be carried out. It is important to be precise and focused to the issue you want to address so as to meet target. Media and other lobbying means can produce significant results when using interfacing Agencies to address a certain issue in the society.

The Tanzania National Business Council (TNBC) for instance is a platform for advocacy created by the government of Tanzania to bring to dialogue the government and the

private sectors as equal partners. TNBC brings to one sitting 20 top government officials and 20 business leaders under the chairmanship of the head of state.

Agenda are set by the TPSF following consultative meetings at regional meetings and submitted to the executive committee of the National Business Council. It is the executive committee that tables the agenda to the Business council held twice a year with a possibility of one extra ordinary council per year. The government can also bring up a proposal to the council but not as a policy but advocate for private sector support.

The National Policy on Agriculture known as Kilimo Kwanza is amongst the successful policies for the creation of a conducive business environment for the private sector to participate effectively in agriculture. The policy remains the symbol sector stories of advocacy carried through TNBC channel.

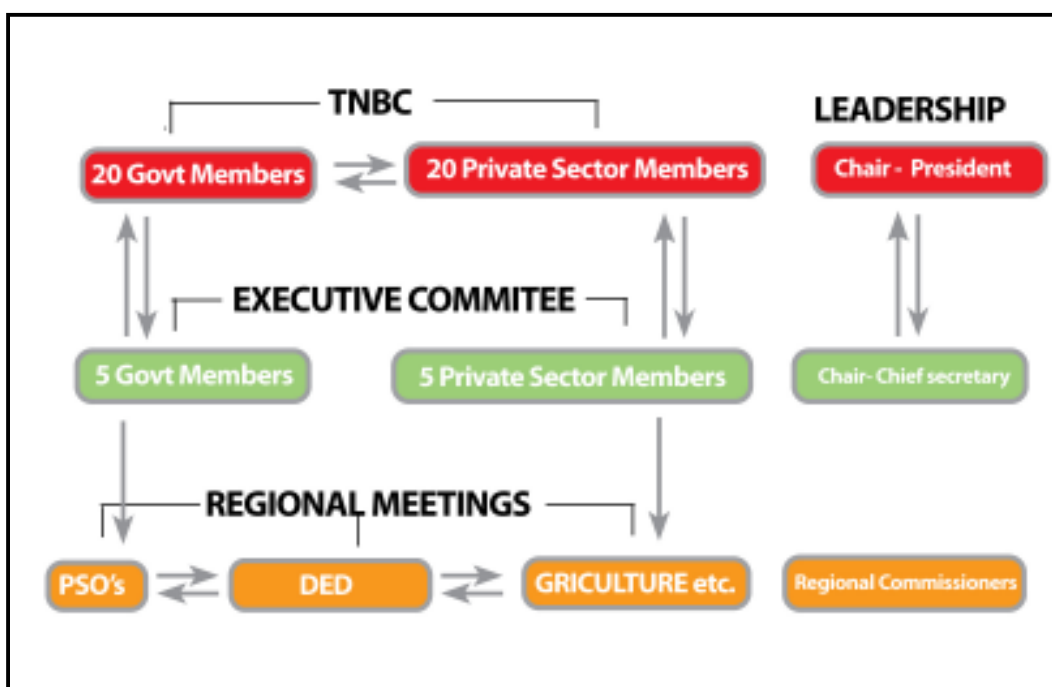


Fig. 2.3: TNBC Advocacy Channel

CHANNELS, PROCESSES AND DYNAMICS FOR PSO-PUBLIC SECTOR LOBBYING

3.1 Preamble

The government of the United Republic of Tanzania has for the past 10 years undergone a reform process that delegated most of the actual implementation activities to its Agencies through Executive Agency Act (2004). The core responsibility of the Ministries now remains on policy formulation, regulation, monitoring and evaluation.

The process of policy formulation usually starts with implementing agent such as Government Executive Agency, Regulatory Authority, Regulatory Board and Government Funds such as Roads Fund Board, Department within the Ministry or any other Government institution with legal mandate to initiate the move for change. The initial source of change can be internal or external. By external it means the implementing agent can receives input or demand from other sources, be it from PSOs, Civil Society, NGOs, Faith based Organization or any other private institution regarding the need for policy review and/or formulation of new policy.

3.2 Policy Reform Channels, Processes And Dynamics

The processes and dynamics involved in the review and or formulation of policy in Tanzania goes through different stages. With reference to this study findings there are basically five channels crucial for effecting change. This part discusses processes and dynamics evolved at each stage such as an entry point, the underlying lobbying techniques, facilitators involved in the process and the barriers that hinder the process. These stages are:

- vi) Initial Stage/Level;
- vii) The Ministry, Departments and Agencies (MDAs);
- viii) The Inter Ministerial Technical Committees (IMTC);
- ix) The Cabinet; and
- x) The Parliament.

3.2.1 At Initial Stage

This stage is crucial as it involves the essential phase of Problem Identification that states explicitly the policy to be formulated/reviewed, advantages for the proposed change and consequences of maintaining the status quo (Do nothing). Similarly, it is at this stage where statements of an economic, social and political atmosphere that encompasses the policy proposal and the multiplier effects that may be realized as a result of the policy change and/or formulation are clearly made. At this stage both Government and PSOs can initiate the process.

a) The Process/entry point

Private Sector Organization under their umbrella or otherwise may be one of the very important stakeholder in the process of identifying the reason for policy change and/or formulation. The statement of the problem may be stated explicitly under a single line statement backed by technical analysis of the background of the problem, social economic gains analysis, political environment involved, factors that may contribute to the multiplier effect in the economic analysis legal and institutional framework and environmental impact assessment.

The actors who can play a major role in the formulation of the problem statement and later on forward to the respective sector implementing agent include amongst others; PSOs, NGOs, Faith Based Organizations (FBO), Academics and Research Institutions, Private Companies and Civil Society Organizations. It is worth to note that, Government Institutions on the other hand can also initiate change process without pressure or lobbying from PSOs.

Once the statement of the problem has been clearly articulated, the first entry point is the government implementing agent. It should be understood that after reforms, the Government established Executive Agencies, Regulatory bodies that execute their functions on behalf of the Government. Such Government Institutions responsible for

trade facilitation and business environment includes, but not limited to Tanzania Revenue Authority (TRA), Bank of Tanzania (BoT), Business Registration and Licensing Agency (BRELA), Board of External Trade (BET), Small Industry Development Organization (SIDO), Weight and Measure Agency (WMA).

Therefore if we site for example a case on say ‘business registration timeframe’, and develop a need to review or formulate a policy on business registration timeframe and prospects to provide incentive for investment in Tanzania, the first entry point by whoever develop the background materials for the proposed change will be Business Registration and Licensing Agency (BRELA). BRELA is legally established Government Agency mandated for Business registration and in this case it is the implementing agent and entry point. For this illustration to be clear, this example will be used throughout this discussion to give the reader an overview and feeling of the entire process involved in formulating policy in Tanzania.

The implementing agent, i.e. BRELA will then prepare the technical paper to be submitted to the Directorate of Policy and Planning (DPP) of the respective sector Ministry. This technical paper will be backed up by the background paper prepared by PSOs showing the need for policy formulation. Preparation of this technical paper is consultative in the sense that it draws all the key stakeholders responsible for business registration. Key stakeholders in this case includes Business Registration and Licensing Agency as implementing agent, Directorate of Policy and Planning (MITM), Directorate of Trade and Marketing (MITM), Ministry of Finance (MoF), Ministry of Justice and Constitution Affairs, Tanzania Investment Centre (TIC), Tanzania National Business Council (TNBC), Tanzania Revenue Authority (TRA), Attorneys General Chamber, Board of External Trade (BET) Bank of Tanzania (BoT), Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA), Confederation of Tanzania Industries (CTI), Local Government Authorities, Higher Learning Institutions, and research institutions just to mention a few. The purpose of having a pool of stakeholders is to make sure that the

proposed policy addresses the public interest and does not conflict with other existing policies and the constitution.

Other few examples of policy formulation and entry point are tabulated here under to illustrate the entry points in policy formulation processes. The tables below give examples that illustrate the diversity of entry points within the Government entities.

Table 3.1: Policy Change/Formulation Vs Entry Point

S/N	Policy formulation	Entry Point
1	Review of Roads and Fuel Toll Act	Roads Fund Board (RFB)
2	Review of National Transport Policy	Directorate of Policy and Planning (MoT)
3	Trade Policy	Directorate of Policy and Planning (MITM)
4	PPP Policy	National Construction Council (NCC)
5	Road Safety Policy	Directorate of Safety and Environment (MoW)
6	Environment Policy	National Environment Management Council (NEMC)
7	Tax Policy	Tanzania Revenue Authority (TRA)

b) Lobbying techniques

At all stages of policy formulation, lobbying is crucial and inevitable. Lobbying is a strategic and well-designed targeted activity to key stakeholders and decision makers that aim at influencing policy, laws and regulations at the upper-most levels of public or private sector institutions. There are general and specific techniques that are applicable in policy formulation processes.

- **General Techniques**

These include public awareness through Media, workshop, and seminars. At the initial stage, lobbying is done at the point of developing the background material for the policy to be formulated. Normally the entity developing the background paper may engage the consultant to develop on her behalf or develop on its own using a team of experts from

different stakeholders. For instance in the case of the business registration policy review used earlier as an example, the lobbying starts at the point of drafting the contents of the technical paper to be prepared by the implementing agent. Normally the contents of the paper include the following:

- Background Information
- Situational Analysis/ Existing Challenges
- Rationale
- Objectives, Vision and Mission
- Issues and Policy Statements
- Implementation Framework and Action Plan
- Key Players
- Cross Cutting issues
- Institutional and Legal Framework

- **Specific techniques**

This includes identifying the specific person or group of people that has influence over the change process and/or formulation of the policy and try to get audience with him/her. By having audience with the responsible person, make sure that you get prepared to table clearly your case and state explicitly the changes you would wish to see reflected in the policy. In the case of our example, the lobbying should target the responsible person at the Business Registration and Licensing Agency (BRELA). Extra work should be done to identify exactly who is responsible in drafting the paper. Sometime it does not end just by seeing the executive Director of the Agency. It is important to know the officer responsible for drafting the paper and give the materials you prepared for inclusion in the background paper.

c) Facilitators

Most of the time beneficiaries act as the facilitators of the movement towards policy formulation. It does not necessarily mean that these are direct financial or moral

beneficiaries but in most cases those who facilitate the process to some point has a stake in the policy impact. These can be Government officers at the capacity and mandate of their job portfolio, business people as first party beneficiaries, business council as second party beneficiary international organizations as facilitators of business environment improvement and the general public who in one way or the other will be affected by the policy formulated.

d) Barriers

In many instances, barriers do occur as a result of conflict of interest between interested parties. It can be personal, group or institutional interest. These barriers develop in relation to the contents of the policy background paper that tries to address certain issues regarding business environment. Example of business registration, barriers may be individuals or companies who benefit due to lengthy registration processes which the proposed policy will shorten if accepted. Sometimes the institutional capacity may acts as a barrier for preparation of initial inputs to the back ground paper due to lack of analytical skills that can bring out vividly the need for policy review or policy formulation. It is because of this aspect some institution normally engage a consultant to prepare the material necessary for policy formulation.

The dynamics involved at the initial stage are based on diversity of stakeholders involved in the preparation of the technical paper. Depending on issues that need to be addressed, there is always to and fro movement before coming to the common understanding and agreement on pertinent issues to be in cooperated in the draft policy technical paper. A series of workshops must be conducted until the technical paper is finalized ready for submission to the Directorate of Policy and Planning of the responsible sector Ministry. Public involvement through public hearing is also a pre-requisite requirement in the preparation of the policy before it is taken for approval. It is through the public hearing session when the Development Partners can come in and air their views.

3.2.2 At the Ministry, Departments And Agencies

After the initial process as stipulated above, the sector Ministry receives the technical paper from the Implementing agent and directs to the Directorate of Policy and Planning. At this level the entry point is then the DPP who prepare a cabinet paper supported by the technical paper ready for submission to the Cabinet Secretariat. The cabinet paper is submitted to Cabinet Secretariat with covering letter signed by Director of Policy and Planning.

a) Lobbying

Lobbying at this point is also inevitable. The DPP has a big role in focusing the policy to address certain needs that was not clearly articulated in the technical paper. The cabinet paper can be more precise and articulate to reflect urgent need of policy formulation. It is on the cabinet paper that the objectives of the policy, its vision and mission and expected benefits will clearly be stated.

b) Facilitators

Unlike at the initial stage, at the MDAs level the facilitators are mostly government officials who are responsible for drafting the cabinet paper. It is therefore important that lobbying should be applied even at this stage to fast track the preparation process and to make sure that the policy is still focused with response to the initially identified problem.

c) Barriers

Barriers at this stage can be many including Government officials and any other interested party who in one way or another may feel that by passing of the policy some of their personal or organizational interest may be at risk.

d) Public Hearing

Public hearing is a legal requirement in the process of preparing a policy or a bill. For Policy paper(s), DPP of the respective sector Ministry is responsible for organizing a public hearing while for bill preparation; the Attorney Generals Chamber is responsible for organizing the public hearing that takes on board all key stakeholders. The process of organizing a public hearing normally involve announcement using media, sending invitation letters to key stakeholders including PSOs and any other form of public announcement. It is important for the PSOs to have their contacts established with the respective sector Ministry so as to be able to receive invitations. Even before public hearing is announced, PSOs must play an aggressive role of making follow up with the DPP or AG Chambers to see that their comments are incorporated before being tabled for public hearing. Even after public hearing, PSOs still have a room to press in with the DPP or AG Chambers to influence their requirements.

e) Cabinet Secretariat

The Cabinet Secretariat is the interface between the MDA, IMTC and the Cabinet. It is the operational entity within the President’s Office responsible for organizing Cabinet meetings. The dynamics at this stage are common. The secretary to the cabinet directs the policy papers to the appropriate section of the secretariat. The common sections are:

- i) Finance and Economic Affairs;
- ii) Legal and Constitution Affairs;
- iii) Social Development; and
- iv) Foreign Affairs, defence and security.

The cabinet papers with all its attachments is discussed between heads of sections at the secretariat known as cabinet undersecretaries technical teams and appoint a persons who will be dealing with the policy. The secretariat scrutinizes both the cabinet paper and the technical paper presented and comments accordingly. It then issues directives to the Ministry on how to revise the cabinet paper and even the policy to ensure consistency. Once all the necessary amendments are done, the cabinet paper is

then submitted to the Inter Ministerial Technical Committee (IMTC) with a covering letter signed by the Permanent Secretary of the concerned ministry.

3.2.3 At the Inter Ministerial Technical Committees (IMTC)

At this stage, the Cabinet Secretariat organizes the Inter Ministerial Technical Committee Meeting to scrutinize the proposed policy. This committee composes the Permanent Secretaries from all the Ministries in the United Republic of Tanzania. This is the Technical Committee that ensures that the proposed policy is in harmony with the existing policies and abides with other governing laws and regulations. The IMTC discuss the policy and issue comments to the responsible Ministry through cabinet secretariat.

At this stage, lobbying is also important. The strategy here is to use other Permanent Secretaries other than the permanent secretary of the responsible sector Ministry.

The dynamics at this stage depends on the nature of the policy to be formulated. The IMTC directs the next step to be taken after first and subsequent discussions. If the policy requires major changes, the policy is returned to the responsible Ministry with written instructions on what is to be done. If the policy has minor changes, the responsible Ministry is directed to forward it to the Cabinet through cabinet secretariat with their comments incorporated.

3.2.4 At the Cabinet Level

Once the policy is approved at IMTC level, it then goes to the Cabinet. Members of the Cabinet are Ministers of all Ministries in the United Republic of Tanzania. The President of the United Republic of Tanzania is the Chairperson of the Cabinet. The Chief Secretary (State House) is the Secretary to the Cabinet. The submission at this stage is done by the respective sector Minister who signs the covering letter.

Lobbying at this stage also takes place using other Ministers. The strategy for lobbying must be smart as the people involved are high ranking government leaders. It might be difficult to reach them but again it is possible to have your voice heard by them. The strategy may involve identifying a prominent Minister to be used for lobbying by seeking audience with him/her or organize a workshop to be opened by him/her, or have a written petition to him/her for help. Conflict of interest under personal or institutional interest usually overtakes the process.

It is at this stage where all the dynamics are realized as it is the highest and final stage of the approval process under the Executive branch before it is taken up by another approval branch which is the Parliament. The cabinet then discusses the policy and issue written directives to the respective sector Ministry through cabinet secretariat. To and fro is normal at this stage depending on the nature of the proposed policy formulation. Sometimes the proposed policy is fast tracked due to its agency according to prevailing political social and economic atmosphere. In this case the policy may be issued a certificate of emergency to speed up the approval process. Otherwise, it may go back to the respective Ministry if it needs major review changes due to timing and other underlying scenarios. When the respective sector Ministry incorporate all changes necessary, it then submit again to the Cabinet without going through IMTC. The movement at this stage is between Cabinet and respective sector Ministry and does not matter how many times the proposed policy is sent back to incorporate comments. It may even happen that one policy proposal is discussed by the Government in two different phases of leadership (in this case two different Presidents and cabinet members) if it happens that it is not approved before general elections.

At all stages of submission, the cabinet paper has to state explicitly how the public has been involved in the preparation of the policy. It must even state the stakeholders involved during public hearing.

When the policy is approved by the Cabinet, the cabinet secretariat issues a written instruction to the sector Ministry informing of the approval. Usually the policy is approved in line with the implementation strategies. The respective sector Minister will then announce officially on the Government Gazette the approved policy stating the date when it come into effect.

When a new policy is formulated, the implementing law is also prepared to back the policy as highlighted earlier. This is the stage where the parliament will be involved for legislation after which regulation follows. Point to note here is that the policy does not go through parliamentary process as a legal requirement instead; the law that implements the policy is the one that has to pass through parliamentary process.

3.2.5 At the Parliamentary Level

Once the cabinet has approved the policy, the sector Ministry officially informs the Attorney General’s Chamber to start preparing the implementing law using inputs from the sector Ministry. At this stage the AG Chamber throughout collaborates with legal Department, Policy and Planning Department and Technical Department of the sector Ministry during the drafting and preparation of cabinet papers for the proposed law.

The channels, processes and dynamics involved in the preparation of the bill are the same as for the policy as stipulated above. When bill is approved by the Cabinet, it is then tabled to the parliament for first reading. The parliament through the Office of the Speaker receive the bill from the Attorney General’s Chamber and directs it to the respective parliamentary committee for scrutiny and comments before it is presented in the National Assembly. There are 17 parliamentary committees according to sectors as follows:

- i) Finance and Economic Affairs
- ii) Public Accounts
- iii) Local Authority Accounts

- iv) Social Services
- v) Social Welfare & Community Development
- vi) Constitutional, Legal and Public Administration
- vii) Standing Orders
- viii) Parliamentary Privileges, Ethics and Powers
- ix) Energy and Minerals
- x) HIV/AIDS Affairs
- xi) Infrastructure
- xii) Public Corporation Accounts
- xiii) Miscellaneous Amendments
- xiv) Land, Natural Resources and Environment
- xv) Agriculture, Livestock and Water
- xvi) Foreign Affairs, Defense and Security
- xvii) Industries and Trade

These committees are delivery mechanisms for the parliament. There are standing committees, which last for the entire period of the parliament, which is five years. However the following eight (8) do affect PSOs directly or indirectly. These are:

- i) Finance and Economic Affairs;
- ii) Social Services;
- iii) Social Welfare & Community Development;
- iv) Energy and Minerals;
- v) Infrastructure;
- vi) Land, Natural Resources and Environment;
- vii) Agriculture, Livestock and Water
- viii) Industries and Trade

During the presentation and discussion by the parliamentary committee, there is always a chance for lobbying. This can be through the chairperson of the committee or any

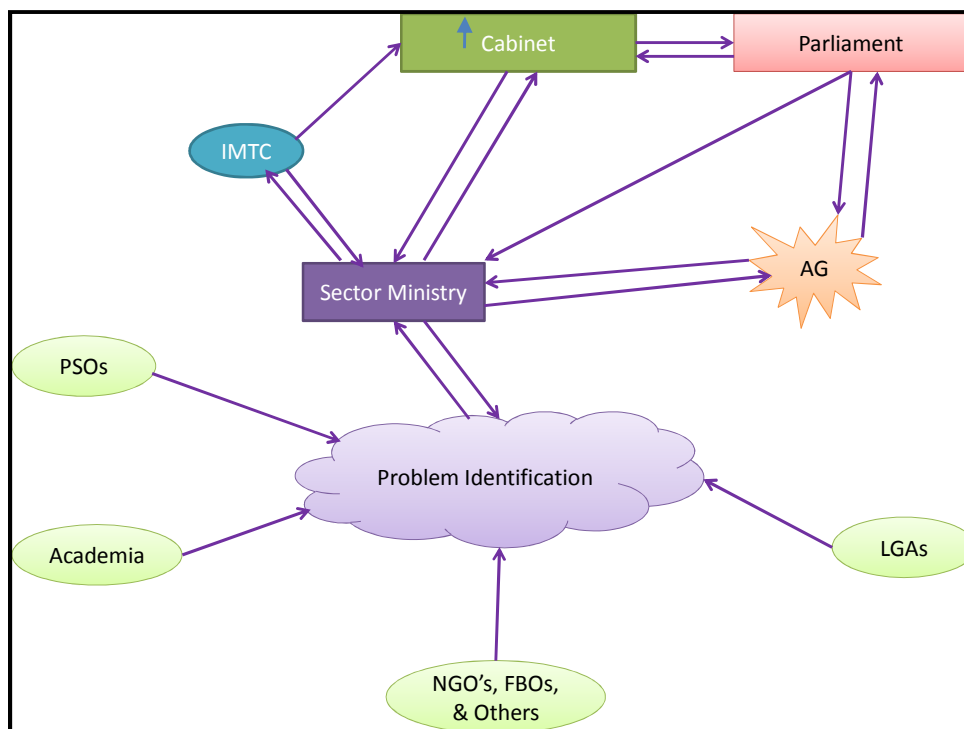
member of the committee. It is important that PSOs understand which parliamentary committee is responsible for the bill and even the members of the committee personally. It is advised to find an influential committee member and use him/her for lobbying. All possible yet feasible lobbying techniques should be applied to gain maximum intended results. One of the techniques is to convince the committee chairperson to allow you speak to the committee members. Policy makers are generally very busy people who are bombarded with ideas, both good and bad, all the time. In order to make an impact, you need to be focused and well prepared, alert and ready to deliver your key messages whenever the opportunity arises, and determined to be heard and understood.

Even after the parliamentary committee has finished their review and comments, there is still a change for lobbying during parliamentary sessions. Here the PSOs can organize a seminar to parliamentarians at the same time find key members of parliaments to influence their demands. During this time the media campaign is very significant in raising public awareness and create advocacy. In fact, all lobbying techniques are applicable during this time.

Again, the dynamics at this stage are rampant and sensitive. The bill can be submitted to the parliament with a certificate of urgency which does not give room for lobbying to be effective at the parliamentary level. PSOs need always to lobby at the lowest level of approval process to avoid being cut short when submission is under certificate of urgency. The policy can be tabled for first reading and rejected by the parliament due to several reasons one of them being timing, consistency with other policies, public interest, or any other reason. Once the policy is rejected, it is returned to the sector Ministry to be re-worked out based on comments given by the parliament. But if the policy is favored by the parliament at the first reading, it then goes to the final reading and approval. The approved bill became the law of the United Republic of Tanzania after it is signed by the President of the United Republic of Tanzania ready for

implementation. After assent by the President, the sectors Ministry in collaboration with the Attorney Generals Chamber prepare the Regulations.

The Figure below illustrates the formal process of policy making and bill preparation at national level.



CONCLUSION AND RECOMMENDATIONS

4.1 Conclusion

Lobbying process has never been an easy task yet found to be a most significant and influential way for change. PSOs and whoever wants to influence change has to first of all realize that for lobbying to be effective, intensive mechanism of lobbying techniques has to be applied at all stages of policy formulation processes.

The process through which the policy formulation undergoes is long and very involving and sometimes the dynamics are complex and sensitive to the extent that no single person can afford lobbying alone throughout to the parliament. It therefore requires joint efforts by PSOs under different umbrella to join efforts and fight for change right from the initial stage to the parliament. As indicated in the report, the initial stage has more leverage for change through lobbying than any other stage as it gives room for public hearing and attracts comments and inputs from all stakeholders. In fact it is the legal requirement that the policy must state clearly how the public has been involved at the preparatory stage and who were the stakeholders. This legal requirement makes this stage more profound for lobbying than any other stage. Certain lobbying techniques are only applicable at certain stage for effectiveness of the process. Members of parliament are only effective during presentation to the parliament.

The use of media has proven to be an effective tool for lobbying and PSOs must use it strategically for effective results. As opposed to other lobbying means, media is effective in almost all stages once properly utilized as the message cuts across the public and influence all including decision makers.

It is important therefore to know the entry point and the responsible person so that lobbying will be focused and targeted for maximum yield. All necessary lobbying techniques should be applied at initial stage, at the MDAs stage, at the Cabinet stage and at the Parliamentary stage.

It is important also to identify facilitators of the process well in advance at every stage. Efforts to eliminate barriers and strategies to curb their influence should be prepared and implemented beforehand. Sometimes barriers can be turned to be facilitators once defined strategy are applied at appropriate stage of policy formulation.

4.2 Recommendations

Based on the out come of the study and using the consultant’s experience, the following are proposed as recommendations to be taken forward by PSOs during lobbying for change.

- i) Lobbying should be applied at all stages of policy preparation processes;
- ii) Media should be taken as a leverage for change and influential means of lobbying;
- iii) PSOs should join hand during lobbying process for maximum outcome;
- iv) Capacity building within PSO is important and should be pursued;
- v) The initial stage of policy preparation is so important for intensified lobbying;
- vi) Every stakeholder is important in the process of policy formulation and therefore should not be ignored in the lobbying for change;
- vii) PSOs should form links with interfacing agencies as such will easy the lobbying process;
- viii) Lobbying should not be treated as a tag of war rather a peaceful process of influencing change for public interest; and
- ix) Lobbying requires skills and PSOs should identify the skillful individuals for effective lobbying during policy formulation and bill preparation.

APPENDIX 1: Persons Interviewed

Appendix 1: List of Persons Interviewed

S/N	Name	Position	Organization
1	Dr. Tom Kashilila	Secretary to the Parliament	The Parliament of Tanzania
2	Mr. Elise Mbise	Deputy Director of Planning	The Parliament of Tanzania
3	Mr. Abisai Temba	Retired Director of Policy and Planning	Ministry of the then Infrastructure Development
4	Mr. Edward Mkiaru	Head of Policy Section	Ministry of Transport
5	Mr. Crispin Musiba	Policy Analyst	Ministry of Transport
6	Dr. Consolata Ishebabaye	Director,	Ministry of Trade Industry and Marketing
7	Mr. Mwaimu	Director, Planning	Ministry of Trade, Industry and Marketing
8	Hon. William Ngeleja	Minister for Energy and Minerals	United Republic of Tanzania
9	Mr. George Mlawa	Former Under Secretary to the Cabinet secretariat legal and constitutional affairs session	Cabinet Secretariat
10	Mr. Muchemba	Executive Secretary	Tanzania Chamber of Commerce Industry and Agriculture
11	Mr. Jumbe Menye	Board Member	TCCIA
12	Ms. Esther Mkwizu	Executive Chair, Tanzania Private Sector Foundation	Deputy Chair, Tanzania National Business Council (TNBC)
13	Ms. Janet Bitegeko Mwanitu	Executive Secretary Advocacy Officer	Agricultural Council of Tanzania (ACT)
14	Dr. Agrey Mlimuka	Secretary General	Association of Tanzania Employers (ATE)
15	Mr. Hussein Kamote	Advocacy Officer	Confederation of Tanzania Industries (CTI)
16	Clement Mworie	Program Officer	Tanzania Civil Engineers and Contractors Association (TACECA)
17	Gaston	Chairman	Vikundi Vya Biashara Ndogo Ndogo Tanzania (VIBINDO)
18	Dr. Donath Olomi	Director	University of Dar Es Salaam Entrepreneurship Center (UDEC)
19	Mr. Evod Mmanda	Director, Tax Payers Education	Tanzania Revenue Authority (TRA)
20	Hon. Angela Kairuki	Deputy chair,	Parliamentary Committee, legal and Constitutional Affairs
21	Mr. Shamsa Diwani	Advocacy Officer	Tanzania Women Miners Association (TAWOMA)
22	Mr. Richard Rugimbana	Secretary General	Tourism Confederation of Tanzania (TCT)
23	Mr. Ali Abubakar Ali	Executive Director	Zanzibar Clove Producers Association (ZAPCO)
24	Hon. Victor Mwambalaswa	Member of Parliament	Parliamentary Committee on Finance and Economic Affairs