THE LEGAL AND REGULATORY FRAMEWORKS AND INFRASTRUCTURES FOR E-GOVERNMENT INITIATIVES IN TANZANIA: A CRITICAL REVIEW

By

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Roadmap

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Introduction

☐ E-government is an enabler towards accelerating processes, delivering services to citizens and businesses, increasing transparency and accountability, while also lowering costs (URT, 2008).

☐ E-government is a way for governments to use the most innovative information and communication technologies, web based networks, internet applications and mobile computing, to transform relations with citizens, business, and other arms of government.

☐ Such transformation is generally meant to bring about cost-effective services and to provide greater opportunities for public participation in democratic processes in governments.

The Tanzania National strategy for E-government

- For effective implementation of e-government, the government of Tanzania came up with a document (*e-government strategy*) in 2008.

- the slides below outlines the objectives of the National e-government strategy

1. *Institutional framework developed by 2012*

to increase the level of trust, confidence and willingness to invest and adopt e-Government applications and electronic services; the target was:

- ☐ E-government Executive Agency in place by June 2009

- ☐ ICT units in MDAs and LGAs restructured by 2010

- ☐ E-government legal framework in place by June 2011

- ☐ Public private Partnership arrangement developed and implemented by June 2010

2. E-government infrastructure developed by 2012

The internal Government systems had limitation in terms of infrastructure and technology to support efficient and effective government service delivery system and a seamless service delivery platform to citizens.

- This objective meant to develop an e-government infrastructure to cut across all MDAs and LGAs.

- The strategy to fulfill this objective was to put in place a Secure Government Network which would address the concerns of both service providers within the Government and the recipients of public services.

- it was expected that all government institutions would be interconnected into independent Telecommunication Network by June 2012.

Notable achievements

- By April, 2012, Tanzania rolled its national fiber backbone (optic cable) for broadband internet access.
- The backbone serves an important e-government infrastructure development and local operators are pleased about such developments.
- The national backbone dropped its bandwidth prices by 35% hence making internet services cheaper
- Network management centre has been built at PO PSM.
- MIS units have been established in most MDAs and all Regional Secretariats to provide the first level of ICT support services
- Installation of various cross-cutting systems has been successfully done, enabling the government to perform its key business processes more efficiently, effectively and reliably.
- the e-government agency is using the backbone to connect a number of Government organizations and offer them things like teleconferencing Government
- Plans to implement connection to villages and county offices are underway.

The backbone was expected to network all regional headquarters within the country and connect Tanzania with its eight neighbors: Kenya, Uganda, Rwanda, Burundi, Democratic Republic of Congo, Zambia, and Mozambique

- ✓ Malawi is already connected at Kasumulu through MTN and Airtel.
- ✓ Zambia is connected at Tunduma by zantel
- ✓ Burundi is connected at Kabanga through Ucom.
- ✓ Rwanda has also completed its connection at Rasumo with RDB and Rwandatel

3. HR capacity improved by 2012

- effective implementation of e-Government depends on the capacity of citizens in the public service to manage and use e-government applications and services.

- The capacity in terms of ICT skills, utilization of available resources are very crucial to enhance e-Government implementation.

Notable achievements

with the support of external development partners, several initiatives have been put in place to address the problem HR capacity including the following:

- ☐ The ICT Policy for Basic Education envisages integration of ICTs in pre-primary, primary, secondary and teacher education, as well as adult education.

- ☐ the Primary Education and Development Plan (PEDP) 2002-2006, and the Secondary Education Development Plan (SEDP) 2004-2009, prioritize ICT-based information management at all levels and the introduction of computer courses into primary and secondary education.

- ☐ a good number of higher education institutions, both public and private offer electronics and computer and telecommunication engineering courses.

- ☐ the increase of private institutions offering computer training at lower levels.

4. E-government awareness increased by 2012

- The low awareness of the potential benefits and the wrong perception of e-government as being technology-based rather than service –oriented were seen to be one of a big hindrance to effective implementation of e-government in Tanzania.

- Likewise, the fact that most communications concerning e-government transactions were in most cases driven by IT professionals rather than owners of relevant business processes necessitated the need to increase awareness on e-government issues to the public hence cultivating acceptability of the e-Government agenda.

Notable achievements

- ICT sensitization and training is being done as a continuous process that targets public servants and other stakeholders (URT, 2008).

- Tanzania has recorded noted strides in education in terms of applications and infrastructure where some schools, colleges, vocational centers and polytechnics are installed with ICT facilities to make students acquainted with computer applications and skills.

5. E-government services developed, improved and used by 2012

Notable achievements

- the government to date presents a consistent and unified face using internet and other forms of communication technology.

- citizens and private sectors can understand government structures and procedures as they gain access to desired services through government websites.

- citizens connected to internet can enquire anything and get access to various information concerning government services and transactions.

- enhanced but affordable services including payment of utility bills, accessing news, radio, mobile banking, election campaigns, and education.

- integrated HR and Payroll systems covering about 280,000 public servants, reducing ghost workers and improving control and accuracy.

E-government services…

- E-Money and M-Banking
  - ✓ Three banks including CRDB and NMB currently offer mobile banking services.
  - ✓ customers are able to send, spend and receive money without having a bank account through mobile phone services such as Z-Pesa, M-Pesa, Tigo-Pesa, Easy-Pesa and Zap.
  - ✓ airtime re-charge, water and electricity bills can be effected via mobile phones. Even major stores accept such payments.
  - ✓ Customers do not necessarily need to go physically to the bank to seek for information such as salaries and account balance.

E-government regulatory framework

The national archives Policy

The Tanzanian National Records and Archives Management Policy which was developed in 2010, is one of the framework that guides e-government implementation in one way or the other.

☐ One of the **objective** of the policy is to have proper record keeping systems that capture records created or received by public offices electronically.

☐ ***Policy Statements.***

   ✓ public offices shall ensure that all records created or received in the course of government business are captured in record keeping systems with sufficient information (metadata) about the record and its record keeping system, to enable the records to be understood and used for as long as it is needed to transact government business.

   ✓ The government shall develop and approve standards, procedures and guidelines for the management of electronic documents and records.

   ✓ The government shall ensure that electronic records are migrated to new generation of systems whenever there is technological obsolescence.

The Communication Act of 1993 and Telecommunication Regulatory Authority (TCRA) of 2003

- The communication Act of 1993 paved a way for the liberalization of the telecommunication sector,

- Further, a milestone in telecom liberalization was achieved by the establishment of the Telecommunications Regulatory Authority (TCRA) in 2003 as an independent agency for the regulating and licensing of postal, broadcast and communication industries in Tanzania.

- The TCRA has remarkable mandates to promote competition and economic efficiency, protect consumer interests, grant licenses and enforce license conditions, regulate tariffs, and monitor performance in issues regarding telecommunication. (Materu-Behitsa & Diyamett, 2010).

The Electronic and Postal Communications Act (EPOCA) of 2010

- It provides a good framework for telecommunication sector hence implementing e-government practices in the country.
- EPOCA makes SIM-card registration mandatory for every person owning or desiring to own and use a SIM-card.
- The reasons for such a mandatory exercise included:
  - ✓ protecting consumers from misuse of communication services
  - ✓ enabling consumers to be identified as they use value-added services such as mobile banking, mobile money transfer, electronic payments for services such as water, electricity, pay-TV etc
  - ✓ enhancing national security
  - ✓ enabling network operators to "know their customers

The National ICT Policy

☐ The government of Tanzania saw the need for a policy framework through which coordinating mechanisms and harmonized strategies might be nurtured.

☐ The policy was drafted to enable sectors such as telecommunications, information and broadcasting to work together hence empowering other sectors such as education, health, governance or agriculture through the appropriate development and application of ICT.

☐ The national ICT policy spells out the priority goals and objectives that were aimed to integrate ICT in improving the standards and quality of living for Tanzanians

☐ The Tanzania National ICT Policy **vision** statement states:

   ✓ *By exploiting its unique geographical position, Tanzania becomes a regional hub of ICT infrastructure providing ICT-based solutions that enhance sustainable socio-economic development which addresses national and regional poverty reduction concerns.*

   ✓ Its **Mission** is: *To coordinate ICT activities in the public sector and the private sectors and to provide a conducive legal and regulatory framework for public and private infrastructure investment in e-Commerce capacity building (infrastructure and human resources), software and hardware development and production, and promoting regional and international cooperation.*

ICT Policy…

- In addition, **in June 2012** the government of Tanzania through the ministry of Communication, Science and Technology launched Information and Technology Commission with a mission to develop the sector in the country.

- The commission will be responsible for the coordination of various issues related to ICT.

- through this commission, Tanzanians will be in a position of enjoying both simplified social and administrative system through e-governance, telemedicine and e-education.

- the commission would also help in developing ICT infrastructures, application- software and hardware, business process outsourcing and setting special policies for developing the sector and ensure cyber security in the country (Majaliwa, 2012).

The evidence Act of 1967 and the Electronic Evidence Amendment Act No. 15 of 2007

- The Tanzanian courts for quite a long time have been relying on the Common Law doctrine of Best Evidence Rule in which the primary evidence in most cases is the physically written and signed or authenticated documents.

- However recently the admissibility of Electronic Evidence in Tanzania has been a step towards embracing and implementing e-government.

- In 2000 when the wisdom of the High Court of Tanzania was called upon to rule whether **electronic evidence is admissible as best evidence in the case of *Trust Bank Ltd vs. Le-Marsh Enterprises Ltd., Joseph Mbui Magari* and *Lawrence Macharia*.**

- In this case the court ruled that the electronic evidence is admissible in Tanzania courts and this was a departure from the strict rule of best evidence rule (Ubena, 2008).

- In admitting electronic evidence, the judge stated that; **" the court should not be ignorant of modern business methods and shut its eyes to the mysteries of the computer".**

- This decision shows the judicial activism and the role of Judiciary in filling the gaps left by the legislature.

Evidence Act…

- The Legislature on the other hand responded by enacting **Electronic Evidence Amendment Act No. 15 of 2007** which provided provision for the reception of electronic evidence in courts of law in Tanzania.

- The new section(40 A) has been added in the Tanzania Evidence Act of 1967 and states that:

- "In any criminal proceeding-
    - ✓ An information retrieved from computer systems, networks or servers; or
    - ✓ The records obtained through surveillance of means of preservation of information including facsimile machines, electronic transmission and communication facilities;
    - ✓ The audio or video recording acts or behaviors or conversations of persons charged ,

- *Shall be admissible in evidence".*

challenges

- The persisting digital divide
- Cybercrimes difficult to prosecute
- Inadequate awareness
- Rigidity to embrace new technology
- Technophobic
- Low number of skilled manpower

Conclusion

☐ Tanzania is no longer a spectator in e-government services.

☐ The tremendous increase of mobile ownership has improved such as e-banking, payment of bills and taxes, downloading government forms, business opportunities etc.

☐ Tanzania's response to e-government implementation is not only in admissibility of electronic evidence but also have gone as far as enacting other IT related legislations and the National ICT Policy of 2002 which indicates the vision of Tanzania government on ICT sector and finally e-government.

☐ The challenge is however, the low awareness of citizens regarding e-government, the rigidity of citizens to embrace new technology in their day – to - day business transactions, the digital divide among urban and rural citizens.