Political economy analysis of the relationship between civil society organisations and local government in Tanzania

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Executive Summary

This report provides a political economy analysis of the civil society sector in Tanzania with a particular focus on civil society organisations (CSOs) operating at the local government level. It explores both the political economy *of* CSOs in terms of their structures, resources, personnel and ways of operating, and the political economy *for* CSOs in terms of the attitude of government and donors towards the CSO sector. The report considers both the formal institutional arrangements that are in place and the informal practices that operate alongside these formal arrangements. The study was commissioned by the Swiss Agency for Development and Cooperation (SDC) to inform its analysis of the role civil society plays in service delivery at the local government level in Tanzania.

The report is based on a literature review followed by 30 interviews conducted in Dar es Salaam and two districts – one rural and one urban. Given the political economy focus, questions concentrated on stakeholders' perceptions of the relationships between civil society and local government, what shapes these relationships, and how the nature of the relationships impacts upon service delivery.

Relationships between CSOs and the state in Tanzania have long been characterised by mutual suspicion, but under the current President, this suspicion has escalated into more overt hostility and a shrinking of civic space. The report explores this shift, its implications for CSOs and how they respond. It also positions the shrinking civic space alongside more longstanding challenges affecting the relationship between CSOs and the state, and identifies variations in how these challenges are experienced at the national and subnational levels.

The scope for CSOs, and particularly NGOs that focus on development activities, opened up in Tanzania with the shift to a multiparty democracy, but much of the early impetus came from the donor community. Initially, CSOs were concentrated in the major cities but a combination of decentralisation and the availability of donor funding led to the growth of CSOs at the district level. Government had to play catch up in response to the growth of the sector, introducing an NGO Policy in 2002 and an NGO Act in 2004. This process of playing catch-up has led to a complex and fragmented approach to regulating the civil society sector.

The complexity provided scope for CSOs to select the form of registration that worked best for them but these opportunities are shrinking as the government seeks to close down loopholes and tighten regulatory control. CSOs are also seeing reduced flexibility in how legislation is applied. A particular challenge relates to the need for CSOs to obtain approval from multiple government departments at both the national and subnational level. This partly reflects the reduced scope for bureaucratic discretion as officials are increasingly wary of taking risks, but it places significant costs and uncertainty onto CSOs.

CSOs are heavily dependent on donors for funding. Donor-funded projects are typically sporadic and medium-sized CSOs have significant periods without project funding, but they may still continue to meet and discuss issues that arise. Thus, while the major activities of CSOs may be heavily donor-dependent, the organisational form of civil society is less donor-

dependent. The use of 'basket funds' that allow pots of donor money to be used to fund relatively small CSO projects contributes to the diversity of the CSO landscape as it increases the number of organisations that are able to access intermittent funding. The sector is also strengthened by the unusual degree of emphasis on the role of network organisations. However, as the costs of compliance increase with the government's emphasis on enforcing regulatory compliance, the cost of having a CSO established may make it harder to continue running a CSO in the periods between project funding.

The emphasis on voluntarism in the CSO sector means that few CSOs have significant technical expertise and they instead rely on local government to provide them with access to the relevant technical skills. One consequence of this is that the relationship between CSOs and government in Tanzania is influenced by who has the funds, capacity and legitimacy to implement a project. CSOs and the government need each other because it is rare that either sector has a monopoly on these different resources – for example, technical expertise may reside within government but the resources needed to mobilise this technical expertise may reside with CSOs that run funded projects. These interdependencies are the source of many tensions between CSOs and government but also provide the basis for building trust as they necessitate a degree of cross-sectoral collaboration.

The relationship between civil society and government is characterised by suspicion on both sides. The state has focused on the need to know, and approve, the activities of CSOs. However, CSOs and government agree on many of the weaknesses in the CSO sector, including weaknesses in how organisations are run and their internal capacity, failure to separate leadership and implementation roles as organisations grow, which is linked to what the literature terms 'founder syndrome', and a general lack of systems. The level of overlap between how government and CSOs view the strengths and weaknesses of the CSO sector presents an opportunity for promoting a greater degree of trust. However, there are also real and deep differences of opinion over how far CSOs should account to government, as opposed to being regulated by government. The scope for cross-sectoral communication may shrink further as a result of the ongoing move of government departments to Dodoma.

The report concludes with recommendations for actions donors could take to protect civil society against shrinking civic space and address more longstanding challenges facing the civil society sector. These include promoting discussion on reducing or simplifying the level of regulatory burden particularly for smaller CSOs, helping CSOs adapt to the shrinking civic space, building trust between CSOs and government, building cross-sectoral networks and diversifying funding. The recommendations combine defensive strategies that seek to protect the existing space for CSOs, with offensive strategies that seek to change the narrative, actively strengthen the CSO sector and address weaknesses that go beyond the current context of shrinking civic space.

1. Introduction

This report provides a political economy analysis of the civil society (CSO) sector in Tanzania with a particular focus on CSOs at the local government (LGA) level. To do this we explore both the political economy of CSOs in terms of their structures, resources, personnel and ways of operating, and the political economy for CSOs in terms of the attitude of government and donors towards the CSO sector. We seek to explore the role of both the formal institutional arrangements that are in place and the informal practices that operate both within and outside the formal institutional arrangements. The study was commissioned by the Swiss Agency for Development and Cooperation (SDC) to analyse of the role civil society plays in service delivery at the local government level in Tanzania.

To organise the study and make it manageable, it was necessary to clarify the types of organisation within the broad sphere of civil society that the study would focus on. This focus was guided by the types of civil society organisations that interact with local government. The study seeks to clarify and differentiate the types of interaction that take place between civil society and local government. This could include direct involvement in service delivery, accountability, collaboration, advocacy, oppositional/conflictual. The study also considers the extent and level of influence of interaction between CSOs and local government. These three defining lines – (1) type of organisation, (2) nature of interaction, and (3) extent of interaction – provide a useful typology for exploring relationships between civil society and local government, and identifying the most appropriate organisations to focus on.

Our focus is on the Tanzanian mainland and we do not consider the differences affecting the civil society sector in Zanzibar where it is widely considered that the 'political space for civil society … is considerably more restricted than in mainland Tanzania' (Eriksen 2018: 15).

2. Methodology

The purpose of the political economy analysis is to explore the institutions, incentives, relationships and interactions that affect how the CSO sector operates both in its own right and in relation to local government. Our methodology reflects this focus. We conducted interviews with a broad range of stakeholders at both the national and local level, including donors, government officials, political leaders, CSO networks and individual CSOs.

Our starting point was to conduct a detailed analysis of existing literature with a particular focus on academic literature and reports commissioned or produced by donors or civil society organisations to establish the state of existing knowledge on the civil society sector in Tanzania. The literature review was used to identify key questions to explore during fieldwork. This report contains a brief discussion of key insights from the literature. It also draws on the literature where relevant in support of particular findings from the fieldwork.

The analysis of existing data and literature was followed by almost two weeks of fieldwork. The time was divided between conducting interviews in Dar es Salaam focusing on the national picture and in two districts to provide case studies for exploring trends at the local level. The interviews in Dar es Salaam focused on identifying broad trends in the sector and its interaction with local government. At both national and district levels, fieldwork covered a combination of networks, individual organisations and government representatives. In total we conducted 30 interviews.

12 interviews were conducted at the national level, made up of 1 interview with government, 4 interviews with civil society networks, 4 interviews with donor agencies, 2 interviews with individual civil society organisations, and 1 interview with a 'basket fund'. The individual organisations interviewed were a faith-based CSO doing service delivery and a large organisation working on human rights issues. One of the network organisations was focused on the media, one was a religious network, while the other two related to NGOs.

In addition to interviews in Dar es Salaam, the local picture was explored through fieldwork in two districts, with two to three days in each district including travel time. The districts were selected on the basis of contrasting characteristics to compare an urban area with a strong CSO sector (District A) with a rural area with a less developed CSO sector (District B). The selection was also influenced by considering practicality, particularly in terms of travel time between the different locations in order to avoid too much fieldwork time being lost to travel.

9 interviews were conducted in District A, made up of 2 interviews with government, 5 interviews with NGOs, and 2 interview with networks. One of the networks is for NGOs working on advocacy issues, while the other is for the media. 9 interviews were conducted in District B, made up of 3 interviews with government one of which was with a political leader, 3 interviews with NGOs and 3 interviews with CBOs.

As these numbers indicate, we were able to talk to quite a large cross-section of stakeholders across civil society, donors and government. The choice of three localities has also enabled us

to draw out contrasting themes and issues at different levels. However, our methodology also presents some limitations. The first is that attempting to cover a cross-section of civil society organisations has meant we do not have large samples for some of the sub-groups of CSOs. The second is that within government we only talked to those players responsible for regulating civil society, which limits the scope for us to qualify our finding that government's approach to civil society is overly focused on regulatory compliance. We might have gained a different perspective by talking with line function departments where there may be greater overlap between the objectives of CSOs and the objectives of the departments. These constraints are a result of trying to achieve a suitable spread within the limited time available.

We lost one day of fieldwork due to challenges obtaining a letter of approval to conduct our fieldwork in one of the districts. Although this had some impact on the time available for fieldwork, we subsequently received substantial administrative cooperation in arranging interviews in this district. The process of obtaining approval also provided some insight into the challenges CSOs face in the current environment where many bureaucrats are increasingly cautious about exercising discretion even on fairly minor issues, such as providing what might previously have been a fairly routine permission letter.

Given the political economy focus, questions concentrated on stakeholders' perceptions of the relationships between civil society and local government, what shapes these relationships, and how the nature of the relationships impacts upon service delivery. Interviews also covered the particular activities that the CSOs interviewed undertake with relation to local government, with a view to categorising the range of activities within the typology described above. The interviews were semi-structured with a set of broad guiding questions being used as entry points with more targeted follow-up questions being used on a case-by-case basis. The entry point questions covered:
1. The identity and role of the interviewee, the length of their involvement in the organisation and how they became involved.
2. The establishment and objectives of the CSO, when it was established, who established it and why, how many of those people are still involved with the organisation.
3. The activities and resources of the CSO, what activities it is involved in, what funding it has or has had, how it accesses funding, what other forms of resources it has access to if any.
4. What interaction the CSO has with government, what challenges and opportunities it encounters in its interactions with government.
5. What the interviewee sees as the main strengths and weaknesses of the CSO sector.
6. What the interviewee would like to change in the CSO sector.

A similar approach was used in interviews with donors but starting from a different set of entry point questions:
1. What sorts of CSOs the donor works with.
2. What sorts of CSO activities the donor supports.
3. Whether the focus is on service delivery, advocacy or a combination of the two.
4. How the donor's approach to CSOs has shifted over time.
5. How effective they think their work with CSOs is.

6. What they see as the main strengths and weaknesses of the CSO sector.
7. What they would like to change and how.

A brief inception report was prepared setting out the proposed methodology. This inception report formed the basis for an initial workshop with SDC to discuss and refine the approach to be taken during fieldwork. A pre-validation workshop was held at the SDC office in Dar es Salaam at the end of the first stage of interviews in Dar es Salaam. This was used to discuss emerging findings from the national level interviews and to use these as a basis for identifying themes to explore at the subnational level. A draft version of this report was presented at a subsequent workshop in order to get further feedback on the findings.

The report has been prepared by Tom Harrison, a research fellow in the Governance Cluster at the Institute of Development Studies. Fieldwork was conducted by Tom Harrison together with Andrew Mushi from Mzumbe University.

3. Evolution of the CSO sector in Tanzania: Themes from the literature

In response to the growth of the civil society sector, a substantial body of literature has developed on the nature of the CSO sector in Tanzania. In this section, we identify some of the key themes in this literature. We also draw on the literature in other parts of the report where it is relevant to the particular issue being covered.

The scope for CSOs opened up with the shift to a multiparty democracy, but much of the initial impetus came from the donor community. Before 1990, there were very few NGOs, although FBOs had more freedom to operate as they were considered to pose less of a threat (Mallya 2010: 137). Initially, NGOs were concentrated in the major cities but a combination of decentralisation and the availability of donor funding has led to CSOs becoming a 'peri-urban form' accompanied by the emergence of district umbrella organisations. The number of NGOs grew from 224 in 1993 to over 9,000 today (Dodworth 2014). This growth has led to CSOs competing for funding and the funding that is available is often short-term focused on using CSOs as 'conduits of "communities" in providing policy-makers with a means of connecting to "the grassroots"', which 'means that most CSOs are in effect dormant for most of the time' (Mercer and Green 2013: 108). Government had to play catch up in response to the growth of the civil society sector, introducing an NGO Policy in 2002 and an NGO Act in 2004.

Despite decentralisation remaining a key feature of official government policy, there is broad agreement that the current trend is towards recentralisation and shrinking autonomy for local government. This includes recentralising the collection of local revenue (Lyon et al. 2017: 28), although 'while policy guidance and resource allocation remain strongly centralized, local governments control significant budgets' (Eriksen 2018: 3). Recentralisation is accentuated by the current President's 'reliance on personal networks' (Eriksen 2018: 2). He relies heavily on District and Regional Commissioners, posts that are 'remnants of the colonial state [and] entail sweeping powers of arrest and detention' (Eriksen 2018: 10) and 'has repeatedly appointed individuals with no experience in public administration' to these posts (Eriksen 2018: 10).

There are concerns that the government's approach to service delivery is 'top-down' with a 'focus on quantity and less on quality' (Lyon *et al.* 2017: 59) and the literature identifies challenges with declining levels of citizen participation in ward or village-level committee structures (Lyon *et al.* 2017: 24-25). While the President has made popular moves to tackle corruption and improve service delivery, he has done this largely by operating outside formal processes – 'the actions taken are rarely systematic, and occasionally ride roughshod over established procedures, indicating that political loyalty is viewed as being of the greatest value' (Eriksen 2018: 10).

At the national level, 'moving the national capital to Dodoma also impinges on the morale of central ministry officials, whose personal and professional lives are deeply affected by the decision' (Eriksen 2018: 10). As we identify later, this shift also has implications for relationships between government and civil society organisations.

The increased strength of the opposition party (CHADEMA) 'has sparked a backlash' against those associated or perceived to be associated with the opposition (Eriksen 2018: 11). In general, it is felt that there is 'increasingly constrained space for the expression of dissenting political views' (Erisken 2018: 14). Recent studies also highlight shrinking scope for CSOs to engage in advocacy work and to criticise government (Nathan Associates 2017: 16-17), although CSOs routinely present to parliamentary committees (Nathan Associates 2017: 18).

The literature also identifies internal weaknesses within civil society. These were highlighted in a reflective piece by Issa Shivji that some of our interviewees at the national level made reference to even though it was published over a decade ago:

> […] most of our NGOs are top-down organisations led by elites. What is more, most of them are urban based. In the case of Tanzania, NGOs did not start as a response to the felt need of the majority of working people. … we did not develop as, nor have we as yet managed to become, organic to the mass of the people. The relationship between NGOs and the masses therefore remains, at best, that of benefactors and beneficiaries. This is not the best of relationships when it comes to genuine activism *with*, rather than *for*, the people. Second, we are not constituency- or membership-based organisations. Even if we have a membership, this is made up largely of fellow members of the elite. … Third, we are funded by, and rely almost exclusively on, foreign funding. This is the greatest single limitation.
> (Shivji 2004: 689)

These issues continue to be picked out in the literature with more recent studies placing a particular emphasis on how the reliance on intermittent foreign funding have contributed to CSOs being heavily dependent on their founding members (Mercer and Green 2013) and to the phenomenon of 'professionalised' volunteering that is 'associated with particular forms of knowledge that effectively restrict volunteering to certain people and create barriers to entry for others' (Brown and Green 2015). These issues are discussed in more detail later in this report.

It is widely agreed that there is a fairly even balance between CSOs focusing on service delivery and advocacy activities, with a greater focus on service delivery at the district level. One interviewee with an overall view of the sector suggested that 60 percent of NGOs do advocacy and service delivery while 40 percent do just service delivery. Over time, there has been 'a significant shift from service delivery to advocacy … largely due to donors' new interest in human rights issues' (USAID 2015: 218). However, the literature has found that 'those advocacy organisations that also provide service delivery have more opportunity and space to interact with the government (at various levels) while doing 'advocacy-only work is very difficult' (Davidson 2010: 12). It is therefore important to allow space for the 'diverse set of activities' that constitute advocacy and to recognise that sometimes advocacy 'may need to be gently nourished through actions which at times may have more of a "service delivery" flavour to them' (Aikman 2010: 508).

4. How the sector is regulated

Tanzania has a complex and fragmented approach to regulating the civil society sector. The challenges relate as much to how the regulatory framework is applied as to the actual content of the regulations. In this section, we explore the evolution of the regulatory framework before considering recent changes in both its content and how it is implemented.

The regulatory framework

CSOs can be registered under several different pieces of legislation overseen by different Ministries. A CSO can be registered as a Trust under the Registration, Insolvency and Trusteeship Agency, a Society under the Societies Ordinance, a Company Limited by Guarantee or an NGO under the NGO Act. Most are registered as NGOs or societies, but some organisations have preferred to be registered as Companies because then they become a legal entity and so harder to deregister. Smaller local-level organisations can be registered at the local level as community based organisations (CBOs) under the relevant Local Government Authority.

NGOs are regulated as operating at one of four levels – district, regional, national and international. They cannot operate beyond the level for which they are registered, and if they are not registered in a particular location they now require approval to work there.

The NGO Registrar's Office checks that an organisation is within the meaning of 'NGO', which means it needs to be voluntary, non-partisan and non-religious. This is done by looking at the constitution, minutes and recommendation letter from the community-level development officer. NGOs must also adhere to relevant sectoral laws, for example if they work on health issues they are also governed by laws in that sector. NGOs need to file activity reports and quarterly financial statistics. Although this was not raised as an issue, it does raise a question about the frequency of the reporting burden when submitting documents on an annual basis should be sufficient for ensuring broad regulatory compliance. Most verification is done against the documents submitted, which is primarily just a compliance exercise to check whether or not they are submitted, although some visits are made to particular NGOs. There are currently 9,000 NGOs registered and the Registrar's Office has less than 15 staff, although a significant role is played by the relevant officials at regional and district levels.

At the subnational level, there is one person in each district who specifically deals with CSOs. The district official has to check the CSO's constitution. There is also a supportive element to the role to advise CSOs on where to work and send an official with them when they go to local level or to refer them to a village official.

The NGO Registrar reports to the NGO Board. The Board has 10 members – four nominated by NGOs, five nominated by the Minister and one nominated as chairperson by the President. The Board meets quarterly, with both the NGO Council and the Registrar able to take issues to the Board. It is revealing that the line of reporting for the Council is only to the Board and it appears not to have an avenue to raise issues with the Minister.

The NGO Council (NACONGO) is created by the NGO Act and has representatives from all 26 regions together with four representatives from thematic networks. It is supposedly constituted through a bottom-up process where districts select NGOs to meet at the regional level where they select their representative to NACONGO. The Council is required to meet annually (although it currently meets more often) and it has a 10 person steering committee that meets quarterly. There is a secretariat with three staff and with plans to expand. NACONGO is funded by subscriptions paid by international NGOs, which pay $300 each towards administrative costs. The Council does not want to receive funding from government as its members believe this could compromise its autonomy. CSO support for NACONGO has been uneven particularly from larger CSOs. This means that, in the current context where it could play an important role, it appears to be constrained in terms of its capabilities, resources, networks and legitimacy.

For the purposes of registration, the Registrar has authority to register NGOs and then report to the Board, but deregistration has to be decided by the Board, which is supposed to meet quarterly, although the tenure of the last Board expired in 2016. In the past, NGOs have not been deregistered for non-compliance, but this is now changing. In 2015, 24 international NGOs were deregistered on the grounds of non-compliance with the NGO Act. This 'was a new development, because although the NGO Act requires, for example, the submission of annual reports, not many CSOs comply with the law's requirements and the government had never before taken action' (USAID 2015: 215).

The NGO Registrar has recently undertaken a validation exercise to check how many NGOs comply with existing regulatory requirements. The validation process found that of the 9,000 registered NGOs, 3,000 were compliant with the requirements for filing reports, but verified 5,000 NGOs by including some that were not fully compliant. During the process 500 NGOs came forward that were not registered under the Act. Officially, this exercise is simply about the Registrar's Office catching up with a verification exercise that should have been done on an ongoing annual basis, presumably in response to the President's increased emphasis on ensuring laws are actively enforced. However, the fact that the validation exercise is being applied in this way causes a significant degree of uncertainty. It is not known when and how the results of the validation exercise will be applied. This is partly because the process is unprecedented but also because the NGO Board was not in place at the time the validation exercise was concluded and any recommendations for deregistration have to be taken to the Board.

The tightening regulatory framework

The government is currently seeking to strengthen the application of legislation, to extend the reach of this legislation and to close down loopholes. It is also in the process of reviewing the NGO Policy, although the expectation is that this is likely to focus on further controlling the work of CSOs in the context of shrinking civic space rather than trying to address the inefficiencies in the system that we describe here.

There is currently a process to revise the NGO Policy. The justification given is that the policy has gaps, for example being very vague about fundraising, although there are different and competing accounts of the motivation for reviewing the policy, including suggestions that it could be either a way of tightening government control of CSOs or of increasing the influence and/or resources of the Office of the Registrar. The NGO Council (NACONGO) is leading consultation with NGOs as part of this process, but it is hampered by its lack of resources, which may make it difficult for it to go to the regions in order to consult. Some NGOs continue to argue for the principle of self-regulation and object to the fact that the Board is dominated by government. Indeed, both government and NGO representatives appear to view the Board in polarised terms with the people on it representing either government or NGOs but not both. There could be value in identifying ways to include other neutral stakeholders on the Board in order to soften this dividing line.

Organisations now face a challenge in that efforts to tighten regulatory loopholes mean they need to comply with multiple pieces of legislation; for example, they may need to comply with the NGO Act even if they are not registered under the Act. In the past, the regulatory burden, and the fear of how regulatory authority might be used to restrict an NGO's autonomy, created an incentive for organisations to avoid formal registration, or to register under different legislation. CSOs had previously sought to protect themselves from what they saw as the excessive requirements of the NGO Act and the vulnerabilities it imposed on them by registering as a different form of organisation. A CSO working on advocacy explained that it was registered as a non-profit company and that it had not complied with the NGO Act as then it would be vulnerable when it criticised government. They found that sometimes civil servants could not understand why they were registered as a company but working as an NGO.

This creates fragmentation with different forms of association operating in different spheres. Dill suggested there 'has been a norm of informality, or a tendency of voluntary associations … to remain outside of the purview of state oversight and control' (Dill 2010: 25). One of the consequences is that 'there are few, if any, linkages between informal groups and the broader sphere of "certified" associations' (Dill 2010: 25). The scope to do this is narrowing and it appears that CSOs are instead shifting towards taking greater care to ensure that they comply with the relevant legal requirements. However, this presents its own challenges particularly where compliance imposes significant costs, delays or requires civil society to operate more cautiously.

It also appears that some organisations are now being told that it is not enough just to comply with the Act and that they have to be registered under the Act. A CSO registered under the Companies Act said it had been trying to comply with the NGO Act since 2016 but had been told by the Registrar that they no longer provided a certificate of compliance and so it would have to reregister as an NGO. It had been told by a donor agency that it could not receive funding until it was registered as an NGO. The organisation was concerned that new registration would wipe out its institutional history and could also have implications for the property it owned.

Other regulatory requirements are also being applied for the first time. For example, CSOs report that they are being required to obtain permission from the Ministry of Regional and Local Government before they start work in a new area. This requirement was not previously routinely applied. It means that, instead of CSOs making contact directly with the regional or district administration, they now need to obtain a letter from the Ministry in Dodoma that they can then present at the regional and district level. This used not to be required as the Constitution allows people to travel anywhere in Tanzania. This is both time consuming and expensive with many CSOs reporting that they have to go to Dodoma themselves in order to obtain a copy of the letter, as one CSO articulated:

> Currently there is a new practice that disturbs us, which is that the government and donors demand that you should have a letter from the district and the district says you should have a letter from Dodoma. Why should people ask for a letter when you're working with the community? Who pays the cost of going to Dodoma to get a letter? Why do you need the letter on top of registration? Government doesn't trust CSOs.

In practice, CSOs find that nothing happens until they go to Dodoma in person. This was the case even for an NGO that had personal connections in the Ministry. Although these connections helped, the NGO still had to spend 3-4 days in Dodoma. There can be delays even when the letter is simply a formality as the letter has to be signed by the Permanent Secretary who is often not available. It is also problematic in that it means CSOs end up having to report to multiple different ministries as they are regulated by the Registrar under the Ministry of Health, Community Development, Gender, Elderly and Children (MoHCDGEC), but also need permission from the Ministry of Regional and Local Government to work in a particular area. They may also need to engage with the sectoral ministry their work relates to or with other ministries for other areas of compliance. To date, there is little sign of CSOs developing an effective strategy for engaging with government on the challenges presented by this growing burden of compliance.

CSOs also find themselves subject to new forms of regulation, including the Cyber Crime Act, Statistics Act and Media Services Act. Many CSOs believe that the Statistics Act requires CSOs to obtain permission from the National Bureau of Statistics before they can collect data. The actual implications of the Act for CSOs is unclear as the Act is restricted to 'official statistics' and the National Bureau of Statistics has sought to clarify that the Act is not meant to restrict CSOs 'from producing and publishing their own statistics', but that 'if such Agencies want to produce Official Statistics intended to be used by the Government for planning and policy making, they have to adhere to set standards and principles of Official Statistics'.[1] There are also suggestions that this Act makes government officials more reluctant to share data with CSOs. In the context of tightening legal control of the sector, it is important to note that there are also some opportunities including the Access to Information Act (2016) and the Legal Aid Act (2017), which recognises paralegals. However, CSOs may be fearful of taking advantage of the opportunities this legislation ostensibly provides.

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[1] https://www.nbs.go.tz/nbstz/documents/press-releases/Misconception%20of%20Statistics%20Act%202015_53e38.pdf

How the regulatory framework is applied

The issues relate not just to the content of the law but also to how it is applied. As one interviewee put it, 'most of the laws were there before but weren't used'. There is also a challenge of the law being misused where CSO activities bring them into conflict with government at different levels. For example, a paralegal was arrested for obstructing the police and spent six months in jail because he told the police to stop beating somebody. In another case, a worker involved with a CSO was arrested for providing supposedly wrong information related to sexual and reproductive health, but she had previously contested a seat through the opposition and it was felt that this was a motivating factor behind her arrest. There have been cases of harassment of organisations working on LGBT issues including organisations that provide lubricants having their materials confiscated. This issue was also raised by several government officials as a key example of CSOs not adhering to the law. There are also cases of community development officers saying they will close an NGO down if it criticises government.

A number of the regulatory requirements, including the requirement to get approval from the Ministry of Regional and Local Government, do not apply to CSOs that are based in the district where they are going to work. These organisations also appear to be trusted more than those that have come from outside. This creates the potential for CSOs to minimise the effects of the growing regulatory burden by conducting work through CSOs located at the district level. It may also create an increased incentive to work with CBOs as the regulation of CBOs is less formal and less onerous, although they are affected by directives from community development officers, which could create distinctive vulnerabilities as they are tied to operating in the district in which they are registered.

Problems of over-regulation of CSOs may partly relate to the relative weakness of the ministry responsible for the NGO Act, which means it does not resist efforts by other departments that also want to regulate the CSO space, particularly the Ministry of Regional and Local Government. CSOs are being asked to compensate for weaknesses of coordination within government. Thus, CSOs need to obtain clearance from multiple departments because subnational levels of government do not recognise the authority of departments other than their own line ministry. In some cases, once CSOs have approached the district to get a letter of approval they are being referred to the regional level instead of being able to go directly from the district to national level. This was done because previously the region was not aware of what CSOs were doing, but the reason why both the district and the region would need to be aware of the same issue was not clear. This logic essentially makes CSOs responsible for following the same lines of accountability that operate within government.

A further challenge is that the system is increasingly focused on compliance for its own sake. One CSO complained that 'we don't get any feedback when we submit our reports to government and we think they don't read them'. Others complained that, although they are required to obtain letters of recommendation from the local level, 'sometimes officials act as if they don't know you when you ask them for a letter', but officials lack the capacity to visit CSOs and so are at best only familiar with what is written in their reports.

In some cases, government officials appear to place excessive emphasis on precise application of the legislation. For example, one official explained how a CSO started work once it had received the letter of introduction from the LGA but before its registration had been completed. This was presented as an example of a CSO seeking to avoid the rules and we were told that the CSO stopped operating when they found out. The official in question was not trying to be obstructive, but it was not clear that any harm would be done by the CSO starting work while its application was in progress. In another case, we were told that a CSO had a permit from the Commission for Science and Technoloyg (COSTECH) but that, as the Regional Administrative Secretary 'does not recognise COSTECH', they had to go to the Ministry of Regional and Local Government.

The regulatory burden being placed on the CSO sector is substantial even where it is not misused to target particular organisations. Increasingly, government appears to be expecting CSOs to obtain approval for their activities and this moves the government's role from a regulatory one that focuses on CSOs' systems towards a relationship based on the authority to scrutinise and approve or reject particular activities. One of the challenges is to do with how the state's role in regulating CSOs is conceptualised. From the state's perspective, CSOs working in a particular locality are working within its geographical jurisdiction defined in terms of the region and district. This leads to an assumption that the regional and district authorities have the authority to act as gatekeepers for activities conducted in their region. The costs of the increasing burden of compliance are unknown but we can think of these costs in terms of time, finance, lost opportunity, self-censorship, diminished trust and the focus on prioritising the concerns of government officials.

5. Their categories

The complex legislative framework provides the basis for a confusing set of categories where the legal categories cut across organisations with otherwise similar characteristics. While the main focus in the other sections of this report is on NGOs, in this section we discuss some of the other categories of CSO, particularly community-based organisations (CBOs) and faith-based organisations (FBOs). There are also other important categories of CSO that we do not cover in our report, particularly trade unions.

Community-based organisations

It is simpler to register as a CBO than as an NGO, because registration is done at the local level. A local government official described the difference between NGOs and CBOs: 'NGOs are bigger, and NGOs have expertise whereas CBOs are local people – the NGO is an institution whereas a CBO is a group of people'. As CBOs are registered at the local level, it is not possible to directly compare the numbers of CBOs and NGOs, but it is clear that there are many more CBOs than NGOs. In the region where District A is located there are about 400 NGOs but roughly 5,000 CBOs. CBOs register at the district level and pay a small fee of TShs 10-20,000 when they register. CBOs do similar activities to NGOs but at ward level. Some NGOs make use of CBOs and they can also get funding from government. In District B there are only 2 NGOs registered in the district, one of which is run by a local civil servant, but there are a further 39 NGOs from elsewhere that do work in the district, some of these are regional and some are national. In terms of CBOs, there are 1,500 registered CBOs and a further 32 CBOs that are in the process of being registered.

Many of these CBOs are actually self-help groups. Mostly CBOs do self-help activities but they also do training particularly on HIV and providing care for orphans. Sometimes CBOs play a significant role where NGOs are absent. For example, in the context of urban sanitation research found limited space for NGO activities but also found that CBOs played a major role in providing solid waste services in informal settlements (Tukahirwa *et al.* 2013: 209).

The growth of CBOs is happening independent of any donor support, and this appears to be one of the reasons why government officials are much less suspicious of CBOs than they are of NGOs. Their growth appears to be driven primarily by the desire to access government funds for self-help activities.

Government also promotes the formation of CBOs to facilitate the delivery of services to particular groups. One of the CBOs we met with was for people living with HIV and provides a mechanism for them to support each other in taking their medication. The group had been given a set of weighing scales by the LGA so that they could weigh themselves once a month. One person from the group can then go to collect the medication for the whole group and they take it in turns to do this. When they registered, the ward executive officer helped them write their constitution. The group had also been given two bicycles by the Red Cross so they could meet with people living with HIV in neighbouring villages. The idea for establishing the group

came from the local hospital as they said it would be easier to reach them if they were in a group.

CBOs often support LGAs in the provision of services although they rarely get government funding. They appear to be particularly involved in awareness raising activities, for which political links to the ruling party may be important. It also appears that involvement with a CBO that engages in awareness raising activities can be an important vehicle for upward mobility within civil society and political circles by enabling people to develop a public profile. The chair of one of the CBOs we met had become a local councillor, and argued that her involvement with the CBO had been helpful for this as it meant she was known throughout the district. Another member had become involved with an NGO project and he too attributed this to his increased influence as a result of being part of the CBO.

The different types of linkages and dependencies that CBOs have compared to NGOs adds a useful dimension to the civil society sector, and this may be an example of a benefit of the complex regulatory framework in that it protects the distinctiveness of the CBO sector. We encountered one NGO that had previously been registered as a CBO and had changed its registration so it could work in a wider area both across the region and potentially in other regions, but this appears to be atypical and the other NGOs we spoke to had not originated as CBOs while none of the CBOs we spoke to were looking to become NGOs.

There are also an intermediate set of organisations that are more formalised than CBOs but less formalised than NGOs. These are typically registered as societies and some facilitative work, including much paralegal work, is done through these organisations. However, this intermediate space may be closed down by the current focus on extending the coverage of the NGO Act.

Other types of CSO are also emerging and playing distinctive roles within the political economy of the CSO sector. Although not directly covered in our fieldwork, we heard about the emergence and growth of social entrepreneurs who are involved in activities such as distributing laptops to schools, and it was suggested that government may be more comfortable working with organisations such as these than with conventional NGOs.

Faith-based organisations

Faith-based organisations (FBOs) are seen as being more membership based than NGOs. They have a preexisting structure down to the community level through religious structures. Importantly, this structure exists whether or not they have a funded project and so, unlike other CSOs, they are there as a visible presence even when they are not implementing a project. It has been argued that religious institutions have a long history of service delivery work and are less likely to be seen as being critical of the ruling party, although 'church leaders are influential in local politics' (Nathan Associates 2017: 17-18). There is growing evidence religious leaders are able to operate in qualitatively different ways in the context of shrining civic space. Religious leaders are able to speak and criticise more freely as they do not have the same fear of being harassed or arrested. Religious leaders can also have direct political access to the

highest levels either through formal meetings or informally through their congregations. The church is able to use pastoral letters and sermons. It also has its own newsletters, providing an alternative media source. However, the government still has scope to 'divide and rule' by forming links with those churches or bishops who are less critical. In addition to the different church structures, there is also the National Muslim Council of Tanzania (BAKWATA), which was founded in 1968 to represent all Muslims. As we discuss under networks, there are also networks of religious organisations that play an important and distinctive role.

It seems that donors are becoming increasingly interested in how they can work with these religious organisations, although this requires caution to avoid undermining their legitimacy. There is less evidence of other NGOs and CSOs within Tanzania engaging and forming alliances with explicitly faith-based organisations, and it is unclear whether faith-based organisations would favour closer linkages or might prefer to maintain the benefits of an identity that distinguishes them from the wider NGO sector.

6. Their resources

The literature highlights that CSOs are heavily dependent on donors for their financial resources. Our findings support this point, but they do not fully support the leap that is often made from this to arguing that CSOs are therefore heavily donor dependent in the sense that the CSO sector is driven by the interests and priorities of donors.

The literature argues that the NGO sector has grown as 'a response to the availability of donor funding', and as much of the donor funding is project-based 'organisations tend to work around these kinds of shorter timeframes and focus on whatever areas they are able to win projects in' (Hearn and Jones 2011: 4). Similar arguments were made to us repeatedly during our interviews in Dar es Salaam, including in our discussions with donor agencies themselves. One interviewee with a broad overview of the sector suggested that '95-99 percent' of NGOs rely on international funding, while the rest generate their own funding. Such arguments are not unique to Tanzania and feature heavily in the broader literature on NGOs.

While we do not disagree with the basic point made in this argument, our findings at the subnational level suggest it needs to be moderated in some important ways. CSOs are heavily dependent on donors for funding, but this does not translate into donor dominance because the organisations are not as donor-dependent as their projects. The level of donor-dominance that comes with donor-dependence is moderated by the role of basket funds, the small size of many projects, the scope for CSOs to survive for periods without project funding and the role of networks.

While CSOs may be heavily dependent on donors to fund their projects, these projects are typically sporadic and medium-sized CSOs will have significant periods where they have no project funding and their activities are more limited as a result. During these periods, however, they may still continue to meet and to discuss issues that arise. Thus, while the major activities of CSOs may be heavily donor-dependent, the organisational form of civil society is less heavily donor-dependent. The use of so-called 'basket funds' that allow pots of donor money to be used to fund relatively small CSO projects with limited resources also contributes to the diversity of the CSO landscape as it increases the number of organisations that are able to access intermittent funding.

However, this may change. As the costs of compliance increase with the government's increased emphasis on enforcing regulatory compliance, the cost of having a CSO established but without project funding will increase. This may make it impractical to continue running a CSO in the periods between project funding. From this point of view, it would be valuable to explore ways of lowering the regulatory burden especially for CSOs that are not in receipt of significant funding. For example, the level of regulatory burden could be tailored to the level of funding an organisation receives rather than its organisational form.

Some donors channel their funding through 'basket funds', others focus on 'strategic partnerships' over an extended period of time, although this may shift with donors facing

increasing pressure to focus on measurable 'results'. The use of basket funds has a strong impact on the sector, particularly through the role of the Foundation for Civil Society. The Foundation was founded to provide 'a secure funding stream to CSOs' and 'grew out of a previous donor-funded initiative (designed by DFID) that had the explicit aim of growing the local civil society sector with a view to its engagement in policy and advocacy work' (Mercer and Green 2013: 108).

Donors have mostly shifted towards funding advocacy work. Although some fund service delivery in sectoral areas such as health, this is separate from advocacy work funded through their governance activities. The Foundation for Civil Society only funds advocacy work and not service delivery. One interviewee suggested that 'donors don't always see Tanzanian forms of resistance – in Tanzania dialogue is very important' as are informal structures, and these methods can be more effective than more visible forms of advocacy such as demonstrations.

There is also a challenge in that 'donors expect to work through government systems but sometimes government prefers to use its own systems – for example, social welfare officers are trained in government systems but donors want them to attend our training when social welfare officers naturally prefer to follow the government systems, yet if government staff don't attend our training it affects our credibility with donors'. Thus, donor requirements can put CSOs in an awkward position, while not necessarily contributing to the strengthening of core government systems.

The dependence on donor funding also exacerbates tensions between government and CSOs over resources. At the local-level government officials often perceive CSOs as not being transparent about their funding and activities (Godsater 2013, Mdee *et al.* 2017). A government official suggested that 'CSOs don't talk about their budgets – it's like when you ask somebody about their salary', although one CSO made the same point about government – 'the LGA won't make its budget public even though it is supposed to disclose it'.

The level of dependence on donor funding creates some challenges. Many organisations highlighted the lack of core funding, which restricts the scope for organisational renewal or to adapt to changing political circumstances as is currently required. This is combined with increased reporting requirements from donors and each donor having different requirements. This means, according to one interviewee, that 'time is spent on reporting that used to be spent on implementation', which restricts the scope to adapt to the volatile political environment. It also raises the transaction costs, with one CSO highlighting that they have to hire a consultant if they want to prepare a strong proposal to apply for donor funding. However, there are exceptions. In particular ACT and ACT 2 have trialled different funding mechanisms with a view to enabling more adaptive practices, this includes providing core funding rather than project funding.

Donor agencies are clearly concerned about how CSOs are responding to the current context and expressed the view that 'CSOs are still in shock and are still finding ways to adapt'. This suggests there could be appetite amongst donors to explore changes to funding mechanisms in

light of the current context. However, donors also expressed concerns about CSOs' weak systems, which affect their ability to handle grants.

The scope for CSOs to make use of other sources of funding is limited but, again, perhaps less limited than the literature or national narrative would suggest, and these sources are not necessarily an alternative to donor funding. Here, we discuss different sources of funding, their significance and limitations.

Government funding

The level of government funding for CSOs is surprisingly low. In the past, more money was provided for NGOs by the government, as donors indicated that a portion of the funds they provided to the Tanzanian government should be channelled through NGOs. For example, under the National Multi-Sectoral Strategic Framework the government distributed funds from SIDA and DANIDA that were coordinated under TACAIDS to NGOs working on non-medical interventions on HIV. One consequence of this was that government employees at district level registered NGOs in order to obtain a particular project and then did nothing after that project. Today, regional NGOs ask why government cannot provide funding to NGOs and government responds that it has no mechanism to do this.

Government funding for CSOs is rare but can occur based on a decision from national level. This is being done in agriculture and environmental management where the government has financial resources but lacks the capacity to implement. Examples of this include NGOs working on fisheries, constructing toilets and planting trees. However, the selection is done at national level and the region is only consulted after the CSOs have been selected. Of the CSOs we met with, one had received funding from the Ministry of Water to do tree planting and environmental education, which it obtained by responding to a call for proposals without needing to provide any documentation from the district or region. It had also been given a bicycle by the District Council for use by its trainers.

The situation is different for CBOs – smaller community-based groups that often operate without funding. Where they do receive funding, the local government is one of the most likely sources. LGAs set aside 10 percent of their funds for supporting women, people living with disabilities and youth, and the funds are distributed through CBOs by the Community Development Department. Typically, this funding is focused on microfinance activities. We were told that councillors take an interest in ensuring these funds are made available to all wards and so they get involved in encouraging people to form CBOs if there are no suitable groups in their ward – 'it's a national policy that government will support people through groups rather than as individuals, so as a councillor I tell people they should form groups if they want to get support'. Loans are made from the LGAs own source of income, but where these are insufficient LGAs may seek additional funds from national government. However, it appears this rotating fund may not be available every year, perhaps depending on whether previous loans have been repaid or whether the LGA has generated additional revenue. The selection is done through recommendations from ward level development committees to the

district level. In District B in the previous year, more than 100 CBOs had applied and 41 were allocated funds.

Even for a CBO to access funds for self-help activities the paperwork appears to be quite substantial. To apply for funds they have to write a letter that is endorsed by the village executive officer and then by the ward executive officer before it can be submitted to the LGA. The CBO also has to submit its constitution and minutes. To work in different wards, the CBO needs a letter of introduction from the community development officer, so that it can then go to the ward development committee to explain what it wants to do and proceed with its work.

It is also important to highlight that CSOs depend on government in other significant ways. These relationships of dependency include regulation, access, toleration and legitimacy. One manifestation of the current trend towards shrinking civic space is an increased emphasis on this regulatory relationship. This is leading to increased challenges for CSOs in conducting even fairly routine activities. In turn, government can also depend on CSOs in significant ways including dependence on a CSO for its relative level of disposable resources, its transport facilities, its personnel or its knowledge of what is happening on the ground.

Generating revenue

An amendment to the legislation in 2005 shifted NGOs from being non-profit-making to non-profit sharing, as a result some NGOs are able to generate their own resources through activities such as consultancy, animal husbandry and microfinance. However, the scope for CSOs to generate their own resources is quite limited. One organisation we met had diversified into a youth project making leather school shoes as it felt its accountability work was sensitive and it could not rely on donors to support it, but such examples are atypical and are only likely to yield limited resources. This organisation, which focused on facilitating dialogues, also got local individuals to provide in-kind contributions such as providing a venue for hosting events, which may provide a more viable route for CSOs to diversify their resources.

Organisations that have their own assets or a wider membership base have greater opportunities to generate revenue. This applies particularly to faith-based organisations. For example, the Christian Council of Churches can secure funding from churches internationally as well as from donors. It can also generate its own income from property and from members' contributions, as well as by providing the services of clearing and forwarding agents at the ports for its member churches. As a result, it is able to raise roughly 35 percent of its resources domestically.

Philanthropy

The scope for either corporate or private philanthropy is fairly limited given the small size of both the corporate sector and the middle class in Tanzania. CSOs are also wary of relying on the private sector when this could constrain, or be seen to constrain, their advocacy work. However, some organisations working on service delivery do get corporate support and there is also some support from family foundations for issues like education. The Foundation for

Civil Society organises Giving Tuesday to encourage companies to contribute to a cause, but the scope for corporate philanthropy is constrained by the underdeveloped nature of the corporate sector in Tanzania.

It is possible that the reluctance of larger CSOs to pursue corporate funding reduces the scope for them to develop new forms of alliance, which could be valuable in the context of shrinking civic space.

Own contributions

While there is limited scope for either philanthropy or for CSOs to generate their own resources, CSOs rely extensively on the resources of those involved with the organisation. Dill has suggested that 'most CBOs sustain themselves through the collection of membership and annual fees' (Dill 2010: 25), but the sums of money raised through membership fees are typically quite small as few organisations have a large membership base. A bigger source of support is the voluntary labour provided by the core members of a CSO. This is something that we discuss in more detail in the next section.

It is important to note that these different funding categories are not necessarily mutually exclusive. In particular, there is no evidence that donor funding squeezes out other sources of funding. Indeed, many organisations appeared to want to supplement donor funding with other sources in order to address some of the challenges that come from an excessive dependence on donors. The most common way that organisations do this is through in-kind contributions they make to their own organisations including both providing their labour on a voluntary basis and drawing on their networks to facilitate the work of the organisation. This is discussed in the next section.

7. Their People

The literature documents that CSOs in Tanzania have a weak membership base and that many 'CSOs rely on a few multi-talented individuals at high levels in the organisation, without a significant amount of capacity underneath them' (Hearn and Jones 2011: 5). They are mostly 'small and personalised, revolving around a founding person or group of people' (Mercer and Green 2013: 109-110) with many CSOs 'exhibit[ing] founder's syndrome' (USAID 2015: 217).

The sector is dominated by 'the interstitial middle classes' for whom it provides an opportunity 'to access influence and resources' (Mercer and Green 2013: 109). This includes the involvement of public servants in rural areas (Brown and Green 2015) and local business people (Mercer and Green 2013). While volunteering is unlikely to lead to permanent employment, it can still play a significant role with an individual's livelihood strategies through the resources it provides access to:

> Payments and expenses can be derived from discrete funded projects, individuals can sub-contract their own or their friends' and family's private business to deliver a CSO project (such as photocopying, stationery and catering), and training seminars come with travel costs and per diems, a feature of the development industry that has attracted critical attention.
> (Mercer and Green 2013: 111)

This has the effect of making many CSOs 'dormant organisations that come to life periodically when they win donor funds for a specific activity or project' (Mercer and Green 2013: 109-110).

This means that few CSOs have significant technical expertise and they instead rely on local government to provide them with the relevant technical skills: 'the civil society contracting model is in practice heavily reliant on the technical experience and expertise of individuals employed in local government' (Mercer and Green 2013: 112). For example, an NGO running a national HIV programme requests that government provide the counsellors when it does HIV testing and counselling. It also relies on government to provide the vehicles and will go to project sites together with government authorities. This depends on the personal relationships that the CSO develops with government officials and a particular challenge in working with government can be when there are political changes and this requires the CSO to reintroduce itself and establish fresh contacts.

Similarly, a CSO working on fishing depended on government to provide trainers on HIV and on the environment, while government relied on it for information about illegal fishing. Although it was a membership based NGO, its members had to be the owners of fishing boats rather than the people who worked on the boats. This NGO had pushed government to relocate people living on small islands as they impacted on the breeding grounds for fish. It had also lobbied for a change to by-laws to require nets to have larger holes. To achieve this change, it had collaborated with an MP, a business association and the media. The organisation gets

invited to government fora when they discuss fish. Indeed the organisation was originally founded when a fisherman was approached by the regional commissioner to establish an organisation to help mediate conflict between large and small fishermen. It is seeking to form a network with other organisations.

The emphasis on voluntarism in the CSO sector means it is common for people's involvement with the CSO to overlap with their professional roles in other sectors or other societal activities. One of the NGOs we interviewed was run by a local government employee. They regularly did presentations in schools and he was able to make use of his contact with school headmasters through his government work in order to arrange these presentations. Other aspects of identity also matter. For example, paralegals need to take a friendly and informal approach and one interviewee suggested it is easier for female paralegals to do this with women whereas male paralegals get threatened for meeting with a man's wife about their domestic issues. Identity can also be an important motivating factor. While this did not arise directly in our study, Green has found that 'many founders of small, recently established CSOs reported that they considered their personal faith to be central to their desire to foster development, even if their organisation was not registered as an FBO' (Green *et al.* 2012: 729).

While government employees are allowed to be involved with CSOs, political leaders are not. Where political leaders were found also to be leaders of NGOs, they have been told by the Registrar's Office that they must choose and they then tended to drop their political roles. However, it has not been possible to establish how this has been applied. The sense given is that the issue does not often arise, although we encountered some stories at the subnational level suggesting there is targeting of people involved with NGOs who are associated with the opposition and that their NGO role can make them vulnerable. We also heard that 'some MPs have NGOs and their NGOs get a lot of money'. CSOs are perceived as working with the opposition but CCM people are also involved with CSOs. However, in most cases where CSOs have links with government it tends to be at the technical rather than the political level.

The activities of those involved in the civil society sector also intersect with their wider lives. We were told that paralegals keep working even when there is no funding as 'there is some recognition in working as paralegals'. For example, people use their paralegal certificates to help them get government jobs in the village executive, while some paralegals have been elected to be village chairpersons as a result of their increased visibility. This helps to explain how CSOs are able to continue operating in periods when they do not have project funding.

The reverse can also apply with involvement in a CSO providing a stable base that is combined with more entrepreneurial activities. An NGO leader who ran a paralegal organisation also had people working for him doing diamond mining. He explained that his heart was in the paralegal work but also that the income from diamond mining was highly unpredictable, so NGO work provided a counterbalance to his more speculative activities.

While the boards are typically not very influential – one interviewee described NGO boards as 'like a toy' – they do provide a mechanism for involving influential people in the NGO. For example, one NGO involved with paralegal work had on its board a magistrate, medical doctor,

councillor and head teacher, and had used one of its board members to help it access funding from an international NGO.

8. Their Networks

The Tanzanian civil society sector places an unusual degree of emphasis on the role of network organisations. We met with several of the major networks during our interviews but also heard the role of networks discussed by a range of other organisations.

At the national level, there are two major networks – the National Council of NGOs (NACONGO) and the Tanzanian Association of NGOs (TANGO). TANGO is a membership organisation mainly representing the larger NGOs. By contrast, NACONGO is mandated under Tanzanian law through the NGO Act and is intended to represent NGOs in the regulatory process including on the NGO Board, which is dominated by government appointments. The Council therefore appears to play more of a mediating role while TANGO plays more of an advocacy role.

TANGO was founded in 1989 with the objective of linking NGOs with government and donors. It started with only 22 members all in Dar es Salaam but it now has over 600 members across the country. It seeks to build the capacity of its members and to provide a network for advocacy. It has done cases of monitoring where NGOs are being harassed, with NGOs being able to use SMS and toll-free numbers to report instances of harassment. Harassment can range from a letter from the Registrar threatening the NGO with deregistration through to verbal or physical abuse, which is a particular issue in rural areas. The study found that before 2013 up to 40 percent of CSOs that responded had experienced harassment from LGA officials. TANGO now does ongoing monitoring and aims to produce regular reports.

The Foundation for Civil Society exists to manage a basket fund that is resourced by donor funding. Most of the projects it funds are below TShs100 million (£30,000). However, it also plays a networking role bringing together the different civil society organisations it works with. Evidence is important for legitimacy and CSOs based at the local level can be seen as being more legitimate, so the Foundation has moved towards funding more local CSOs. It has also moved towards a cluster system led by big NGOs, although its regional networks now complain that they have nothing to do as a result of the shift to thematic clusters. The Foundation has also established what it calls a Directors' Forum, and has organised meetings of this forum with the government and with donors.

Some CSOs themselves play a network function. For example, the Legal and Human Rights Centre (LHRC) has a network of paralegal centres in 30 districts that are registered as separate organisations. It helps the paralegal centres to find funding, which often comes from the Foundation for Civil Society or the Legal Services Facility (LSF). Regional-level paralegal organisations can in turn promote the development of separate more local paralegal organisations. This is done to improve their sustainability, with the more experienced organisation providing training, some funds and assistance with registration. This is surprising given that CSOs are often viewed as being in competition for funding, but suggests that the use of basket funds may help to reduce the need for direct competition between CSOs.

These networks can also contribute directly to an NGO's work and address weaknesses in government coordination. For example, a paralegal organisation had a case that involved seeking to get the police to prosecute somebody for a child abuse case. As the case crossed the boundary to a different region, the police said they could not do anything, but the paralegal organisation was able to use the regional paralegal organisation to engage the paralegal network in the other region. This organisation was also able to refer complaints about court rulings to what it called its 'mentor organisation' at the regional level.

Networks are also an important part of the CSO landscape at the subnational level (Green *et al.* 2012) where they may have a more fluid structure but still play an important role. For example, CSOs may form a network in order to enter into a new area of work. We encountered an example of CSOs that work on different sectoral issues but have a common network that they use for work on social accountability monitoring in their sectoral areas. This provides a way to bring together different areas of expertise with relation to service delivery and advocacy. The network gets invited to input into the council's budget process and always has some evidence it can draw on, which enhances its credibility. Initially it had to do a lot to educate councillors and officials about what it wanted to do, and found it took a long time to get responses from government before government officials understood what it was trying to do.

The lack of funding for the organisational structure of networks has caused some networks to become involved with implementation, which then puts them in competition with the organisations they are meant to represent. However, as the example above illustrates, some networks appear to manage to find creative ways of managing the overlapping interests of the network and its members. In particular, it appears that now networks are such an accepted part of the civil society terrain, they may play an important role in strengthening credibility for advocacy activities and perhaps also for fundraising.

The shrinking civic space is weakening some established networks with organisations being reluctant to come forward and support the network when it advocates their case, which appears to be a particular issue with the media where one interviewee suggested that 'self-censorship is now extreme' and some CSOs report that the media is no longer willing to provide coverage of their findings. However, the shrinking civic space may also be prompting the emergence of new forms of alliance between organisations that may not otherwise have worked together. For example, the Coalition on the Right to Information includes amongst others the Media Council of Tanzania, Twaweza and the Legal and Human Rights Centre. Such groupings are driven by the 'hope that there is safety in numbers and more scope to manoeuvre in a coalition'.

Networks that provide links between district and national CSOs can play an important protective function. For example, when a district commissioner had a facilitator arrested 'for teaching people about democracy without her permission', they were able to call on a network of human rights defenders in Dar es Salaam to send lawyers.

There also appears to be a growing role for religious networks. The Roman Catholic Church has become more activist and a letter it released at the Episcopal Conference criticising the President was mentioned by a number of our interviewees. The Christian Council of Churches

has staff across three offices in Dar es Salaam, Dodoma and Morogoro. It also has chaplains in 10 universities. Religious organisations are also brought together in the Council of Interfaith Partnerships. While some religious organisations have started to be more outspoken, the phenomenon is not new in Tanzania as organisations of different faiths have 'formed networks … and then analysed and presented their findings with a united front to governments in such a way as to begin to win respect and gain attention', and the history of such approaches in Tanzania since at least 2000 provides the basis for its level of impact (Taylor 2012: 798).

The shrinking civic space raises a new role for network organisations in the media that previously focused on self-regulation to look at issues like training on physical and digital security, how to report in volatile conditions and awareness of new laws. The objective of such training can be seen as 'how to swim with the sharks without getting bitten'. However, media networks will not always align common interests. For example, media councils that exist at the subnational level may contain government-aligned journalists as well as independent journalists. This highlights a more general point that a diversity of interests within networks provides both a strength and a potential weakness that may be exploited in the context of shrinking civic space through strategies of divide and rule.

9. Their Relationships, Interactions and Perceptions

The relationship between civil society and government is characterised by suspicion on both sides. The state has focused on the need to know, and approve, the activities of CSOs, while 'CSOs, and particularly NGOs, have seen themselves as needing to keep some distance between themselves and the state if they are to achieve their stated objectives' (Mallya 2010: 140). However, there is also quite a lot of overlap between how government views CSOs and how CSOs view themselves. Both CSOs and government agree on many of the weaknesses in the CSO sector including weaknesses in how organisations are run and their internal capacity, failure to separate leadership and implementation roles as organisations grow, which is linked to what the literature terms 'founder syndrome', and a general lack of systems.

How government perceives CSOs

Government's perception is that 'most NGOs are not transparent in their activities' and that 'many NGOs think government shouldn't oversee them'. However, CSOs may legitimately feel they are expected to liaise with multiple level of government when they may just wish to obtain approval and then proceed with their work. At the same time, government officials recognise that NGOs do activities government may not be able to do in terms of working with children, youth and women.

Dialogue between government and CSOs is better at local level than at national level. The signing of MoUs with government departments indicate scope for collaboration, but there are weaker links with political leaders. There are suggestions that government is more willing to accept criticism from partners already working with them on service delivery. It was also clear that government has more positive perceptions of CBOs than of NGOs.

CSOs go to the regional or district officer responsible for CSOs for technical input, details of funding available from international NGOs or because of problems in the field such as if communities are reluctant to engage with them. Sometimes the region provides NGOs with technical advice on how to write proposals. The region may also convene meetings of NGOs. In the region where District B is located, the last such gathering was held in January and 34 NGOs attended out of 60 in the region. This happens 2-3 times per year, but sometimes NGOs say they cannot afford the travel to attend the meetings, while government does not have resources to visit CSOs.

At the district level, CSOs may engage with different government departments. For example, if there is a problem relating to agriculture they can go straight to the agriculture department, whereas they will go to the community development officer if there is a coordination problem. This can present challenges for those responsible for overseeing CSOs as 'NGOs mainly interact with the sectoral department – which means you see them when they come with a project and then when they have a new project, but the rest of the time they deal with the sectoral department, so as a coordinating department it is hard to know what they are doing'.

This can make it difficult when required to write a report about the organisation or to provide a letter of recommendation.

Attitudes vary between officials. Of the two district officials we spoke to working with CSOs, one almost exclusively emphasised the regulatory and oversight role of government, while the other placed more emphasis on coordination and facilitation such as ensuring that different organisations do not duplicate each other's activities in the same ward.

How CSOs perceive government

Many CSOs believe government wants to stop the sector from growing, that it does not appreciate how CSOs can help government and that it is suspicious of NGOs because they expose scandals and corruption. There is a sense that officials are afraid to be challenged and, as one interviewee put it, that 'some officials only know government'. It is also widely believed that government thinks many NGOs are linked to the opposition. There are suggestions that the relationship has been more positive at other times. For example, that government used to ask NGOs for comments on the budget before tabling it in Parliament. There is a lot of variation even within organisations working on the same issue where relations with government can be much more positive in some districts than in others. It can also depend on the attitude of individual officials and good relations can quickly fade when the government counterpart changes. Some CSOs also report that people from within government bring them issues that they feel unable to raise themselves.

The view amongst many in the sector is that CSOs working only on service delivery 'don't get touched', but 'when leaders hear we're doing capacity building to empower communities, they label us as opposition'. Some CSOs find it works better to involve government from the beginning as 'if you talk only to the community and then tell government, the government says people are telling lies or claims they have already solved the issue', whereas if the government is present and hears what people say directly it is more likely to accept it. This is partly a question of framing and the use of dialogues provides a way of reframing advocacy activities in more neutral terms where the NGO is the facilitator rather than the protagonist.

A major challenge for CSOs is that both donors and government expect them to involve government officials in their work, but government officials often demand that NGOs provide per diems or travel expenses. Even where donors allow for per diems for government officials to attend NGO meetings, the amount stipulated by the donor may be lower than what the government official expects. However, this problem appears to have diminished as government officials have become more cautious. Although district officials still expect travel allowances in order to attend NGO events or meetings, several CSOs said that officials do not push for this as much as they used to and ask more politely. In the past it used to create a problem if the allowance civil servants expected did not match what donors budgeted for, but 'now civil servants are more humble and settle for whatever allowance you offer as government no longer allows allowances'. Nonetheless, one NGO leader explained that 'if we invite the social welfare office and don't pay something, next time he/she won't come'.

In another case, an NGO explained that it is a challenge to work with the social welfare officer at the district level because 'they normally have expenses – for example, if you tell them about something in the village that they need to attend to, they say they don't have transport, so we need to provide funds for transport and something for lunch'. The CSO found this was an issue even though it had received donor funds to provide a motorcycle for the social welfare office under an agreement whereby the district would cover the cost of fuel. A further challenge related to the fact that social welfare officers are only at the district level so the CSO normally involved ward community development officers instead, and sometimes the district assigns somebody from the village or ward level.

Some CSOs report that they get more cooperation at the village level. One reason for this was that local leaders 'sometimes feel neglected, so when we involve them we give them power'. However, the reverse can also be true as 'a community activist will struggle to convince people without the support of the village chairperson'. This means CSOs may need to align themselves closely with government in order to enhance their legitimacy in the eyes of the community. The literature suggests this is a complex balancing act as CSOs may seek 'legitimation as being "part of government" [but also seek to] differentiate themselves (or are differentiated) when expedient to do so' (Dodworth 2014: 35).

A common view was that 'government officials are more fearful than they used to be' and that 'when we interact with them they are afraid to make decisions as they don't want to be held responsible for the decision'. For the same reasons, some CSOs are also finding that 'it is becoming harder to get information from government institutions, for example teachers will no longer provide information about the school as they are not sure of the consequences'. There can also be challenges over CSOs reporting statistics because local government may be underreporting a problem to higher levels. We were given an example that a CSO might find 20 cases of child pregnancies in a school whereas the school may have reported that the number is lower or that there are no cases. However, CSOs also report significant variation between districts; for example, regarding whether they require CSOs to obtain a letter from the ministry at national level. The reason why there is so much variation in how officials are responding to the changes in the political context is not clear, but it indicates that the way local officials interpret and respond to the climate of shrinking civic space is as important as changes in national policy.

We asked CSOs to identify what they saw as key weaknesses in the sector. The weaknesses that were identified included:
- The need to make projects more participatory to stakeholders as 'some NGOs don't know how to engage communities', although FBOs are seen as being more membership based by both CSOs and government.
- CSOs focusing on the MDGs and SDGs rather than Tanzania's own Vision 2025.
- The sector being fragmented and lacking coordination.
- The reliance on donor funding.
- NGO membership being static and stuck with founders.
- A lack of transparency

Strengths that were commonly identified included new laws that have been introduced in response to CSO work, empowerment of people and LGA accountability.

The level of overlap between how government and CSOs view the strengths and weaknesses of the CSO sector present an opportunity for promoting a greater degree of trust. However, there are also real and very deep differences of opinion particularly over whether and how far CSOs should account to government (as opposed to just being regulated by government). One challenge here is that the scope for cross-sectoral communication may shrink as a result of the ongoing move of government departments to Dodoma. In Dar es Salaam the leaders of the largest CSOs occupy the same elite circles as government officials and are likely to encounter each other informally, for example during their lunch break. These opportunities will shrink as a result of the relocation of government departments to Dodoma, and it would be prudent to anticipate this challenge and develop ways of counter-balancing it. For example, donors could provide funds for CSOs to travel to Dodoma or for them to employ government liaison officers and set up satellite offices in Dodoma.

10. Conclusion

The nature of civil society-state relations looks very different at the national and subnational levels. The discourse and practices around the shrinking of civic space are clearly visible at all levels and raise significant cause for concern. However, for many organisations this appears to be something of a background issue that coexists with other priorities and more long-term challenges. This is particularly true at the subnational level where there is more routine interaction between CSOs and government, and where this interaction is more focused on service delivery rather than advocacy.

While it is advocacy work that proves particularly sensitive, this appears only to be an issue for certain forms of advocacy work. For example, paralegal organisations do not seem to be adversely affected. This suggests that there is scope to explore ways of framing advocacy activities in less adversarial terms, which could include a greater role for CSOs in mediating dialogue rather than necessarily communicating messages themselves.

The current political climate means government officials are also increasingly anxious and this creates shrinking space for bureaucratic discretion. This has both positive and negative effects. On the positive side, several CSOs reported that government officials are now less demanding in relation to their expectations for per diems when they attend activities organised by CSOs. On the negative side, government officials are increasingly nervous about making pragmatic decisions without going through formal procedures. This results in CSOs spending a lot of time and resources on obtaining formal authorisations. More fundamentally, the growing regulatory burden on CSOs reflects real and very deep differences of opinion particularly over whether and how far CSOs should account to government (as opposed to being regulated by government).

The relationship between CSOs and government in Tanzania is influenced by who has the funds, capacity and legitimacy to implement a project. CSOs and the government need each other because it is rare that either sector has a monopoly on these different resources. One example of this is that technical expertise often resides with the government but the resources needed to mobilise this technical expertise reside with CSOs that run funded projects. For example, CSOs running health awareness programmes may depend on the technical expertise of government staff to deliver trainings, while government staff may not have the resources to travel (or may claim they do not have the resources as the validity of this claim can be highly contested and was not something we were able to verify). Thus, a CSO may need to cover the cost of transport in order to enable (or encourage) a government official to visit a particular field site. The CSO may also be interested in the legitimacy and credibility that government involvement can confer on its activities. This includes helping CSOs to demonstrate to donors that they are well connected with government, for example by demonstrating government attendance at the training programmes they organise. These interdependencies are the source of many tensions between CSOs and government but also provide the basis for building trust as they necessitate a degree of cross-sectoral collaboration.

In the context of shrinking civic space, there is a need for CSOs to pursue both defensive strategies that seek to protect the existing space for CSOs and offensive strategies that seek to change the narrative, actively strengthen the CSO sector and address weaknesses that go beyond the current context of shrinking civic space. Offensive strategies need not be confrontational but they may involve a degree of risk taking. Some examples of possible defensive and offensive strategies are provided in the recommendations section below.

11. Recommendations

Legislation and regulation

As has been highlighted in the report, the regulatory burden has become a significant issue affecting CSOs, and it would be worth exploring ways of mitigating this burden while recognising that government also has some legitimate concerns. Strategies could include:

1. Explore ways of differentiating the regulatory burden according to the size of organisations and the nature of their funding rather than their organisational form.
2. Explore ways of streamlining the procedures for regulatory compliance.
3. Explore ways of reducing duplication, both between ministries and between national and local levels.
4. Explore ways of supporting CSOs in ensuring they are legally compliant.
5. Explore ways of instituting mechanisms for CSOs to appeal against decisions such as their disbandment, or identify other ways of increasing the scope for such actions by the state to come with clear explanation and justification.

A starting point to promote discussion on the regulatory burden and how it affects CSOs could be to open up spaces for dialogue through some of the proposals on building trust described below. The review of the NGO Policy may also provide a vehicle for discussion of these issues, despite the concerns that exist about the purpose of the review.

Shrinking civic space

One set of questions in relation to responding to shrinking civic space is to identify ways of defending the defenders. For some CSOs, there is a clear need to look at forms of security training, but also to consider how security training could be done in a way that is appropriate to the needs of CSOs that often work in fluid and informal ways. One way to do this could be to facilitate learning from CSOs in other countries with a longer history of the political targeting of particular CSOs.

It is increasingly clear that advocacy organisations that do not have a base in communities or service delivery or technical expertise are likely to struggle for legitimacy. In this context, it may be appropriate for donors to revisit the level of emphasis they place on funding advocacy work in favour of identifying synergies between service delivery and advocacy, or exploring less overt ways of framing advocacy activities.

Tanzania has an unusually strong set of networks that help to organise and represent civil society. These can play a protective role but can also themselves be put under stress in the context of shrinking civic space. The emergence of new forms of network to complement existing networks is a positive trend and one that donors could actively seek to facilitate.

Building trust

A key challenge is to look at ways of building greater trust between CSOs and the state. This requires action from both CSOs and government, but both sides could benefit substantially from efforts to build a greater degree of trust and identify more potential synergies.

A bold and potentially risky option would be to seek out ways of increasing political involvement in the CSO sector. At the moment it is quite common for CSOs to involve government officials in their governing structures, but there is little evidence of overt political involvement, indeed it appears that the Registrar's Office actively discourages such involvement. However, the actions of CSOs are anyway seen as being political because they relate to, and are often critical of, the work of government. If the Registrar's Office is unwilling to allow political leaders to be on the formal governing structure of CSOs, then an alternative might be to explore ways of inviting political leaders to CSO events, for example to give the opening address at a workshop. This could present challenges where political leaders present demands for their 'expenses' to be covered, as we encountered when we interviewed a district-level political leader, but this may be a cost worth bearing. Regardless of how this option is perceived, it is important to look at ways of building political trust in, and understanding of the CSO sector. Given that the shrinking civic space is accompanied by shrinking scope for bureaucratic discretion, it is unlikely to be sufficient to focus on building trust between CSOs and government officials.

It will also be important to anticipate that trust between CSOs and bureaucrats could be affected by the relocation of government departments to Dodoma, as this is likely to reduce the scope for informal interaction as discussed above. Donors could play an important role here by being proactive in seeking out ways to pre-empt this challenge. For example, donors could provide funds for CSOs to travel to Dodoma or for them to employ government liaison officers and set up satellite offices in Dodoma. Given the important role played by CSO networks, these networks could perhaps be used to play this bridging role with Dodoma, in which case they could play a role in facilitating both regulatory compliance and policy influence on behalf of their members. The approach would need to be developed through a consultative process, but there would be a strong case for initiating discussions on this as early as possible as CSOs are already experiencing challenges in having to travel to Dodoma for reasons of regulatory compliance and national CSOs will in future face the same challenges with regard to attempts to influence policy.

A further option to build greater trust, with potential benefits at both the bureaucratic and political level, would be to expand the space for dialogue as a way to enable CSOs to share insights from their work without having to frame them as 'advocacy', to discuss challenges faced by the civil society sector and, potentially, to increase government's awareness of ways that CSOs might be able to contribute to the work of government. One option that has been used by the EU in Zanzibar is to facilitate an annual forum to bring together representatives from government and civil society. In Zanzibar, this was organised around sectoral working groups and was very technically focused on specific problems; it was well attended, although there was limited follow up afterwards. There could be value in exploring the scope for similar

initiatives at the national level, although consideration would need to be given to how such an approach could be applied to the different context of the mainland.

A further option to consider is whether there could be benefits in government being more directly involved in the funding of CSOs. Donors could either return to channelling some funding for CSOs through government, or they could work with government to jointly commission some CSO activities.

Building cross-sectoral networks

Another way to look at building trust would be to explore the scope to build networks that bring different sectors together. For example, it could be useful to look at courses that could bring people from CSOs and government together, thus enabling them to establish personal relations.

Diversifying funding

Our findings from the sub-national level suggest that, while CSOs remain heavily dependent on donors for financing projects, they are organisationally less donor-dependent than is commonly suggested. This is partly to do with the way that donor funding is mediated through basket funds, allowing large funds to be broken down into smaller grants that provide the scope for CSOs to receive occasional project-funding. However, in the current context of shrinking civic space, it may be appropriate to consider whether it is appropriate to broaden the range of activities that can be funded to allow space for organisational strengthening as well as project-specific activities.

There is also space to consider the modalities of funding, particularly in the context of the current emphasis on more adaptive approaches, which would be particularly appropriate in the current changing political environment.

Finally, it is widely accepted at the national level that CSOs should be cautious about obtaining funding from government or the corporate sector. While this caution is understandable, it also reduces the scope to form new types of alliance across sectors and it would be worth considering whether the potential benefits of taking funding from these sources in terms of relationship building might sometimes outweigh the legitimate concerns about how this funding could compromise a CSO's level of autonomy. There may be scope to learn here from the effective role that basket funds have played in reducing the level of dominance donors are able to exert, and considering whether similar models could be applied to leveraging corporate and or government funding.

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