

## **Agencification and Minorization in Tanzania: A Case of Registration Insolvency and Trusteeship Agency (RITA)**

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### **ABSTRACT**

*This study explores the impact of the creation of executive agencies on minorities in Tanzania. Using the Registration Insolvency and Trusteeship Agency (RITA) as a unit of analysis, the study highlights the role institutions play in reshaping societal dynamics particularly in reformed institutions that serve as agents for distributing opportunities to various societal groups. Specifically, the study carried out a critical analysis of RITA and found that despite the agency's concerted efforts towards providing services to the wider community, its structure and funding have inadvertently resulted in unequal provision of services to different groups contrary to its mandate. The study, therefore, emphasises the need to monitor and scrutinise on continual basis the existing, reformed and newly-created institutions as well as mechanisms put in place to minimise the effects of structural marginalisation, which contribute to the minorization of certain groups in society.*

**Keywords:** *Executive Agencies, Minority, Minorization, Marginalisation, and RITA*

### **INTRODUCTION**

#### **Introduction and Background to the Study**

Executive agencies have become an integral part of the public sector in Tanzania. The creation of semi-autonomous organisations in the 1990s, which operate at the arm's length of the government in carrying out public tasks, have increasingly become a dominant feature of public administration in the country. The creation of these institutions was meant to modernise the public sector, making it more accountable to the public. Scholars and practitioners alike promoted executive agencies as an effective solution to getting rid of inefficiencies, corruption, rent-seeking

tendencies, and all kinds of behaviours that made the public sector less productive than the private sector.

Executive agencies known as quasi-autonomous non-governmental organisations (quangos) in the United Kingdom (UK) are an integral part of the major reforms that new public management policy reforms ushered in during the late 1970s and early 1980s. The first practitioners of these reforms emerged in the United Kingdom “under Prime Minister Margaret Thatcher and in the municipal governments in [the] USA” (Gruening, 2001, p.2). Other countries such as Australia, Canada, New Zealand and Sweden subsequently followed (Bouckaert & Pollit, 2011). These reforms quickly spread to other parts of the world and developing countries were not spared. The New Public Management (NPM) agenda was carried and implemented by developing countries due to a number of internal and external factors.

Internally, many of the developing countries, especially in Africa, had problems that adversely affected the performance of the public sector. The public sector was riddled with inefficiencies related to corruption and dysfunctional state machinery. Moreover, bureaucratic tendencies related to poor performance due to red tape became a source of public discontent and, hence, an urgent need for a change of direction towards managerial reforms that were not only ‘new’ to the continent but also fashionable. Externally, donor countries and affiliated institutions, specifically the World Bank (WB) and the International Monetary Fund (IMF), exerted pressure on developing countries to reform their public sectors, which at the time were labelled bloated and grossly inefficient, “the negative consequences of its expansion led to dissatisfaction about its size and effectiveness in the 1980s” (Dzimhiri, 2008).

NPM reforms were implemented in different forms and models in Africa. The reforms ranged from outsourcing public services to private institutions, privatisation, retrenchment of public employees, the formation of executive agencies, and other related organisations. In the UK, different models were implemented, namely the efficiency drive model, whose objectives was to make the public sector more business-like; the downsizing and decentralization model, whose focus was on disaggregation, organisational flexibility, and downsizing; the management of change model, which aimed to integrate bottom-up and top-down approaches to change; and the public service orientation to

change model, which placed a greater emphasis on service quality (Ferlie et al., 1996, cit. in Olowu, 2002, p.4).

According to Olowu (2002), downsizing is the most important universal attribute of public sector reforms using NPM strategies in Organisation for Economic Co-operation and (OECD) countries. In African countries, privatisation of government enterprises dominated the first phase of the reforms subsequently, retrenchment of public employees took prominence. Other NPM reforms included outsourcing embraced, albeit to a lesser extent. From the end of the 1990s onwards, the creation of executive agencies became a new norm in many African countries. The first executive agencies were the independent revenue collection authorities in Zambia and South Africa (Olowu, 2002).

Agencies emerged as necessary tools for unbundling bureaucracy to facilitate the creation of more flexible, performance-oriented public organisations (Pollit et al., 2001 in Caulfield, 2002, p. 211). Agencies in many countries operate at arm's length from their parent ministries and "possess some financial independence and are often funded by charges imposed on service users" (United Republic of Tanzania [URT], 2005). To make them more effective and efficient, agencies that fall under the NPM category get a certain level of autonomy to perform specified tasks of government entities that could have otherwise have been performed within their parent ministries by a specific department (Caulfield, 2002).

### **Review of Executive Agencies in Tanzania**

Agencies are non-departmental public bodies (Christensen & Laegreid, 2005, p. 5) tasked with performing specific tasks with some degree of autonomy. The creation of such agencies in Tanzania was in conformity with the public sector reforms that took place from the 1980s onwards (Sulle, 2014). The creation and formation of executive agencies was linked to a wider movement associated with the NPM doctrine that started to dominate the public sector in many African countries including Tanzania in the 1980s. The movement promoted market-based principles in management of public sector (Moynihan in Sulle, 2014, p. 124)

In 1997, Tanzania enacted an Act of parliament to formalise the establishment of executive agencies or semi-autonomous public institutions in the country (URT, 1997). The Executive Agency Act stipulates that the minister shall establish an agency aimed to improve

service delivery, create conducive environment for efficient and effective management, improve the quality of services hitherto offered under the government department and, in the long run, have the capacity to continue evolving and improving the quality of services offered (URT, 1997).

In fact, the formation of executive agencies provided an avenue for the government to deliver services through institutions that have the freedom and flexibility to deliver efficiently quality services to the public (Sulle, 2014). Ideally, these agencies were supposed to operate flawless in accordance with their establishment agenda. Yet, corruption, inefficiencies and all kinds of dysfunctions common in government departments were the norm rather than the departure. In consequence, the quality of services offered adversely suffered but that only told a partial story. The poor nature of services they provided, coupled with corruption and all kinds of inefficiencies had negative consequences for those who were already poor or marginalized.

When corruption and inefficiencies reign in the public sector (see, Lufunyo, 2013, p. 7) government departments become “rent-seeking” units which offer services to those who can pay though unintentionally. For the majority and, especially, the poor such a system does not and did not favour them as they did not have resources to pay for the services which by then were “freely offered” as a matter of public policy. Implicitly, the government system marginalised its own citizens by offering services ‘conveniently’ to those who bribed officials or had connections with individuals who occupied positions of power, a tendency also experienced in other parts of the world where old public administration ethos dominated (Robinson, 2015 p.7)

Furthermore, the creation of agencies emerged as part of the solution to reducing and curbing inefficiencies (Robinson, 2015). In this regard, highly centralised hierarchical structures were to be replaced by decentralized institutions with capacity to deliver (Mathiasen, 1999). To reduce expenditure on the part of the government and enable agencies to generate income, they were allowed to charge fees on the services offered. This practice is in conformity with NPM’s much-advocated for tendency of making public institutions business-like and, hence, profit-making or self-sustained institutions (Lapuente & Van de Walle, 2020).

Apparently, the society is not homogeneous thus making it difficult to know whether these fees are appropriate for everybody given the nature of the society which has socio-economic classes of ‘well offs’, ‘poor’ and ‘extremely poor.’ This division is even much more pronounced in developing countries such as Tanzania, where multidimensional poverty is still high, although it has declined from 64 percent in 2010 to 47.4 percent in 2015 and was projected to even further drop to 38.4 percent by 2020/21 and, ultimately, to 29.2 percent by 2025/26 (ESRF, 2017). Also, extreme poverty figures of 2012 show that the proportion of people below the food poverty line in Tanzania Mainland was 9.7 percent (ESRF, 2017).

The public sector is now dominated by executive agencies, which play a major role in the provision of public services. The transformative change relative to before 1997 is significant. By 2012, the number of agencies had reached 36. A few more agencies have since been established such as the Tanzania Rural-Urban Road Agency (TARURA), and the Tanzania Shipping Agencies and Petroleum Upstream Regulatory Authority (PURA). Data from the office of the Treasury Register shows that by 2019 Tanzania had 44 agencies. Implicitly, the government treats these institutions as vital in pushing forward its various development-related agendas.

It is against this background that this study explored the impact of these reforms on minorities in Tanzania, using Registration Insolvency and Trusteeship Agency (RITA) as a case study. RITA was officially launched on 23 June 2006. In fact, it replaced what was the then Administrator Generals Department in Attorney Generals Chambers in the Ministry of Justice and Constitutional Affairs (URT, 2020). The agency enjoys monopoly in the registration of births, marriages, divorces and incorporation of trustees. It also plays an important role in all matters pertaining to receivership and company liquidation (URT, 2020).

Even though many studies have been carried out focusing on a number of issues such as evaluating the performance of executive agencies in different parts of the world (James, 2001), experience of countries such as Pakistan and Tanzania in establishing executive agencies (David & Francis, 2014) and control of state agencies in Tanzania (Sulle, 2014) among others, affirm that very little, if any, has been written on the impact of agencification on minorities in Tanzania and elsewhere

particularly in the developing world's context. This study, therefore, seeks to fill the apparent gap by raising salient issues in this area.

### **Concepts of Minority and Minoritized**

The term 'minority' has many connotations. It may refer to "a group of people who, because of their physical or cultural characteristics, are singled out from others in the society in which they live for different and unequal treatment and who therefore regards themselves as objects of collective discrimination" (Kurokawa, 1970, p.34). Other scholars have identified some characteristics shared by minority groups as identifiability, differential power, differential and pejorative treatment and group awareness (Dworkin & Dworkin 1976, 1976).

Other scholars such as Capotorti (1979) treat minority as a group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members—being nationals of the state—possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.

At the centre of this definition is numerical and intrinsic solidarity. However, this might not always be the case. History has shown that there are groups made up of few members but are, nevertheless, powerful economically and politically. The white minority in the then apartheid South Africa, for example, represented a powerful group that controlled almost everything despite their relatively small number compared to the majority of Africans.

Given the many definitions of the minority in a given population, there is a need to operationalise this concept and focus the analysis of this study. The term 'minority' in this study is, therefore, represents the most vulnerable groups in the society regardless of their numerical status. This definition is a broader concept of minority than the classical concept of ethnic, religious, and linguistic minority. For example, women are not a statistical minority because they are centripetal and almost equal in number to men in many societies; sometimes they have a numerical advantage despite being dubbed 'minority'. Nevertheless, they qualify as a 'minority' due to their status as a marginalised group, who in most circumstances have less power and fewer privileges than their men counterparts. Additionally, the terms 'minority' and 'marginalization' are

also used in this study vis-à-vis the concept of minorization in the sense that a given group is not benefiting from the system that is benefiting others (See Burity, 2016). In this case, we look at those systems with structures that unintentionally favour certain groups and marginalise others. The ‘corrosive’ nature of institutions can marginalise certain groups such as women; in essence, they are not made minor rather they are ‘passively’ denied access to resources and opportunities and, hence, are minoritized.

## **METHODOLOGY**

This qualitative study deployed various methods and procedures to collect and analyse information. Numerical and non-numerical data were collected through interviews held with officials from RITA. The study interviewed two RITA officials: A senior administrative officer and one senior official from the marketing and communication department. These officials were chosen purposively due to their positions in the institution, which placed them in a position to provide useful and reliable information related to various activities and functions performed by RITA. Personal experiences of other RITA officials collected informally was complemented by documentary review of official government documents from RITA such as employee register and brochures related to birth registration. To get really experience from the field, the researcher visited few (3 of them) big stores in Dar es Salaam to get additional information about the experience of employees on birth certificates and national IDs. Additionally, information from newspaper articles specifically the *Guardian* and *Daily News* was useful in informing the findings of this study. RITA’s website was also analyzed, especially in collaborating what was deduced from interviews with RITA officials. Finally, the study reviewed documentation of related practices in Kenya, Rwanda and other African countries. In totality, such diverse but complementary sources enriched the study’s findings.

## **FINDINGS**

This section explores the impact of the creation of executive agencies on the minority, with special emphasis on services RITA offered. RITA operates mainly from its headquarters in Dar es Salaam (at the time when this study was being conducted), which is Tanzania’s commercial capital of the country. Looking at the register of employees and interview with officials from the human resources department, RITA has around 202 employees (102 female). Most of these are stationed at the headquarters

and Dodoma office whereas the rest are posted to various districts. In other words, RITA staff are not sufficient in numbers going by their presence in the districts of 170. In many districts, RITA relies on District Administrative Secretaries (DAS) to allocate staff to perform functions such as registration of births, deaths and marriages. These employees are not RITA staff as they belong to district councils hence with other responsibilities. RITA are subsidiary, which makes it hard to perform the agencies' responsibilities effectively.

To provide its services, RITA charges fees for obtaining birth, death, marriage, divorce and adoption certificates. These fees range from 3,000 to 200,000 Tanzanian Shillings (exchange rate about TZS 2400 per US dollar). Birth registration, which is done within 90 days after birth, is charged 3500 Tanzanian Shillings, birth registration of over 90 days but below 10 years is charged 4000 Tanzanian Shillings, whereas late registration of birth of more than 10 years is charged 20,000 Tanzanian Shillings at RITA's headquarters and 10,000 Tanzanian Shillings at the district offices. Fees related to marriage adoption range from 20,000 to 200,000 Tanzanian Shillings<sup>2</sup>.

These rates look reasonable, however, when they are scrutinised and the real situation is analysed for the most of the Tanzanians who live in rural areas—and constitute the majority of the population - cannot afford them due to other costs related to travelling, for example, travel to the district headquarters in some cases can sometimes be more than 100kilometers from his/her residence. These and other costs can be prohibitive in a country where the majority of people spend less than \$2 per day (World Bank, 2015). Of these, about 80 percent (11.3 million) are poor, and among them, 3.5 million are extremely RITA charge seem small on the surface, they are still high for those who are extremely poor (World Bank, 2015).

Even in urban areas the situation is not straight forward. A quick survey of a number of big stores in Dar es Salaam showed employees and specifically cashiers and shop attendants were in danger of losing their jobs because they do not have birth certificates and consequently national Ids. Immigration department has demanded each employee to have

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<sup>2</sup> These numbers were taken from RITA website and may change in the future, see <https://www.rita.go.tz/page.php?pg=85&lang=en>

national ID, most do not and the employer has given them one month to submit. When some of them were asked why they do not have national IDs they said we do not have birth certificates and when interrogated further, bureaucracy and costs involved were named as major stumbling blocks. It should be noted that almost all cashiers and majority of shop attendants are women.

The minorized groups such as women and men who live in rural areas and comprise the biggest number of poor people in the rural areas cannot afford these fees, especially for late registration which is 20,000 Tanzanian Shillings, particularly when other factors such as distance to the district headquarters are inclusive. A study in Dar es Salaam found birth registration in Tanzania to be important but complex, burdensome and costly for both families and health workers (Boggs et al., 2021). If this is the case in Dar es Salaam, the commercial hub of the country with better access to health services what is the situation like in the rural areas?

The situation in the rural areas is actually more worrisome. In the rural areas, the difficulties in accessing birth certificates tend to deny the minorized groups an opportunity to access important services associated with birth certificates, including missing out on acquiring national identification cards, IDs which open a number of avenues in business, mobile phones (i.e. registering a SIM card) and accessing many other services that require a national ID. Thus, the fees charged unintentionally marginalise these minority groups, which are already operating on the margins of the more privileged citizens, for example in urban areas, with higher income.

Furthermore, we asked whether the RITA has a policy or any other arrangement to serve the poor or minorized groups in society. One senior officer said, “The organisation does not have a policy to serve systematically those who are considered poor and cannot afford to pay for the services provided by the organization.” The only initiative that is in place is the one supported by UNICEF, which aims to decentralise the birth registration system to increase the birth certification of under-fives in different regions of the country. Moreover, the government has waived the fee for registration under this programme. These government and UNICEF efforts have helped to improve the certification rate on Tanzania Mainland from less than 13 percent to more than 35 per cent in just over five-and-half years (UNICEF, 2019).

Further interrogation of the data from the 2012 census shows that these efforts have fallen short of making certification universal in the country. The 13 percent of Tanzanians with birth certificates is too small when compared to other African countries, Tanzania lagged behind countries such as Kenya, Rwanda, and Botswana. UN estimations show that only 24 percent of an estimated 2,050,000 births in the country in 2017 were registered and certified (Adair et. al. 2020). Comparatively, most of those who were not registered lived in rural areas or remote settlements (Adair et. al. 2020). This situation is not encouraging, as the government plan is to issue 15,917,602 certificates to Tanzanians by 2025. Based these projections, Tanzania would have 21,508,227 people without birth certificates by 2025 (Robi, A. (2020).) if the situation on the ground remained the same and in the absence of a ground-breaking intervention.

Most of those without birth certificates would be living in rural areas where some about 66.22 percent of Tanzanians live (The World Bank, 2018). And most of indicators of birth registration in rural areas paint a bleak picture. For example, between 2015 and 2016 parental self-reported birth registration ranged from 16 percent in rural areas to 50 percent in urban areas, which represents a huge gap. Such statistics paint a sombre picture of the rural areas where most of the 21,508,227 people who live in the rural areas would be without birth certificates. Moreover, the most vulnerable people in Tanzania are women, with 60 percent of women in Tanzania living in absolute poverty (URT, 2020). This suggests that women who are already vulnerable are the ones mostly affected by RITA's inability to provide certificates to the majority of the Tanzanians.

The problems inherent in the registration of birth for ordinary Tanzanians persist, and require an overhaul of the whole system of birth registration for the new-borns and unregistered adults to resolve this crisis. Major improvement includes strengthening, simplifying and popularisation of the e-service officially known as E-Huduma (URT, 2022). This e-service has the potential of reaching the majority of Tanzanians if the costs are continually reviewed to accommodate the most vulnerable and marginalised groups. This e-service has to be promoted and scaled up regardless of the government's expectation of reducing by 50 percent the number of Tanzanians who do not have birth certificates to 21,508,277 by 2025 (*Daily News*, 2020). Statistically, this 50 percent success would be a huge leap; yet the implication is that another half of the adults would

remain without birth certificates, which has a huge negative consequence on non-certificate of birth holding nationals.

## **DISCUSSION**

Looking at the evidence gathered in the case study and the ensuing analysis, the creation of some of the executive agencies may unintentionally deny an important and substantive segment of the society access to vital services, which many Tanzanians were already experiencing, which amounts to some form of marginalisation. As already pointed out, most of Tanzanians living in rural areas are relatively poor; thus, the introduction of user fees affects negatively their wellbeing since certification is a passport to many opportunities. In terms of gender, women have remained behind men in taking advantage of economic opportunities for a long time. One report indicates that “a greater proportion of women than men (69.9% vs. 64.0%) work in agriculture. Unpaid family helpers constitute 34.5% of those employed in agriculture –there are more than twice as many females as males in this category” (Idris, 2018, p. 3). Under such circumstances user fees can become vehicles of mass marginalisation.

Services such as birth registration are vital to individuals’ and communities’ overall well-being as it opens up access to other opportunities such as education, business, and mobile phone usage. Lack of universal access to such services can promote inequities in service delivery, lead to marginalization of certain groups, and in the case of RITA adversely affect the majority of poor rural women and men, vulnerable children, and many other marginal groups. Issues of distance coupled with user fees are denying the majority of adults, who were not registered and currently need to pay to get registered to access birth certification. User fees in sectors such as health have proven to be prohibitive and largely unpopular (Dullie et al., 2016). A study in Malawi showed that “the removal of user fees was associated with an increase in total attendances of 352 % [213 %, 554 %] with similar increases for malaria diagnoses” (Watson et al., 2016).

As indicated in this study, late registration of more than 10 years requires an individual to pay 20,000 Tanzanian shillings, an amount that many of the adults particularly in the rural areas who were born at a time when registration of new-borns was almost non-existent or luxurious could not afford. As a result, this group finds itself on the margins of society, and

economic conditions do not favour them as they are relatively poor. Lessons from other studies on health and education have proven fees to be a significant barrier to accessing essential services. In one study, an “analysis of 120 documents published by 50 actors in the global health sector between 2005 and 2011 shows that almost no one now supports user fees” (Ridde, 2015) due to their negative effects on equity and accessibility.

For services provided by RITA, birth registration is the most important one, although other registrations for marriage, divorce and adoption registration are also important. In Tanzania, birth registration facilitates access to almost all other economic, health, and education opportunities. It is the first step that helps an individual to have access to opportunities “such as attending a public secondary school, taking the national university entrance exam, joining the military, working in formal sector jobs, opening a bank account, and inheriting property” (Wood, 2019, p.380). Without it one would find it difficult to get a national ID, which guarantees its bearer political and economic rights enjoyed by all citizens. In fact, one cannot even register a mobile phone number without it, which has forced many people to register by proxy—using identification of those who already have them such as spouses, relatives and friends.

## **CONCLUSION AND RECOMMENDATIONS**

Generally, the creation of executive agencies emerged as a solution to almost everything bad associated with bureaucratic inefficiencies in the public sector. Issues of transparency and accountability were to be taken care of, but importantly, the quality-of-service delivery was expected to improve and, consequently, help to improve people’s lives as well as the image of the government to the population. However, and as it is seen in the findings, that has not always been the case specifically when one looks at the findings of this case study. The study investigated the impact of executive agency on minority, with the analysis centring on RITA. It appears that in Tanzania the formation of executive agencies might have been done without a thorough analysis of their impact on different groups in society, particularly the rural poor and other marginalised groups such as women.

As other studies have indicated, established institutions can intentionally or accidentally perpetuate socio-historical injustices or inequalities of certain communities and groups if mechanisms are not in place to enforce

curbs and compliances in those institutions. This study has established that despite the gains accruing from the establishment of RITA, there were structural and institutional arrangements that compounded the plight of the majority of poor women, men and children in both urban and, particularly, rural areas. Various fees charged by RITA coupled with issues related to long distances that escalate the associated costs deny many people access to services contrary to the agency's mission. Consequently, groups in the rural areas and societies, which were historically marginal, were further minoritized.

The study, therefore, highlights the need to rethink the general idea that creating executive agencies would automatically enable governments, especially in developing countries, to offer better quality services to the population than ever before. Thus, reformers must analyse thoroughly the would-be structures and institutional set-ups of new agencies to ensure that such institutions were not inadvertently perpetrators of the same historical and structural injustices that had pushed certain groups and communities to the margins of society, which they were ironically created to combat. The problem stems from the idea that more can be done for less (Osborne & Gaebler, 1992), which should carefully be scrutinised to avoid the creation of institutions that minoritize already marginal groups and communities.

In a context where reforms have become fashionable, it is imperative that government actors and other stakeholders enable the formation of institutions and, in this case, agencies that are inclusive and capable of addressing issues of historical inequalities and marginalisation. In a world where inequalities exist, governments cannot afford to create 'neutral' institutions, which may end up maintaining the status quo or exacerbating the very problem they were set up to solve. Therefore, it is imperative that reformed institutions desist from systemically minoritizing certain groups or societies and push them further into the margins. This study, therefore, recommends old institutions to have a clear framework of undertaking periodic structural audits to review the soundness of the institution to be inclusive.

For the new and reformed institutions, there must be benchmarks to guarantee structures that are not neutral and curb those which perpetuate marginalisation within those institutions or in their external environment. As various scholars have proffered, the focus must now shift from people

and individuals to institutional structures (Powel, 2013), structures that distribute opportunities to various groups and sections of the society. Most of our institutions are merely vehicles that distribute favours to certain groups and inadvertently maintain the status quo. In many circumstances and, as we have found out in this case study, structures unevenly distribute opportunities to different groups in the society and, hence, further entrench marginalisation of the already minoritized groups. The plight of these groups would only be improved if structural marginalisation is continually scrutinised and mechanisms to minimise processes that unwittingly promote marginalisation in various public institutions are instituted, monitored and updated.

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