



PRELIMINARY REPORT ON **EVALUATION OF TLS** **STRATEGIC PLAN** **2014-2019**

Adv. Harold G. Sungusia
And
Mr Selemani Pingoni

at Arusha
This 4th April 2019



Outline

1. Introduction
 1. Objectives
 2. Methodology
 3. Limitation
2. Overview of current strategic plan
3. Findings
 1. On SWOT/C
 2. On Progress and Trends
 3. Quality and Relevance
 4. Efficacy of Strategies
 5. Effectiveness of tools and systems
 6. Results of projects
 7. Consistence between programme and outcomes
 8. Members Satisfaction
4. Recommendations
5. Conclusion



1.1. Objectives of Evaluation

To identify

1. **strengths, weaknesses, opportunities, threats and constraints** in the implementation of the current strategic plan to inform the development of the new strategy

To assess

2. the **progress made** towards achieving the strategic objectives outlined in TLS Strategic Plan 2014 - 2019
3. To assess the **quality and relevance** of implementation strategies in delivering TLS strategic plan and recommend where **strategies have worked well and where strategies failed**
4. To assess the **effectiveness of TLS operational tools and systems** in facilitating the implementation of TLS strategic plan



Objectives of Evaluation

To assess

5. the **results and relevance** of TLS projects and programmes in alignment with the strategic plan
6. the **extent** to which TLS projects and programmes are **consistent** with outcomes outlined in the strategic plan
7. the **relevance of TLS work** to members, government, judiciary, parliament, civil society, sister bar associations, private sector and **make recommendations** of the same
8. the extent to which **TLS members have benefited from TLS** work and tangible outcomes that have been realized

1.2 Methodology

- **literature review** - 54 documents including[annual reports, AGM and HAGM minutes, Audited reports, Committees reports, projects reports, Annual Plans & Budgets, strategic plan, statutes, Government plans of action, Judiciary strategic plans, select committee/commissions reports]
- **key informant interviews**,
 - Judges 7
 - Registrars 7
 - Government officials & State Attorneys 19
 - Police officers 3
 - Academicians 5
 - Parliamentarians 4
 - Advocates
 - TLS Secretariat
- **field visits**,
 - [Arusha, Dodoma, Mwanza, Iringa, Mbeya and Dar es Salaam]
- **online surveys**
 - 3 surveys on Chapters, CLEs and Members Satisfaction [.....Respondents]
- **focus group discussions** - 7 sessions involving a total of 48 persons



1.3 Limitations

- Time constrains
 - Timely access to the needed information/ data/ statistics from respondents
 - Respondents time schedule
- Overlap of important events:
 - Auditing Process
 - Nomination Process
 - Election & Campaign endeavours [chapters/GC]
 - Preparations for AGM
- Online limitations - untimely or lack of responses [probably due the above stated factors]



Summary of Conclusions

TLS needs to re-define its course and adjust its strategies and discharge its obligations according to its mandate

TLS need to re-assert its position, its relations with and approaches to allies, supporters, rivals and opponents and effectively implement its objectives accordingly

TLS must have in place a risk assessment and mitigation mechanism that will inform all of TLS undertakings considering the growing threats from outside and the number of members that may render some systems incapable to bear

TLS members should walk the talk – the values of TLS need to be values of the members first – it is not possible to have a strong TLS [institution] if its members [composition] are weak

**TLS leadership should also walk the talk and lead the way –
Implementation of objective number 5 of TLS is incompatible with timidity but rather requires well thought, bold and strategic interventions**

that will make the TLS more relevant to the general public than the current situation whereby some members of the general public do not feel the importance of having TLS in place.



Who Are We?

NGO?

FBO?

Trade Union?

Political Party?

Charity Organisation?

Academic Institution?

Legal Status of TLS



**Founded in 1954 by an Act of Parliament – the Tanganyika Law Society Ordinance 1954.
(As old as TANU)**

The Tanganyika Law Society is currently governed by the Tanganyika Law Society Act, Cap 307 R.E. 2002, which repealed the earlier legislation.

The Tanganyika Law Society (TLS) is the Bar association of Tanzania Mainland.



What are our values?




Assessing the VALUES

- TLS is guided by five core values.
- These values are the essential and enduring tenets of the Bar.
- They guide how the Bar relates and operates.
- Members, the governing council and the secretariat must recognize and adhere to these values. The values in the context of TLS mean:




Professionalism




Transparency



Voluntarism



Equity



Professional Solidarity



Values

Assessing the VALUES

- The entire business of TLS shall be guided by the highest standards of international best practices and ethics, with its staff and members **ensuring impartiality and a fair balance of competing interests**, upholding ethical approaches to their business in public and private.
- A TLS member/staff will **be seeking all the time to promote the common good in society**, that is guided by **integrity** and must at **all times maintain the highest standards of honesty, rightfulness and incorruptibility** in the conduct of their professional and personal business.
- In pursuit of professionalism a TLS member/staff **shall exercise solidarity with each other on all official and private matters of the profession**.
- Members shall constantly pursue a shared professional understanding of issues in society, **voluntarily provide peer support to each other** and ethically stand up for each other on matters affecting the profession.
- All professionals and staff shall uphold professional confidentiality.

1. Professionalism



- TLS will be **open and accountable** with the professional provisions, and in relating with other partners and stakeholders.

2. Transparency



- Members and staff will **volunteer in serving the indigent of our society in the true spirit of Pro Bono.**

3. Voluntarism



....VALUES

- while members and staff shall **strive to seek justice for all equally**, it is without prejudice that members **shall serve all without discriminating in terms of race, colour, gender, age, nationality, cultural bias and religion.**
 - *[political ideology?]*
- TLS members and staff shall respect diversity and appreciate the good in diversity.

4.Equity



....VALUES

- All members of TLS and Staff shall exercise **solidarity with each other on all official matters of the profession.**
- Members shall constantly pursue a **shared professional understanding of issues in society**, voluntarily provide peer support to each other and ethically stand up for each other on matters affecting the profession.

5. Professional Solidarity





are there missing
Values on the TLS list?

What are unlisted/ Missing values ?



- the quality of being honest and having strong moral principles; moral uprightness.

Integrity

- the willingness to take bold risks

Audacity

- the belief in or practice of disinterested and selfless concern for the well-being of others
- the principle or practice of unselfish concern for or devotion to the welfare of others (opposed to egoism).

Altruism



Why does TLS Exist?

Section 4

- (a) to maintain and improve the standards of conduct and learning of the legal profession in Tanzania;
- (b) to facilitate the acquisition of legal knowledge by members of the legal profession and others;
- (c) to assist the Government and the Courts in all matters affecting legislation, and the administration and practice of the law in Tanzania;
- (d) to represent, protect and assist members of the legal profession in Tanzania as regards conditions of practice and otherwise;
- (e) to protect and assist the public in Tanzania in all matters touching, ancillary or incidental to the law;
- (f) *to acquire, hold, develop or dispose of properties of all kinds, whether movable or immovable, and to derive capital or income from them, for all or any of the foregoing objects;*
- (g) *to raise or borrow money for all or any of the foregoing objects in any manner and upon any security which may from time to time be determined by the Society;*
- (h) *to invest and deal with moneys of the Society not immediately required in any manner which may from time to time be determined by the Society;*
- (i) *to do all other things which are incidental or conducive to the attainment of the foregoing objects or any of them.*



TLS Objectives

TLS was established for these statutory objectives:-

- To maintain and improve the standards of conduct and learning of the legal profession in Tanzania;
- To facilitate the acquisition of legal knowledge by members of the legal profession and others;
- To assist the Government and the Courts in all matters affecting legislation and administration and practice of the law in Tanzania;
- To represent, protect and assist members of the legal profession in Tanzania as regards to conditions of practice and otherwise;
- To protect and assist the public in Tanzania in **all matters** touching, ancillary or incidental to the law.

1. Why should maintain and improve the standards of conduct and learning of the legal profession in Tanzania?



- **Why** should we maintain and improve standards of **conduct** and learning?
- How do we improve the standards of conduct?
- What are these standards?
 - Of conduct
 - Of learning

2. Why should TLS facilitate the acquisition of legal knowledge by members of the legal profession and others?



- **Why should we facilitate the acquisition of legal knowledge?**
 - What is facilitation? How does TLS do it?
 - What does acquisition of legal knowledge entail?
- **Who are the others?**
 - How does TLS address them?
 - Why should TLS be concerned with non members?

3. Why should TLS assist the Government and the Courts in all matters affecting legislation and administration and practice of the law in Tanzania?



- Why should we **ASSIST** the **Government**?
 - What is 'the **Government**'?
 - How does TLS 'assist' the **Government**?
- Why should we assist the Courts? But how

Why Assist the Government?

"The need for change of attitude by the executive is apparent and we regard it as an essential for the future of human rights in Tanzania."

There can only be change of attitude if the Executive and the State functionaries express their willingness to respect individual fundamental rights unreservedly.

If the executive continues flouting court orders, the country may find itself in effect lend to authoritarian tendencies and collapse of the rule of law, thereby encouraging people to take law in their hands"

Justice James L Mwalusanya - 14th November 2005. at page viii of the Justice and Rule of Law in Tanzania.



Why Assist the Court?

"It is submitted that it would be betrayal of the sacred duty of doing justice entrusted for them to take the extreme positivist position. Our courts must be courts of justice not merely courts of law. It is at this period, more than any other period, that judges and lawyers in the new states of Africa must do a re-thinking as to what their basic attitude to positivism should be. Judges' conservatism and pro-state attitudes in post independence Tanzania has been a subject of many criticisms by scholars who viewed it as uprising. It has also been observed that judges in Tanzania even the best of them tend to argue, reason and judge in terms of what rulers of the day would like to hear - rather than giving the law the kind of integrity it deserves."



Justice James L Mwalusanya - 14th November 2005. at page viii of the Justice and Rule of Law in Tanzania.

4. Why should TLS represent, protect and assist members of the legal profession in Tanzania as regards to conditions of practice and otherwise?



- Why protect members? Against who? But how? Why? When?
- What does assist mean?
- What are the other aspects than the conditions of legal practice that TLS may protect/Assist its members?

In 2018/2019 Advocates Arrested



Chapter	Name	Roll No.
Arusha	Meinrad Menino D'Souza	1261
Dodoma		
Mwanza	1. Nixon Mwera M. Tugara 2. Phillipo Samson	6662 3173
Mbeya	Boniface Mwabukusi	1571
Mtwara		
Kilimanjaro	Patricia Eric	1270
Kagera	Stella Thomas Nyaki	4063
Iringa - ???		



5. Why should TLS protect and assist the public in Tanzania **in all matters** touching, ancillary or incidental to the law?

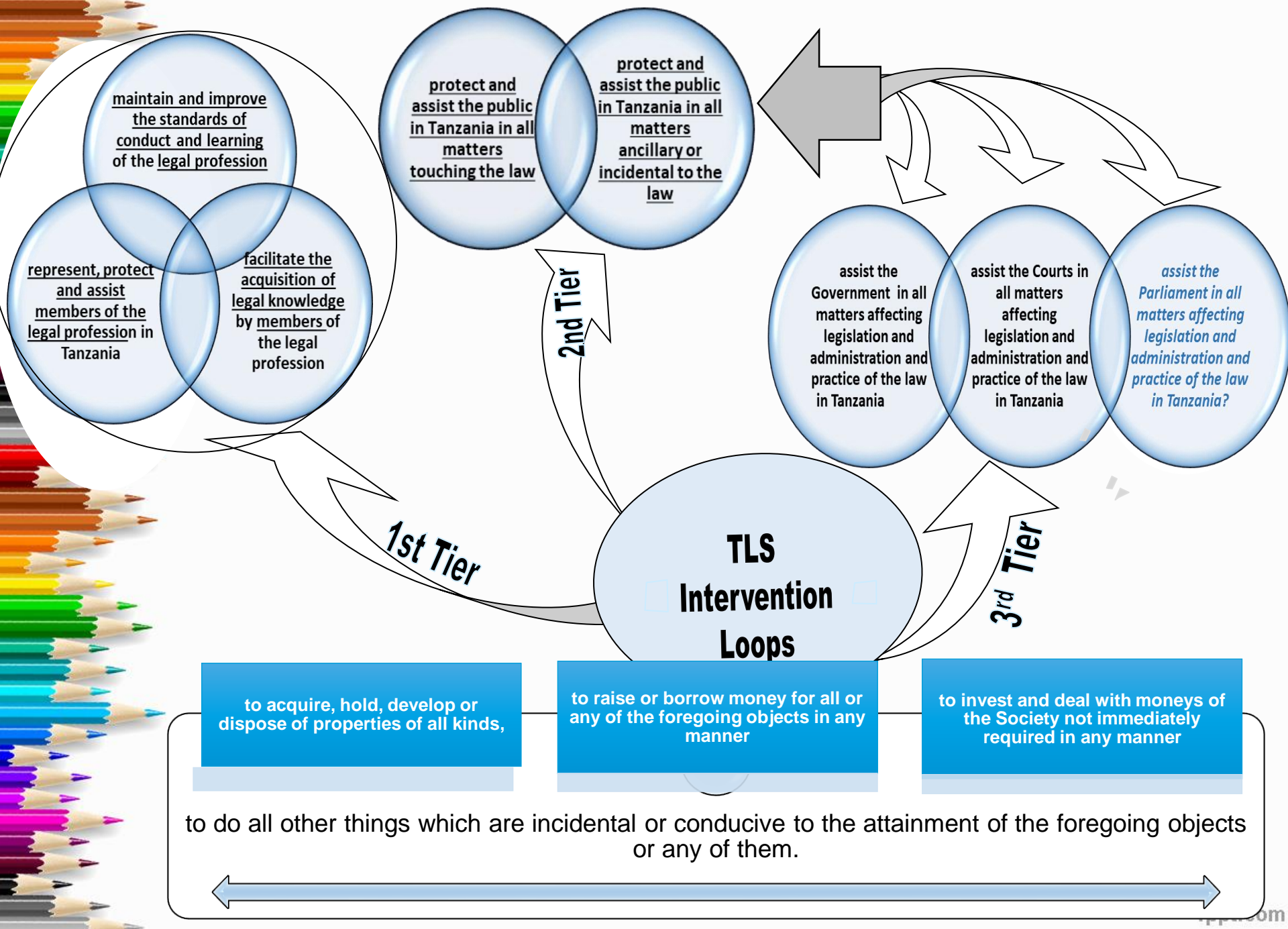
- What is "the public"? [where do we position the Parliament; Media; Political Parties; FBOs; CSOs; Private Sector and Trade Unions etc?
- Why protect the public, against whom? Why? How? When?
 - What are matters that do not touch, are not ancillary or are not incidental to the law? By the way what are:
 - Touching Matters
 - Ancillary Matters
 - Incidental Matters

Enabling Object

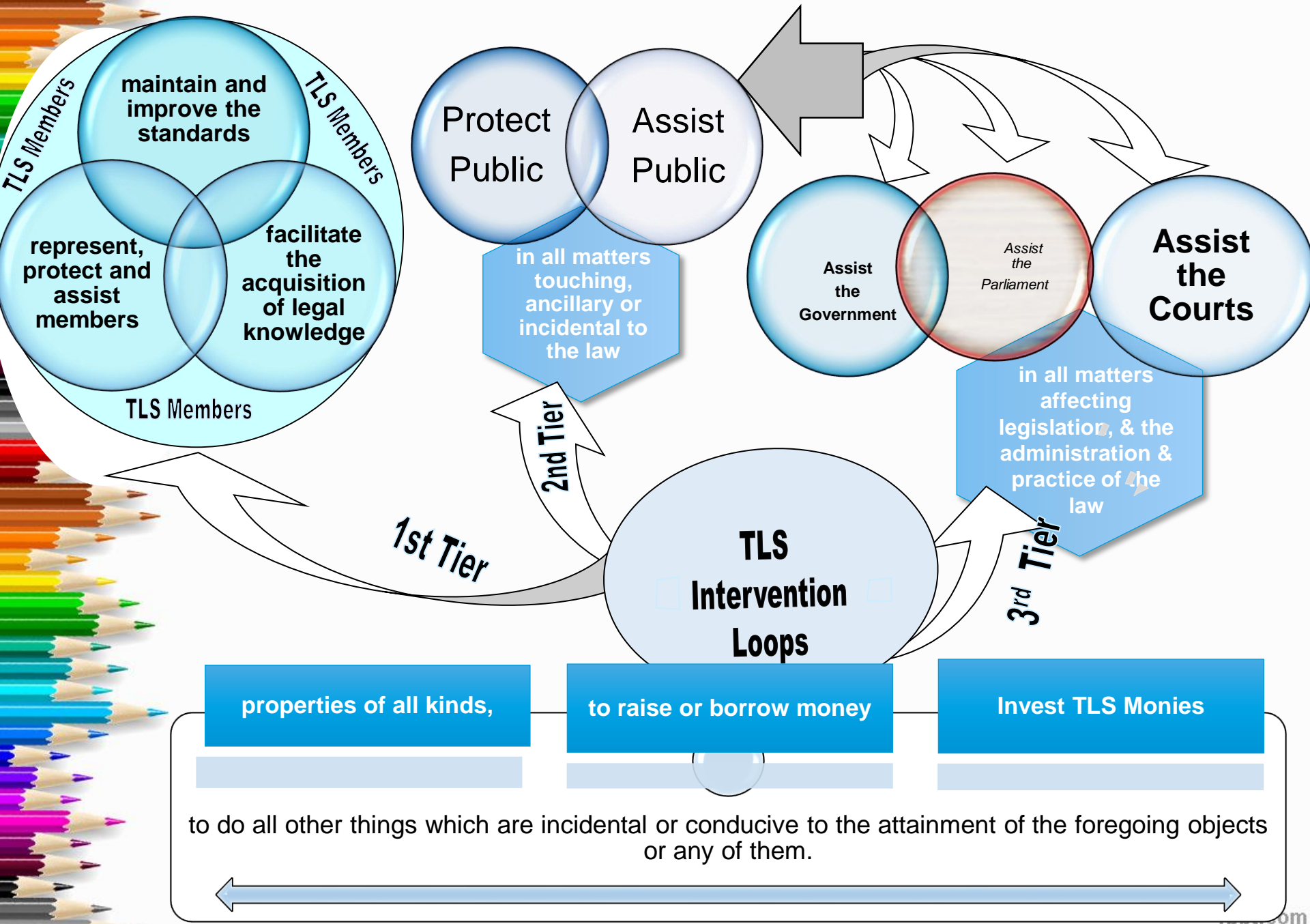
- (f) to acquire, hold, develop or dispose of properties of all kinds, whether movable or immovable, and to derive capital or income from them, for all or any of the foregoing objects;*
- (g) to raise or borrow money for all or any of the foregoing objects in any manner and upon any security which may from time to time be determined by the Society;*
- (h) to invest and deal with moneys of the Society not immediately required in any manner which may from time to time be determined by the Society;*
- (i) to do all other things which are incidental or conducive to the attainment of the foregoing objects or any of them.*



Tiers of Interventions by TLS



Tiers of Interventions by TLS



2. Overview of the Current SP



Tanganyika Law Society

STRATEGIC PLAN

2014 - 2019



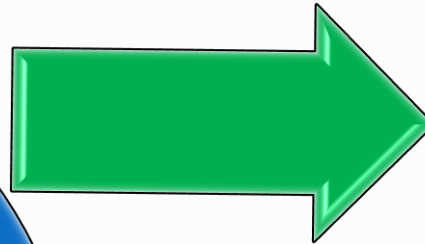
What does our vision or
mission in the Strategic
Plan mean?

Vision/Mission?



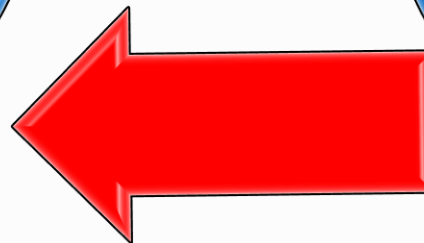
VISION

- A society where justice and the rule of law are upheld.



MISSION

- To promote and protect access to justice for all with sustained professional standards.



What does that Mean?

- A society where justice and the rule of law are upheld
 - Society
 - a community of people , as of a state, nation, or locality with common cultures, traditions and interests
 - An association or company of persons (usually unincorporated) united by mutual consent, to deliberate, determine and act jointly for common purpose. [Pg. 1518 - BLD 9th Edition]



What does that Mean?

- A society where justice and the rule of law are upheld

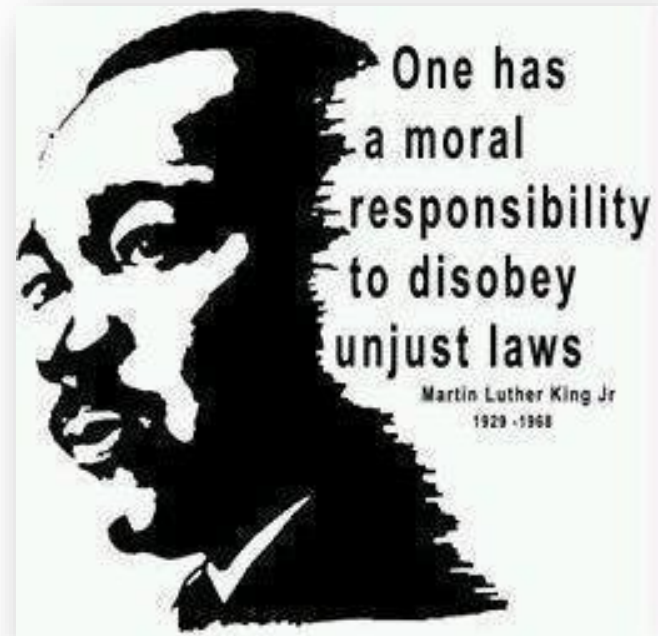
- Justice = the fair and proper administration of laws [p.942]

- Condign justice [according to what litigants deserve]?
- distributive justice [fair allocation of common advantages and burdens]?
- Jedburgh justice [punishment first and trial thereafter]?
- natural justice [defined in moral as opposed to the legal sense]?
- personal justice [between parties regardless of any larger principles that might be involved]?
- positive justice [exclusively based on law]?
- preventive justice [aiming at protecting against probable future misbehaviour]?
- social justice [conforms to moral principle of equality of all persons; seeks equitable resolutions, removing barriers of participation to promote social change]?
- substantial justice [fairly administered regardless of any procedural errors - fair trial on merits]?



...What does that Mean?

- A society where justice and the rule of law are upheld
 - Rule of law = supremacy of regular law as opposed to arbitrary power; every person is subject to ordinary law administered by independent judiciary



What does that Mean?

- A society where justice and the rule of law are upheld
 - Society = a community of people , as of a state, nation, or locality with common cultures, traditions and interests
 - An association or company of persons (usually unincorporated) united by mutual consent, to deliberate, determine and act jointly for common purpose. [Pg. 1518 - BLD 9th Edition]
 - Justice = the fair and proper administration of laws [p.942]
 - Condign justice [according to what litigants deserve]; distributive justice [fair allocation of common advantages and burdens]; **Jedburgh justice [punishment first and trial thereafter]**; natural justice [defined in moral as opposed to the legal sense]; personal justice [between parties regardless of any larger principles that might be involved]; positive justice [exclusively based on law]; preventive justice [aiming at protecting against probable future misbehaviour]; social justice [conforms to moral principle of equality of all persons; seeks equitable resolutions, removing barriers of participation to promote social change]; substantial justice [fairly administered regardless of any procedural errors - fair trial on merits]
 - Rule of law
- To promote and protect access to justice for all with

Four Strategic objective areas 2014-2019



- 1. To Deliver Membership Development Services and Ensure Compliance;
- 2. To promote access to justice and rule of law;
- 3. To facilitate knowledge creation while promoting ICT and publicity of TLS; and
- 4. To Facilitate Service Delivery and Institutional Development of TLS

PART TWO FINDINGS



3. Findings per the ToR

Findings

1. On SWOT/C
2. On Progress and Trends
3. Quality and Relevance
4. Efficacy of Strategies
5. Effectiveness of tools and systems
6. Results of projects
7. Consistence between programme and outcomes
8. Members Satisfaction

3.1 Findings on SWOT/C



Swot Analysis

• Strengths

- Being a statutory body
- Being a body of noble profession
- Ever increasing membership
- Periodically and democratically elected leadership
- Reputable and credible institution to stakeholders and donors
- Presence of own professional staff/Secretariat
- Appealing corporate image
- Presence of Strategic plan
- Presence of rules, regulations and policies
- Wide network of members countrywide
- Existence of chapters
- Recognition by both rights holders and duty bearers
- Own building



Swot Analysis

• Weaknesses

- Lack of capacity to some members on programatic and non-legal aspects especially on project management, resource mobilisation and CSOs work.
- Limited geographical coverage of chapters, not all regions have chapters/ TLS secretariat personnel
- TLS does not have a reliable database to capture all what is done by its members, committees, chapters and GC.
- Inequality among members and inability of members to pay annual fees/ DATF, and delay in submission of membership subscription fees and CLE fees
- Non practicing members unwillingness to pay annual subscription fees (weakness)
- Limited resources - human, financial and equipment - i.e own Office building, office cars - No enough staff to serve all chapters adequately
- Inability to invest and raise own money apart from donors and members



Swot Analysis

• Opportunities

- Ongoing demand for respect of rule of law and protection of human rights
- Demand for technical legal services, education and support on various issues by number of institutions including the Parliament, Government and Judiciary
- Enactment of the Legal Aid Act which necessitates the presence of advocates in supervision of legal aid providers
- Challenges to democracy in the country
- Donor support Willingness of donors to support the TLS interventions and projects.
- Presence of International agreements and instruments policies and frameworks (as tools for advocacy)- SGDs that call for rule of law provides a clear entry point for advocacy
- Members' willingness, commitment and readiness to contribute and work in different positions to enhance the work of TLS
- Demand for Reforms (+) i.e education, good governance and accountability, laws and policies etc
- Compulsory Membership & Demand for coordinated Legal Profession
- Sympathetic and like minded partners and allies
- Ever increasing need and demand for Legal Representation in litigation

Swot Analysis

• Threats /Challenges

- Over dependence on Members' Subscription and donor funds
- Maintaining mutual trust sustainably between TLS and government.
- Poor and unreliable flow of information timely and feeling of lack of transparency among members vs the Secretariat
- Provision of professional legal services by all advocates in the country with demonstration of maximum competence by all
- Presence of factions/pressure groups among the membership with conflicting approaches, strategies and interests
- Other individuals and entities outside the membership being allured to take control of TLS as a strategic institution
- Maintenance of ethical standards at the same footing with the same emphasis by all advocates everywhere in the country.
- Shrinking civic/political space in relation to Freedom of expression, assembly and association
- Strict tax regime inviting the application of provisions of money laundering and economic and organised crimes legislation



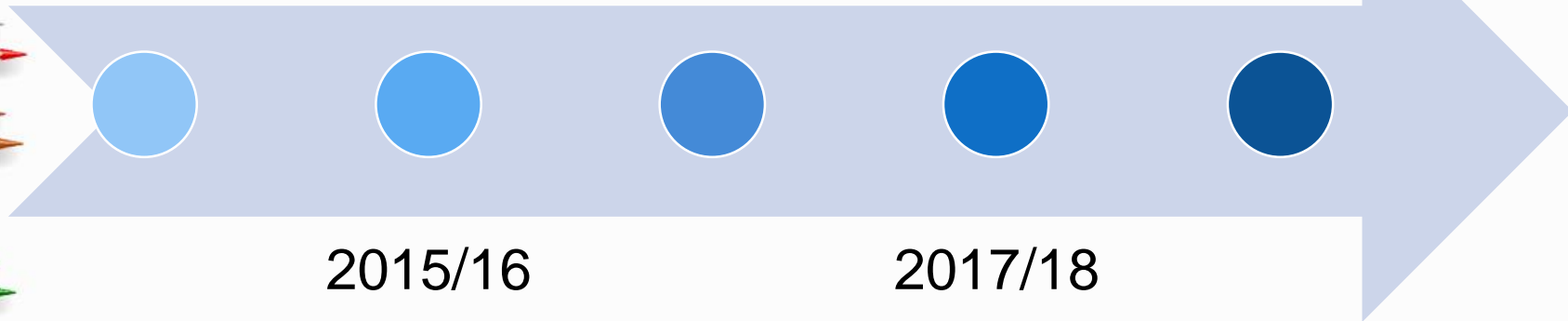
3.2 Findings - Trends and Progress

Progress

2014/15

2016/17

2018/19



TLS Human Resource in 2019



SN	WORK STATION	NO.OF STAFF	SEX	
			M	F
1	Head office	26	11	15
2	TLS Mbeya office	5	3	2
3	TLS Dodoma office	2	1	1
4	TLS Mtwara Office	1		1
5	TLS Arusha office	1		1
6	TLS Mwanza Office	1	1	
TOTAL		36	16	20

3.3 findings on Quality and Relevance



the **quality and relevance** of
implementation
strategies in delivering
TLS strategic plan

And recommend where
**strategies have
worked well and
where strategies
failed**



2014-2019 STRATEGIC OBJECTIVES



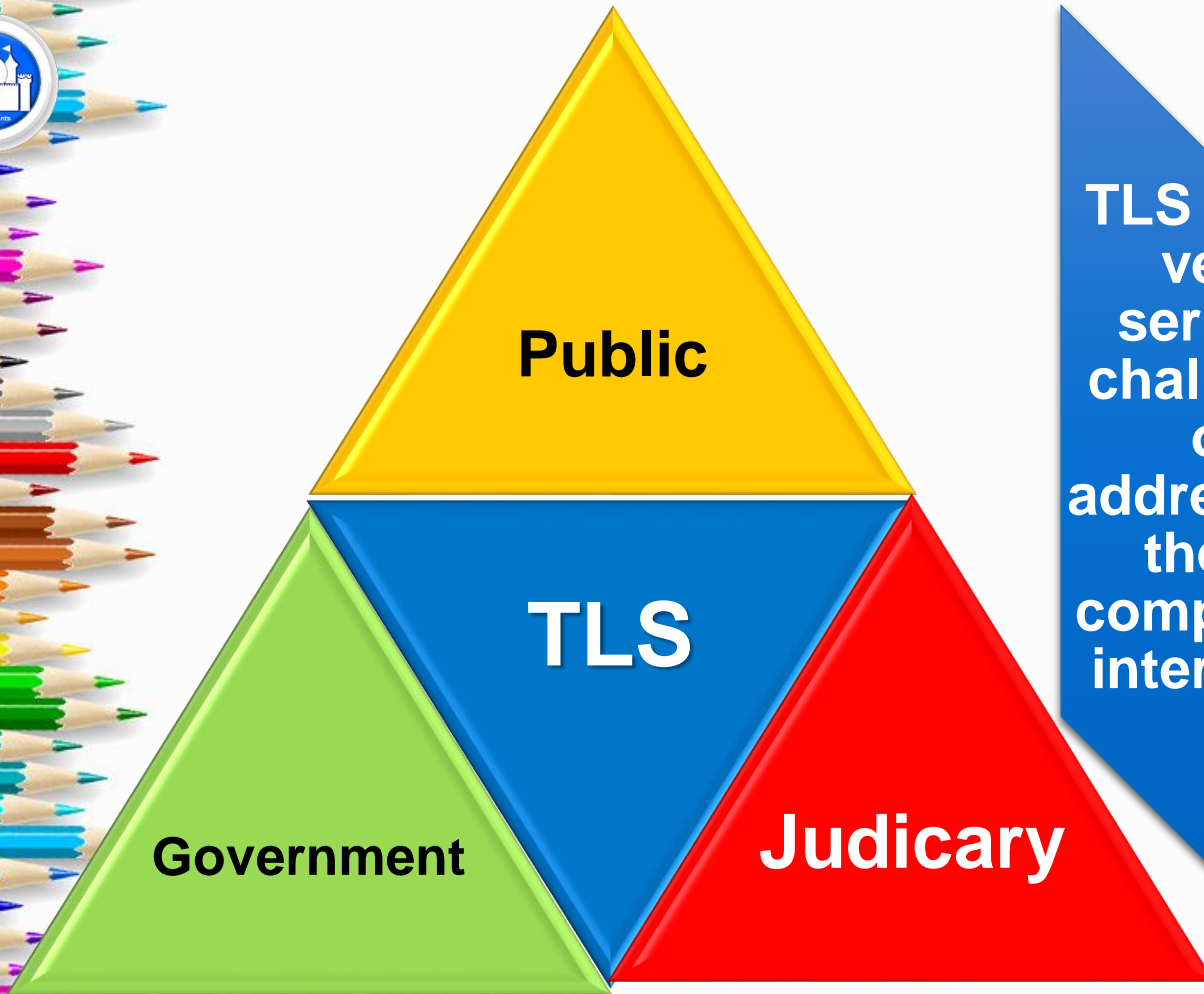
**the progress made towards
achieving the strategic objectives
outlined in TLS Strategic Plan 2014 –
2019**





Findings on Strategies

Special Role of TLS - TLS as a Buffer Institution/ Mediator/ amicus/intervener



TLS has a very serious challenge of addressing the 8 competing interests:

- TLS growing membership and running costs
- Public vs. Government
- Public vs. Judiciary
- Public vs Judiciary
- Government vs Judiciary
- TLS vs Public
- TLS vs Government
- TLS vs Judiciary



6. What Strategies and approaches that have been used by TLS?

Approaches and Strategies by TLS

- **Persuasion through special pleadings and dialogues**
 - Consultative meetings
 - Round table meetings
 - Joint activities
 - Publications
- **Non Confrontational Active means including**
 - Publication of legal education materials
 - Analysis and submission of recommendations on Bills tabled to the Parliament
 - Provision of legal aid service to indigents
 - Courtesy visits and round table discussions with government and the judiciary
- **Passive**
 - No action no statement
- **Activism**
 - Strategic Litigation
 - Press releases/statements and conferences
 - Joint interventions



How TLS has been Behaving/Misbehaving?



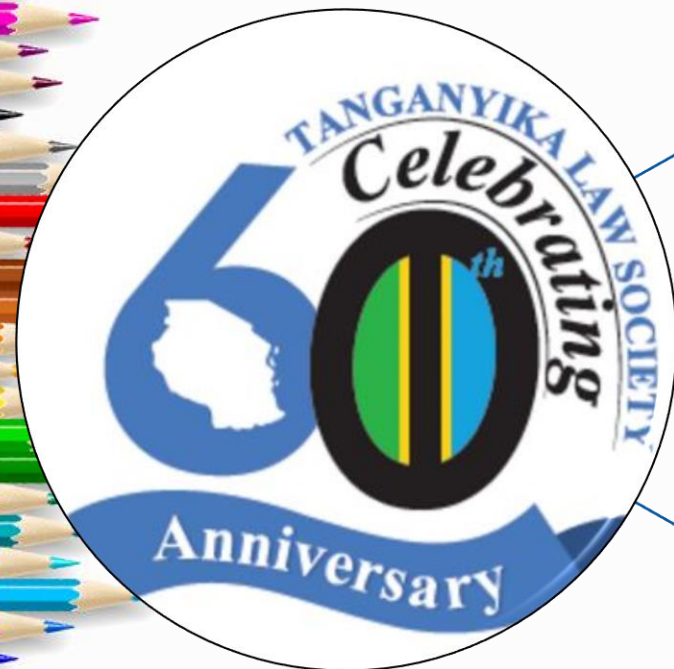
**In relation
to its
Members**

- Protection? How many issues addressed? Who benefited?
- CLE – how many benefit? How much is collected? How is it used?
- DATF? – how much is paid? To who? Possibility of social security/ medial insurance?
- Discipline

**In relation to
the
Government**

- Appointment to different Boards – how many representatives?
- Appointment to Bench – how many appointed in the past 5 years?
- Consultations – what kind of consultations?
- Projects – what are those?
- Bills analysis and submissions to the Parliament – how many bills?
- Arrest of Advocates?

How TLS has been Behaving/Misbehaving?



In relation to the Courts

- Practicing Certificates
- Bench Bar committee
- Advocates Committee
- Rule of Law mandate
- Consultations
- Law Day

In relation to the Public

- Legal Aid
- Legal Education
- Strategic Litigation
- Legal representation
- Constitutional/ legal reforms



Cuttings on Various Strategies

Approaches and Strategies by TLS



THE CITIZEN

NEWS

MAGAZINES

OPED

VIDEO

DATA

JOBS

WEDNESDAY, JULY 27, 2016

Police break up lawyers' protest march in Arusha



Arusha District police boss Thomas Maleko speaks with lawyers when they held a demonstration yesterday to demand the release of fellow advocate Shilinde Ngalula. PHOTO | CITIZEN PHOTOGRAPHER

Approaches and Strategies by TLS

Tanzania lawyers can now advertise services



Tanganyika Law Society president

Hon. Charles Rwechungura Tanzanian lawyers can now advertise their services, after a review of their rules — a move likely to increase competition in the country's legal sector. The bar association of Tanzania



Mainland has allowed lawyers to advertise while at the same time regulating the manner and media through which they do it. The Tanganyika Law Society Advocates (Professional Conduct and Etiquette) Rules, made under the Advocates Act, will also be used to regulate the conduct of advocates who have been operating largely unregulated. "An advocate may advertise legal services to the general public, subject to the regulations and rules of the Society on such matters," says rule 128. Tanganyika Law Society president Charles Rwechungura said that the absence of restrictive rules had enhanced unethical conduct among some lawyers. He said the new rules will regulate the nature of advertising. Rules 129 and 130 define the parameters in which an advocate can advertise their services. Kenyan lawyers earlier

Approaches and Strategies by TLS



IN THE HIGH COURT OF TANZANIA

(MAIN REGISTRY)

AT DAR ES SALAAM

(CORAM: JUNDU, JK, MWARIJA, J AND TWAIB, J.)

Misc. Civil Cause No. 24 of 2013

LEGAL AND HUMAN RIGHTS CENTRE 1ST PETITIONER

TANGANYIKA LAW SOCIETY 2ND PETITIONER

Versus

HON. MIZENGO PINDA 1ST RESPONDENT

ATTORNEY GENERAL 2ND RESPONDENT

Date of last order: 18/2/2014

Date of ruling: 6/6/2014

RULING

JUNDU, JK:

Approaches and Strategies by TLS



THE CITIZEN

NEWS

MAGAZINES

OPED

VIDEO

DATA

JOBS

WEDNESDAY, JULY 2, 2014

TLS set to sue State for 'killing' tribunal



Tanzania Law Society (TLS) member Stephen Axwesso addresses journalists in Dar es Salaam yesterday. Others are acting TLS Chief Executive Officer Alphonse Gura (left) and Human Rights Committee member Daimu Halfani. PHOTO | VENANCE NESTORY

Approaches and Strategies by TLS

LATEST NEWS

MSAJILI BARAZA VETERINARI AWATWISHA MAJUKUMU WATAFITI MIFUGO

Home / MCHANGANYIKO / ADA KUBWA TLS KIKWAZO KWA MAWAKILI.

ADA KUBWA TLS KIKWAZO KWA MAWAKILI.

by bukuku July 25, 2017 MCHANGANYIKO

Na Thobias Robert-MAELEZO

Imebainika kuwa ada kubwa inayotozwa na Chama cha Mawakili Tanganyika (TLS), imekuwa kikwazo kwa wanachama kujiunga hivyo kukosa haki yao msingi ya kuwa wanachama na hivyo kunyimwa haki ya kushikiri kwenye chama chao cha kitaaluma.

Hayo yamesemwa na Wakili wa Kujitegemea ambaye pia ni Mwanachama wa chama hicho, Bwana Emmanuel Makene alipokuwa akizungumza na Wandishi wa habari mapema leo Jijini Dar es Salaam kuhusu changamoto zinazoendelea ndani ya chama hicho.





MWANZO

RAIS WA WANASHERIA, WENGINE WATATU WAJITokeza KUMUOKOA LULU

UNTAGGED

RAIS WA WANASHERIA, WENGINE WATATU WAJITokeza KUMUOKOA LULU



Elizabeth Michael Kimemeta Lulu

TAUSI ALLY

JOPO la mawakili wanne m
akiwamo Kamishna wa Tur
Binadamu na Utawala Bora

Joaquine De Mello, wamejitokeza kumtetea msanii wa filamu, Elizabeth Michael Kimemeta Lulu anaye kuhusika na mauaji ya aliyekuwa msanii maarufu Steven Kanumba.

De-Mello ambaye pia aliwahi kuwa Rais wa Chama cha Wanasheria Tanzania (TLS) na mshindi wa tuzo Mwanamke Jasiri Tanzania ya Martin Luther King, anaungana na wanasheria wengine ambao ni Kenne Fungamtama, Peter Kibatala na Fulgence Massawe katika kumtetea Lulu mwenye umri wa miaka 17.

Approaches and Strategies by TLS

UCHAGUZI TLS: TATIZO SIASA AU LISSU?

By **Mtanzania Digital** - February 19, 2017



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Approaches and Strategies by TLS

THE CITIZEN

17 FEBRUARY 2017

Tanzania: Lawyers Fault Mwakyembe's Threat to Ban Tls

Tagged: [East Africa](#) • [Governance](#) • [Legal Affairs](#) • [Tanzania](#)



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More

By Deogratius Kamagi

Dar es Salaam — A threat by the Minister of Justice and Constitutional Affairs, Dr Harrison Mwakyembe, to propose in Parliament the banning of the Tanganyika Law Society (TLS), has attracted the attention of legal experts and activists on social media.

Dr Mwakyembe sounded the warning on Wednesday during an interview with a local TV station, saying the government would never entertain TLS activities he linked to politics.

The minister said the TLS should cease operating as a legal organisation and instead be registered as a political party if it is keen on engaging in politics.

RELATED TOPICS

East Africa »

- Kenya: IAAF to Help Govt Set Up Local Anti-Doping Lab
- Ethiopia: Govt Charges 76 Individuals With Terrorism
- Ethiopia: Drought Emergency Spirals in Ethiopia Amid Major Aid Shortages
- Seychelles: 16 Malagasy Citizens Remain Detained in Seychelles

Governance »

Approaches and Strategies by TLS

**TUNDU LISSU AMSHUKIA DK. MWAKYEMBE KUFUTA
CHAMA CHA WANASHERIA TANZANIA**

Unknown 2 years ago Siasa



Waziri wa Katiba na Sheria, Dk. Harrison Mwakyembe.

Approaches and Strategies by TLS

Rais amtetea Jaji Mkuu, Mawakili kutojua kingereza

JUMANNE, 18TH DEC, 2018

NA MWANDISHI WETU

Rais wa Chama Cha Wanasheria nchini TLS, Fatma Karume amefafanua juu ya kauli ya Jaji Mkuu wa Tanzania, Profesa Ibrahim Juma aliyoitoa hivi karibuni juu ya kuwa Mawakili wengi nchini wanaohitimu hawajui kujieleza vizuri kwa kingereza na kusema kauli hiyo haikulenga kuwadhalilisha mawakili.



Launching Project on Legal Assistance to Street Connected Children



Tanganyika Law Society Mtwara Chapter conducted a meeting at the Chapter office with US Embassy representatives, advocates and magistrate aimed at social insecurities and their legal impact.



Approaches and Strategies by TLS



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LAW WEEK AND LAW DAY

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LAW WEEK AND LAW DAY

Posted on January 29, 2016 by Philipo Lubuva wrote in News. It has 0 Comment.

The legal fraternity will mark the beginning of a new law year from 31st January, 2016 through to 04th February 2016.

As has been the practice, the national celebrations will be hosted by the Judiciary. The Law day will be preceded by the Law week from Sunday 31st January 2016 through to Wednesday, 03rd February, 2016 at Mnazi Mmoja grounds.

TLS Governing Council and Dodoma Chapter learder paid a courtesy visit to the Speaker of the Parliament of United Republic Of Tanaznia in Dodoma.



Approaches and Strategies by TLS

MEDIA CENTER

Wakili Fatma Karume: Spika Ndugai hana mamlaka kumuita CAG

Kufuatia kauli ya Spika wa Bunge la Tanzania, Job Ndugai, kumtaka Mkaguzi Mkuu wa Hisabu za Serikali (CAG) Profesa Juma Assad, kwenda mbele ya Kamati ya Maadili ya Bunge, Mohammed Khelef amezungumza na Rais wa Chama cha Wanasheria wa Tanganyika, Wakili Fatma Karume, juu ya msingi wa kisheria wa mamlaka ya bunge kuweza kumuita CAG.



07:43
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Figure 1 Some advocates after pro bono legal aid services to inmates at Ruanda prison in Mbeya

The Future

NEXT EXIT



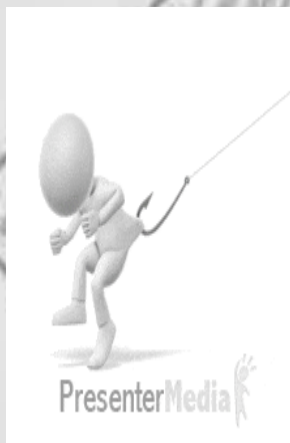


Imagining the Future of TLS is inseparable from Imagining the Rule of Law in Tanzania



What is holding TLS back?

WHAT IS HOLDING YOU?



What is pulling TLS?

WHAT IS PULLING YOU?



TLS



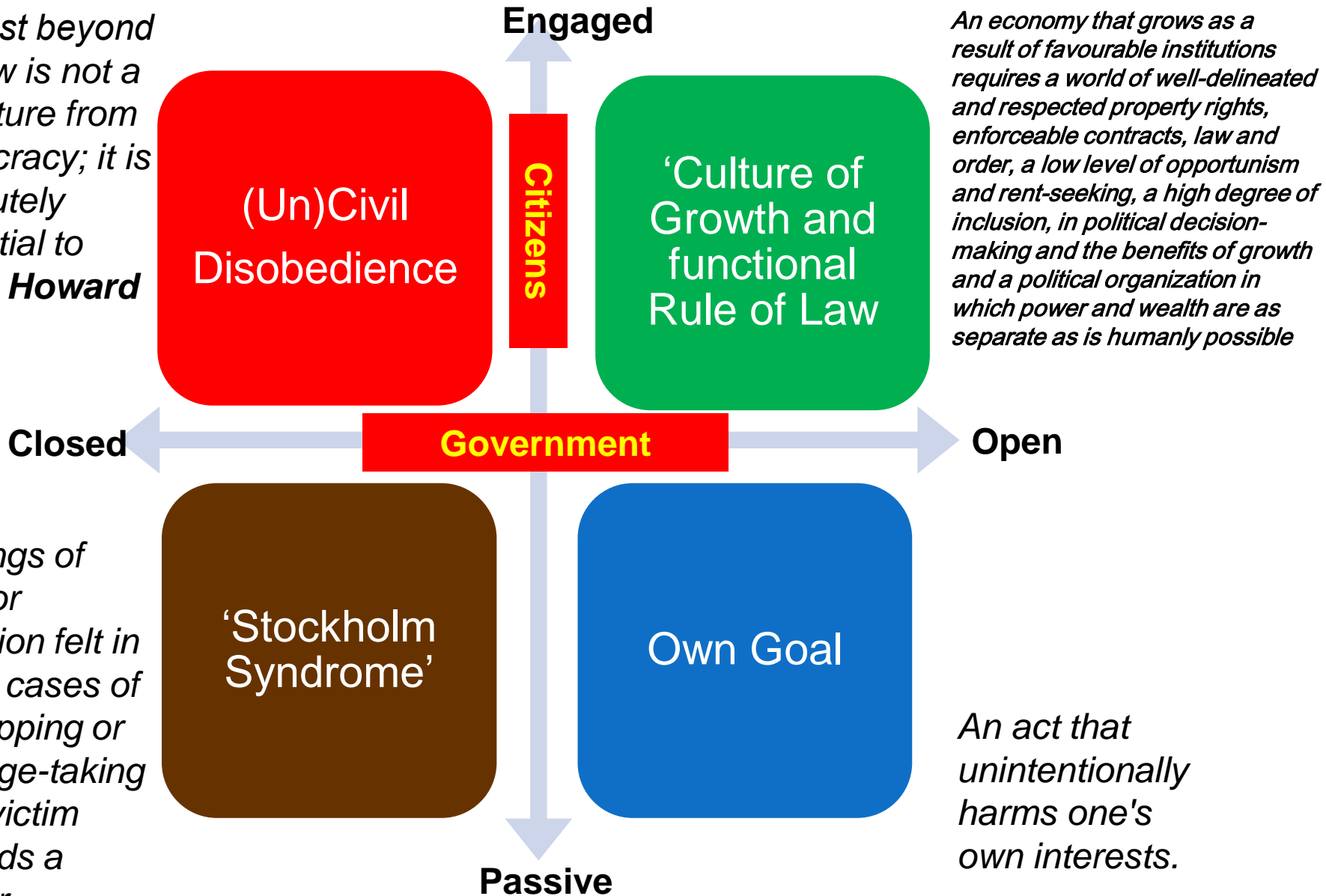
Legal
Framework

Demands and
Interests

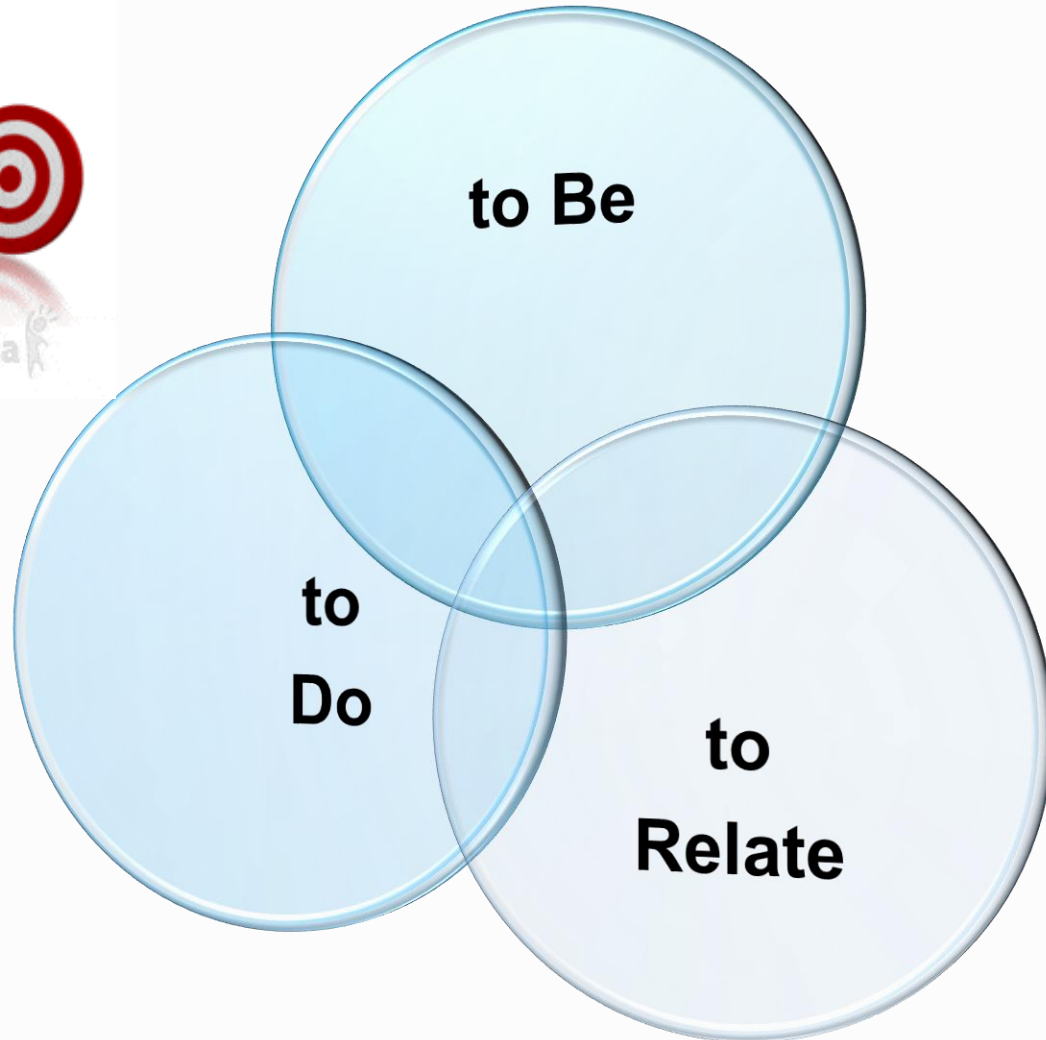
rppt.com

Four possible Scenarios on Rule of Law: (determined by the choices we do make)

"Protest beyond the law is not a departure from democracy; it is absolutely essential to it." — Howard Zinn



Recommendations on the Future of TLS



Future of TLS

- **Capacity to Be: [Revisiting the infrastructure of TLS]**
 - **Legislative & Systemic Challenges**
 - Independence of Bar vs recent amendments
 - Essence, affordability and relevance of HAGM
 - Annual Elections
 - Position of members in TLS [AGM/GC/Secretariat]
 - Addressing the regulatory & operational bottlenecks
 - **Demographic Challenges**
 - Increasing number of advocates vs logistic requirements
 - Prevalence of generational gap between the old and new advocates
 - Income inequalities vs membership obligations
 - **Sustainability Challenges**
 - Reliable sources of income vs members contributions
 - Impact of services rendered by advocates
 - Carefully planned and well managed gradual decentralisation of TLS
 - Devising statutory protections and by-passes



Future of TLS

- Capacity to Do: [Addressing the Techno-structure of TLS]
 - Adopt a SMART TLS theory of Change
 - TLS institutional approach and organisational culture
 - TLS Strategic Positioning to achieve core objectives
 - TLS Members' Welfare, perceptions and satisfaction
 - Balancing the Statutory obligations to TLS Members and other stakeholders
 - Addressing the root causes of competence & ethical challenges & strengthening the self-regulatory -compliance mechanisms, systems and institutions



Future of TLS

- Capacity to Relate [address conflicting interests]
 - TLS Members - members
 - TLS Members - GC
 - TLS Members - Secretariat
 - TLS Members - Committees
 - TLS Members - Chapters
- TLS Secretariat - GC
- TLS Secretariat - committees
- TLS Secretariat - Chapters
- TLS - public
- TLS - Government
 - Ministries/Agencies/LGAs
 - Law enforcers [PCCB, Police
 - Regulators TCRA, TRA, TIRA, FCC,
- TLS - Judiciary
- TLS - Parliament
- TLS - Sub Regional, Regional, International entities [Bars/Donors/



Conceptual Issues Raised By Members

- Ownership - who owns TLS? Members-Secretariat-GC paradox
- Decision - Whose decision matters in TLS?
- Benefits - TLS for whose benefit?

Conceptual Issues By Non-Members

- Identity - what is TLS? Who owns it
- Affiliation - whose agenda does TLS push?
- Advantage - How can we benefit more than others from TLS

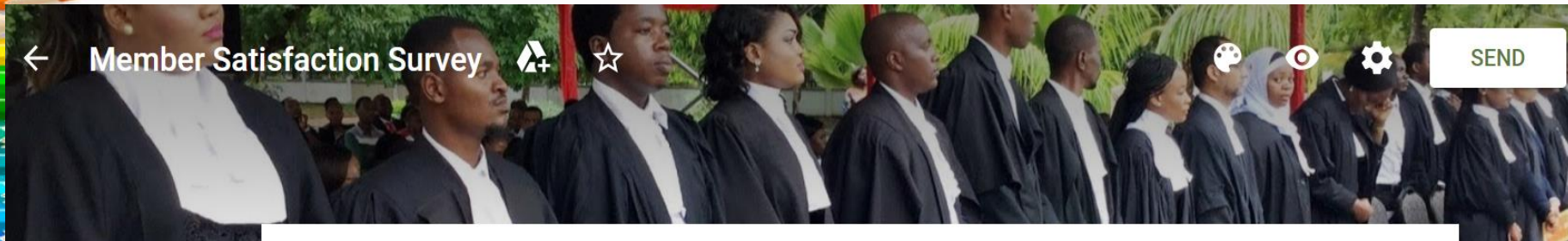
Conceptual Issues By Secretariat

- Mandate- How narrow/wide is our mandate
- Answerability - To whom are we answerable to?
- Voice - do we have any say in TLS? can we cry or laugh when we feel like?

What are Members Responses?



- Members Satisfaction Survey - Online

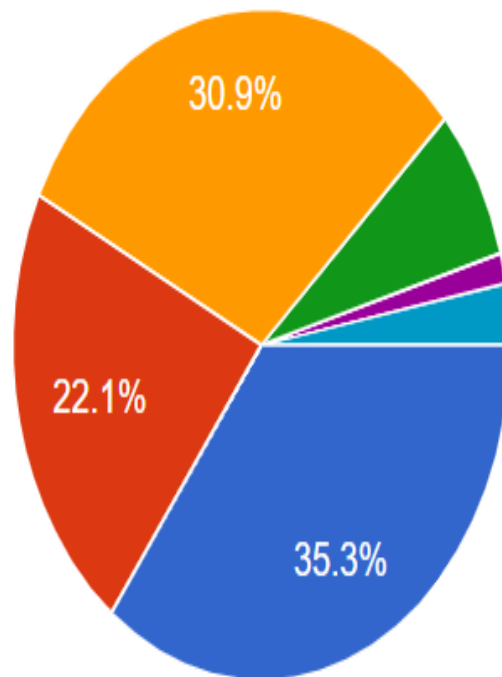




CLEs

CLE Seminars are very relevant and important for the legal profession

68 responses

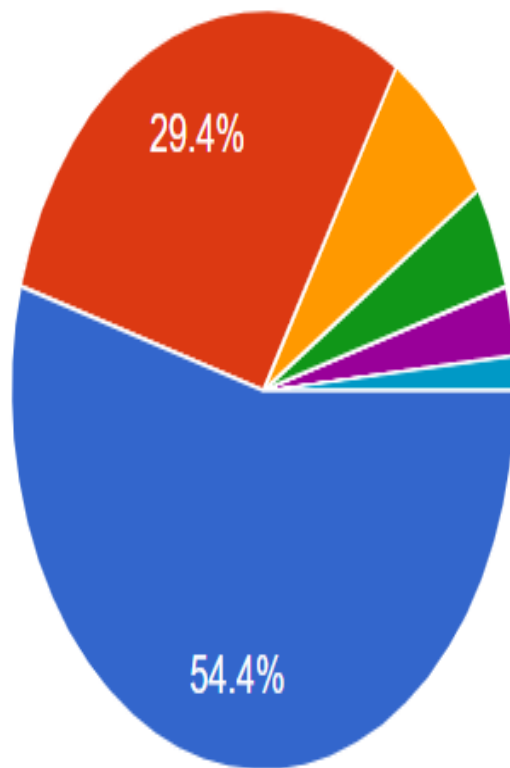


- Yes I strongly agree, they are extremely important and relevant
- Fairely well/ to some extent I agree
- sometimes Yes some times no/ its average
- I don't agree/ No, they are just poor
- I don't agree at all/ No they are irrelevant and not important to legal profession
- N/A or No comment

PCs

Online Renewal of PC has made it very easy and efficient to renew PC

68 responses

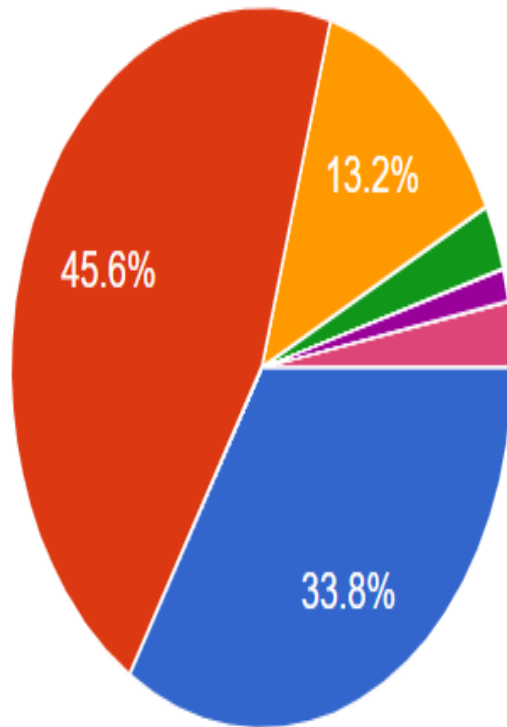


- Yes I strongly agree, the system is excellent
- Fairely well/ to some extent I agree
- sometimes Yes some times no/ its average
- I don't agree/ No the system is just poor
- I don't agree at all/ No, it is has made renewal exercise worse
- N/A or No comment

Publications

Publications of TLS are well written and well published

68 responses

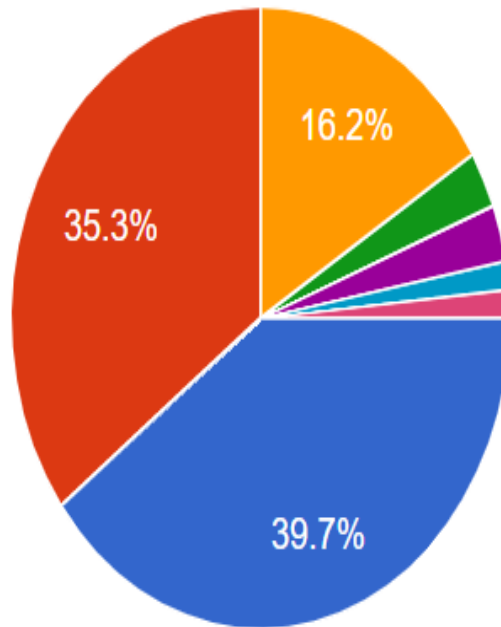


- Yes I strongly agree, Excellent
- Fairly well/ to some extent I agree
- sometimes Yes some times no/ its average
- I don't agree/ No they are just poorly written
- I don't agree/ No they are just poorly packaged/published
- I don't agree at all/ No they are the...
- N/A or No comment

Communication

Emails from the Secretariat are timely and well communicated

68 responses

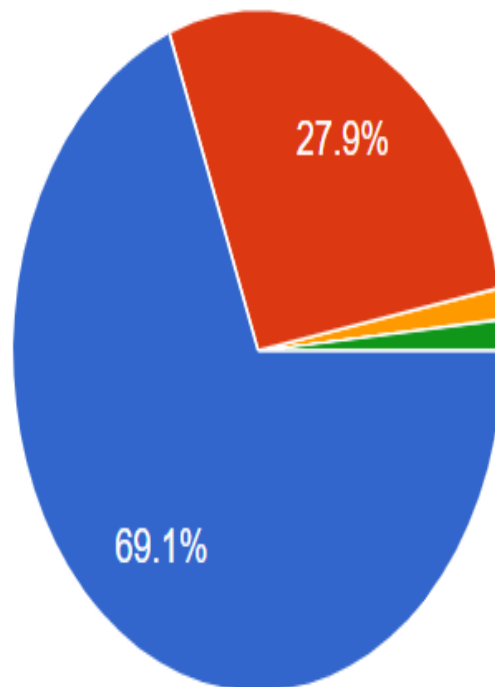


- Yes I strongly agree, the communication is excellent
- Fairly well/ to some extent I agree
- sometimes Yes some times no
- I don't agree/ No, they are timely but not well communicated
- I don't agree/ No, they are well com...
- I don't agree/ No, they are neither ti...
- I don't agree at all/ No, they are the...
- N/A or No comment

Mpesa

Mobile Payments have simplified the payments processes

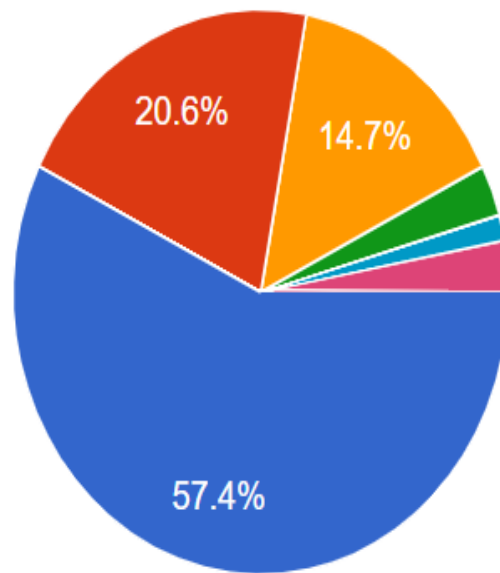
68 responses



- Yes I strongly agree, Excellent
- Fairly well/ to some extent I agree
- sometimes Yes some times no/ its average
- I don't agree/ No, they are just poor
- I don't agree at all/ No, they are worse than the previous
- N/A or No comment

TLS would be more relevant to members by providing social services including health insurance to members and their families which is helpful against illness or sickness

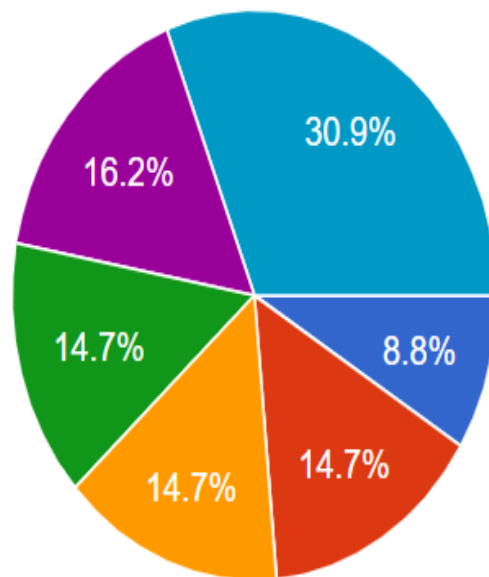
68 responses



- Excellent, Yes I strongly agree and it should be compulsory
- Excellent, Yes I strongly agree but it should not be compulsory
- Fairly well/ to some extent I agree a...
- I don't agree/ No need for health ins...
- I don't Agree/ Assistance currently c...
- I don't Agree/ Self-help assistance c...
- I don't agree at all/ No
- N/A or No comment

Members outside Dar es Salaam do access all relevant TLS services and information on equal terms with Dar es Salaam based Lawyers.

68 responses



- Yes I strongly agree, Excellent
- Fairely well/ to some extent I agree
- sometimes Yes some times no
- I don't agree/ No, mostly are biased to favor Dar es Salaam
- I don't agree at all/ no equality of TLS members at all
- N/A or No comment

Budget Paradox

- Members' contributions vs Donor grants
- Expenditure (Esp staff salaries) vs Income



Fundraising

- Corporate sponsorship - more than 20 corporate sponsors raising funds TZS 152M for AGM
- in kind contributions with value about TZS 250M
- Wakili House Construction - 172M was raised from TLS members



Fundraising Projects

Fundraising Status by March 2019

	Amount	Donor
Raised	50,000,000	RCA
	200,000,000	OSIEA
	170,000,000	CHRI
	100,000,000	World Bank/Judiciary
	770,000,000	LSF
	64,000,000	FCS
	50,000,000	UNDP
	1,404,000,000	
Pending	220,000,000	GRSP
	3,000,000,000	World Bank/Judiciary
	127,000,000	Pact/FH
	200,000,000	World Bank/Judiciary
	3,547,000,000	
Total		
Estimates	4,951,000,000	

Peculiar specific issues raised

- A Legal Empowerment Institution owned and run by TLS
- Introduce compulsory clerkship and mentoring schemes
- Systemic decentralisation of TLS
 - TLS HQ to relocate to Dodoma in future
 - TLS purchase land and have permanent offices and staff in every region where there is a High Court Registry
 - Costs for running the chapters be born by retention of % of funds from the Members Contribution in every particular chapter
- TLS Law Report
- CLE





NB: The Evaluation process is at the final stages



Thank you so much for Listening I Humbly Submit

- Please you may contact me vide
hsungusia@gmail.com