



LEGAL AND HUMAN RIGHTS CENTRE (LHRC)

ANALYSIS ON THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) NO.2 ACT, 2026

SPECIAL BILL SUPPLIMENT

TO BE SUBMITTED BEFORE PERMANENT PARLIAMENTARY COMMITTEE ON GOVERNANCE, CONSTITUTION AND LEGAL AFFAIRS

12TH AUGUST, 2026

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A. INTRODUCTION

Legal and Human Rights Centre (LHRC) is pleased to submit her analysis of the Written Laws (Miscellaneous Amendments) (No. 2) Bill, 2026, published in Special Gazette No. 9, Vol. 107 on 5th June 2026. The Bill proposes amendment to seven principal written laws. LHRC's analysis focuses on three (3) proposed amendments that directly touch upon property rights, constitutional governance, judicial independence and natural resource sovereignty;

- a. Amendment of the Land Use Planning Act (CAP 116).

- b. Amendment of the Natural Wealth and Resources (Permanent Sovereignty) Act, (CAP 449).
- c. Amendment of the Wildlife Conservation Act (CAP 283)

B. OBJECTIVES

LHRC conducts this legislative analysis to ensure that enacted laws are Human Rights responsive, adhere to the rule of law and good governance, protect public interest, and align fully with the Constitution of the United Republic of Tanzania, 1977, as well as ratified International and Regional Human Rights Treaties.

C. GENERAL ASSESSMENT AND RECOMMENDATIONS

LHRC commends this move for introducing several progressive statutory measures within this Bill.

Notably, LHRC welcomes:

- i. The deletion of **mandatory livestock forfeiture** under the Wildlife Conservation Act (Cap. 283), promoting proportionality in criminal sanctions;
- ii. The alignment of local leadership tenures under the Local Government (District Authorities) Act (Cap. 287) and Local Government (Urban Authorities) Act (Cap. 288); and
- iii. The establishment of fixed, three year statutory tenures for Commission members under the Land Use Planning Act (Cap. 116).

However, LHRC identifies critical gaps that require parliamentary intervention, detailed below alongside LHRC's recommendations;

1. Land Use Planning Act, Cap. 116

1.1 Absence of merit-based appointment Criteria

Section 4 of the proposed amendment, while it establishes a three year tenure, the proposal lacks explicit merit based appointment criteria for Commission members recommend to the Parliament to introduce an explicit statutory requirement mandating transparent, merit based appointment criteria to guarantee competence, accountability, and institutional independence.

1.2 Threat to core mandate via unrestricted investment powers

Section 5 proposes granting the Commission broad powers to invest funds, diverting limited public budget allocations away from its primary noncommercial statutory duties risking sustainability of its core mandate.

LHRC recommends the Parliament to add new section to explicitly restrict investments to surplus funds in strict compliance with the Public Finance Act (CAP 348) mandate that statutory land use functions are prioritized and safeguarded, limit investments that prejudice statutory duties, and provide requirement for annual investment disclosures to the Minister.

2. Natural Wealth and Resources (Permanent Sovereignty) Act, Cap. 449

2.1 Erosion of Parliamentary oversight over extractive agreements

Transferring approval authority for special dispute resolution from Parliament to the Cabinet severely reduces transparency, as Cabinet deliberations are confidential. This conflicts directly with Sections 4 and 5 of the Natural Wealth and Resources (Review and Re negotiation of Unconscionable Terms) Act (Cap. 450) and Section 16 of the Tanzania Extractive Industries (Transparency and Accountability) Act, 2015, which explicitly vest natural resource oversight in Parliament.

2.2 Undermine of Judicial Independence & domestic jurisprudence

Bypassing domestic courts undermines Article 107A of the Constitution, which vests dispensation of justice under Judicial autonomy, granting foreign investors exemptions from local courts signals institutional distrust in Tanzania's own judicial system and deprives domestic jurisprudence of growth. Regional precedents such as South Africa's Protection of Investment Act (2015) and Kenya's Mining Act (2016) prioritize domestic dispute resolution mechanisms to safeguard national regulatory autonomy.

LHRC recommend the Parliament to strengthen the proposed Section 11(4) to substitute Cabinet approval with Parliamentary approval for any agreement granting special dispute arrangements. Furthermore, enforce the mandatory exhaustion of domestic judicial remedies prior to international dispute resolutions, while investing in strengthening the efficiency and credibility of Tanzania's domestic court system.

3. Wildlife Conservation Act, Cap. 283

3.1 Legal disharmony & discriminatory application across Conservation Laws.

Sections 25 & 26 of the proposed amendment propose to remove automatic livestock forfeiture under Cap. 283 to protect pastoralist communities bordering game reserves. However, leaving sister legislation such as the National Parks Act

(Cap. 282) and the Forest Act (Cap. 323) unchanged creates a dual, discriminatory legislation. Pastoralists bordering National Parks remain exposed to automatic livestock confiscation for identical acts, violating equal protection under Article 13 of the Constitution.

LHRC recommend concurrently amendment to the National Parks Act (Cap. 282) and Forest Act (Cap. 323) to harmonize the legal framework, explicitly defining the legal status of straying livestock and prohibiting automatic forfeiture across all protected area categories.

	
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D. SPECIFIC RECOMMENDATIONS

AMENDMENT OF THE LAND USE PLANNING CAP 116			
Section of the bill	Provision to be amended	Issue	Recommendation and Justification
Section 4 which propose to amend section 6 of the Principal Act	The principal Act is amended in section 6 by adding immediately after subsection (4) the following (5) A member of the Commission shall, unless the appointment is terminated or the member ceases in any other way to be a member, hold office for a term of three years and shall be eligible for re appointment for one further term.	LHRC commend this proposal, however merit based criteria for appointment of a member is missing	LHRC recommend additional provision providing for appointment to be on merit based for transparent and accountability
Section 5 which	The principal Act is amended by introducing	LHRC recommend to improve the proposed	The Commission primarily relies on

propose to add section 7A	new section 7A which gives power to the Commission to invest the fund. The proposed section provides; Subject to any directives issued by the relevant authority, the Commission shall have powers to invest the funds of the Commission	provisions to ensure the proposal does not hamper core business of the Commission. LHRC recommend to add subsections as follows; 7A(1) Subject to any directives issued by the relevant authority, the Commission may invest its surplus funds in accordance with the Public Finance Act and other applicable laws. (2) Not with standing Subsection (1), the Commission shall first ensure that adequate funds are allocated for the discharge of its statutory functions under this Act, including the preparation,monitorin g,evaluation and coordination of land use plans. (3) The Commission shall not invest funds where such investment is likely to prejudice or impair the effective discharge of its statutory functions under this Act.	Parliamentary budget allocations under section 14, which are often insufficient to discharge its mandate. As a service oriented institution established to prepare, monitor,evaluate and coordinate land use plans under section 7, its limited resources should be safeguarded for these statutory functions, with investment limited to surplus funds to safeguard its core mandate.
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		(4) The Commission shall disclose all investments made under this section in its annual report submitted to the Minister	
Section 7 which propose to amend Section 61 of the Act	This section propose to increase fine to mandatory minimum to a person who violates the terms and conditions of an approved land use plan or provisions of the Act; 7. The Principal Act is amended in section 61 (1) by deleting the words not exceeding two million shillings or imprisonment for a term of three years appearing in the closing phrase and substituting for them the words “ of not less than two million shillings but not exceeding three million shillings or imprisonment for a term of not less than one year but not exceeding three years”	Magistrates/Judges has no discretion to apply the fine considering circumstances of case by case basis	LHRC recommend to remove this proposed provision and upheld the existing provision under the principal Act to give judges/magistrates discretion basing on circumstances and other factors of the case.

AMENDMENT OF THE NATURAL WEALTH AND RESOURCES (PERMANENT SOVEREIGNTY) ACT (CAP 449)

Section 16 which propose to amend section 11 of the	The Principal Act is amended in section 11 by adding immediately after subsection 3 the following: (4) Notwithstanding the provisions of this section,	Undermining Parliamentary oversight on agreement approval as per <u>Section 4 & 5 of the Natural Wealth and</u>	LHRC recommend the Parliament improve the proposed provision to require Parliamentary
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Principal Act	where an agreement provides for a special arrangement relating to proceedings, seat of arbitration or jurisdiction in disputes arising from extraction, exploitation or acquisition and use of natural wealth resources, and such agreement has been approved by the Cabinet, the application of the provisions of this section shall not prejudice the implementation of such agreement.	<u>Resources (Review and Re-negotiation of Unconscionable Terms) Act, Cap. 450.</u> the power to review, evaluate, and direct the renegotiation of natural resource agreements containing unconscionable terms is vested explicitly in the Parliament, not the Cabinet. -Section 6(2)(a) & (e) of Cap. 450 specifically defines terms that subject the State to foreign jurisdiction/arbitration or deprive Parliament of its oversight mandate as unconscionable terms. -ImPLY lack of confidence on Judiciary of Tanzania as a stand alone pillar for dispensation of justice	approval instead of Cabinet approval for any agreement providing special dispute resolution arrangements Further LHRC recommend the government to priorities strengthening the independence, efficiency and credibility of domestic courts and arbitral institutions to enhance Investors confidence.
AMENDMENT OF THE WILDLIFE CONSERVATION ACT, (CAP 283)			
Section 25 which propose to amend	The Principal Act is amended in Section 111 (1)	Protection is absent under the National Parks Act. This may result in unequal	LHRC commend the proposal but recommends that corresponding

