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Research Article

Jurisdictional Paralysis in Corporate Social Responsibility Enforcement in the Extractive Sectors in Tanzania

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Abstract

In Tanzania, multiple institutions with intersecting statutory mandates regulate corporate social responsibility (CSR) in the extractive sector, yet no statutory mechanism resolves the resulting jurisdictional conflicts. These conflicts have produced what this article conceptualises as jurisdictional paralysis. This means plural competence, absent hierarchy, unspecified coordination, and fragmented enforcement of CSR obligations. This study investigates the legal origins of this paralysis and proposes a coherent legislative solution that moves beyond ad hoc administrative coordination. The study employed a doctrinal analysis of primary and delegated legislation governing CSR in Tanzania to map institutional overlaps. It develops a five-category typology to analyse regulator-pair relationships and diagnoses the overlaps as a doctrinal failure traceable to specific legislative drafting choices. This analysis draws on institutional theory and regulatory-design scholarship and is informed by a comparative review of extractive sector CSR frameworks in South Africa, Kenya, Uganda, and Nigeria. The study concludes that jurisdictional paralysis cannot be remedied administratively but requires structural legislative reform. It proposes a reform package centred on an Extractive Sector CSR Coordination Authority anchored in primary legislation. The package includes statutory disaggregation of overlapping mandates, a binding inter-agency dispute resolution mechanism, and statutory recognition of host-community standing. The article provides draft statutory clauses suitable for legislative adoption and identifies the constitutional and administrative-law risks that transitional drafting must manage.

Keywords

Corporate Social Responsibility, Extractive Sector, Multi-Regulator Regime, Regulatory Overlap, Jurisdictional Paralysis

1. Introduction

On any given operating day in Geita, Mara, Shinyanga, or the Mtwara petroleum corridor, an extractive licence holder is regulated for CSR purposes by an institutional constellation of striking complexity. The Mining Commission supervises the implementation of its CSR plan [1] the local government authority within whose jurisdiction the operation sits approves the plan [2]; the Minister responsible for local government authorities, jointly with the Minister responsible for finance, has been consulted on its making [3]; the National Environmental Management Council (NEMC) monitors its environmental dimensions [4]; the Tanzania Extractive Industries (Transparency and Accountability) Committee (TEITA Committee) receives and publishes its disclosures [5]; the CSR Technical Committee reviews and approves it under delegated legislation [6]; the Commission for Human Rights and Good Governance (CHRAGG) entertains rights complaints arising from

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it [7-9]; the Labour Commissioner and the Chief Inspector of Occupational Safety and Health police its employment and workplace-safety dimensions [10, 11]; and the Minister for Minerals, with powers to make the rules, hears appeals from the Mining Commission, and exercises residual discretion, sits over the whole [12].

This article asks what, in practice, results from this density. The answer it defends is jurisdictional paralysis. By jurisdictional paralysis, this article means a regulatory condition in which a plural set of institutions holds partial and overlapping competence over a common subject matter, no statutory mechanism specifies which institution's determination is primary, no procedure exists for the authoritative resolution of inter-agency conflict, and the regulated entity and the rights-holder are left to navigate the ambiguity. This condition differs from regulatory under-coverage, where the law is silent; regulatory over-coverage, where the law is excessive; and regulatory capture, where the regulator is co-opted. The laws speak, in the appropriate measure, through too many mouths at once and without a tie-breaking rule. The result, for the regulated entity, is a regulatory-arbitrage opportunity; for the host community, the absence of an identifiable institutional addressee for grievance; for the regulator, the comforting plausibility of blame-shifting; for the regime, enforcement that occurs in form but not in operation.

Tanzania's extractive sector contributes approximately nine per cent of GDP [13, 14], hosts a generation's worth of post-2017 'resource nationalism' legislative reform, and operates in territorial proximity to communities whose welfare the CSR framework is constitutionally and statutorily addressed to advance [15, 16]. The reform agenda since 2017 has been substantial. The Written Laws (Miscellaneous Amendments) Act 2017 introduced section 136 of the Mining Act [1] as the operative mandatory CSR provision [1, 17]; the Petroleum Act [18] contains the parallel provision [18]; the TEITA Act [5] 2015 supplied the transparency apparatus [5]; and the Mining (CSR) Regulations 2023 specified the procedural details [6]. The reform agenda did not integrate the new provisions with the pre-existing institutional landscape. This is the central diagnostic finding of this article. Each addition was deposited atop the existing institutional inventory rather than coordinated with it. The composite is the regulator-pair framework that the article highlights and reforms.

This article advances four central arguments. First, that the jurisdictional overlaps among the institutions canvassed above are not administrative inefficiencies to be ironed out by inter-agency memoranda of understanding, but doctrinal defects whose source is identifiable in specific provisions of primary and delegated legislation. Second, the doctrinal defects fall into a tractable typology of overlap categories such as concurrent supervisory competence, duplicated monitoring, conflicting sanctioning authority, reporting duplication, and advisory–binding asymmetry, and the typology lets the diagnosis transfer across regulator pairs and reform proposals be calibrated to each pair. Third, the overlap pattern systematically defeats coercive isomorphism as a CSR-regulatory mechanism, meaning that, even where the law unambiguously requires substantive compliance, the framework through which the requirement is administered produces decoupled symbolic compliance instead. Fourth, that the constitutional and administrative-law remedies available within the regime are sufficient to support a coherent reform programme without the long lead-time of constitutional amendment, and that the article specifies what that programme should look like at the level of statutory drafting.

Hence, the contributions are three. The doctrinal contribution is a regulator-pair matrix that maps overlap relationships among the institutions against the category typology, with statutory citations for each. The framework allows reform proposals to be addressed to specific overlap categories rather than to the regime as a whole, and it is transferable to comparable extractive-sector multi-regulator regimes elsewhere in Sub-Saharan Africa. The institutional-design contribution is a model statute, drafted as text rather than aspiration, for an Extractive Sector CSR Coordination Authority, with mandate, dispute-resolution, and reporting clauses suitable for legislative adoption after political and stakeholder calibration. The policy contribution is a phased reform roadmap that prioritises administrative-level intervention in the short term, primary legislation in the medium term, and a constitutional framework in the long term, with explicit political feasibility constraints.

The research question is how institutional overlaps among Tanzania's extractive-sector CSR regulators generate enforcement paralysis, and what doctrinal and institutional reforms would resolve it? The question is novel in three respects relative to existing literature. First, the question is asked at the regulator-pair level of analysis rather than at the regime level or the firm level, where existing CSR scholarship on Tanzania has operated [19, 20]. Second, the question is asked doctrinally on what statutory provision creates the overlap and what doctrinal route would resolve it, rather than sociologically, which is the dominant mode of the institutional-theory CSR literature [21, 22]. Third, the question generates actionable drafting templates rather than abstract reform aspirations, which, to this author's knowledge, has not previously been undertaken for a developing-jurisdiction multi-regulator CSR regime.

The scope is consciously circumscribed. The article confines its analysis to the extractive sector, where Tanzania's most concentrated mandatory CSR framework operates and where jurisdictional density is highest. It limits its institutional coverage to bodies whose statutory mandates touch the extractive-sector CSR plan obligation; it does not address fiscal regulators (TRA), capital-markets regulators (CMSA), or bodies whose extractive-sector role is procurement-related (PPRA) or licensing-incidental (Land Commissioner). The temporal frame is the post-2017 statutory framework as in force at the time of writing, with attention to the Mining (CSR) Regulations 2023 and the 2026 High Court decision in Kegoye [23].

No primary fieldwork has been undertaken; the analysis is doctrinal and triangulated against the most recent administrative reports, such as the TEITA Annual Report 2022/2023 and the Mining Commission Annual Performance Report 2022/2023, to test doctrinal findings against operational evidence [24, 25].

Section 2 reviews the scholarly literature on multi-regulator regimes, regulatory overlap, and CSR enforcement, and identifies the lacuna that the article addresses. Section 3 sets out the theoretical framework, defining jurisdictional paralysis, regulatory arbitrage, and coercive capacity as operative concepts and translating them into testable propositions. Section 4 sets out the methodology, the coding rubric for overlap categorisation, and the limitations of textual analysis. Section 5 conducts the institutional mapping and presents the regulator-pair matrix. Section 6 evaluates the regime against the rule of law standards and identifies the implications for institutional theory. Section 7 develops the reform proposals and supplies the draft statutory clauses. Section 8 concludes with policy takeaways and an agenda for future empirical and litigation-based research.

2. Literature Review

The article sits at the intersection of three literatures. First, the regulatory-design and multi-regulator scholarship on overlap and coordination. Second, the CSR-enforcement literature on developing jurisdictions. Third, the doctrinal literature on Tanzania's extractive regime. Each contributes a piece of the analytical apparatus, and each leaves a gap that the article fills.

Firstly, the scholarship on extractive sector CSR has been overwhelmingly empirical, sectoral, and management-oriented. Lauwo, Otusanya, and Bakre's 2016 study of the mining sector identifies a 'regulatory vacuum' filled by NGO activism, locating the regulatory weakness in the absence of binding state oversight; the study's critical move is to show that the formal regulatory apparatus fails to produce substantive enforcement [19]. Melyoki's 2020 chapter argues, by contrast, that the 2017 mandatory-CSR amendments are producing a real transition from voluntary to legislative regulation, and that the pessimism of the earlier literature is being progressively overtaken by the maturing statutory framework [20]. Mbirigenda and Msoka's 2015 study, methodologically distinct, notes community-perceived divergence between corporate CSR rhetoric and CSR substance and locates the source of the divergence in inadequate community consultation rather than in regulatory design [26, 27]. The three studies, analysed together, sketch a regulatory landscape in which there is something to be said for both the regulatory vacuum and regulatory maturation diagnoses, and in which the community-perceived gap is real, regardless of which diagnosis is correct. It does not address a doctrinal analysis of the regulator-pair framework, with attention to specific statutory provisions that create overlap and the procedural pathways available to resolve it. That is the gap this article fills. The article therefore moves from an empirical description of enforcement weakness to a doctrinal diagnosis of its statutory sources.

Secondly, the comparative literature on multi-regulator regimes is more developed and, for present purposes, more diagnostically useful. Biber (2009), in 'Too Many Things to Do', an analysis of multiple-goal agencies, argues that agencies with overlapping mandates face systematic difficulty in prioritising, and that this difficulty is typically resolved by reverting to the priorities of the most politically salient stakeholder [28]. Freeman and Rossi (2012) in 'Agency Coordination in Shared Regulatory Space' develop a formal framework for coordination across overlapping mandates, distinguishing among competence-allocation, decision-rule, and information-sharing solutions and identifying the conditions under which each is appropriate [29]. Robb *et al.* (2023) systematic review of the regulatory-overlap literature catalogues empirical evidence on the costs of overlap and concludes that, on balance, uncoordinated overlap is welfare-reducing across the cases studied [30]. On the comparative side, the South African MPRDA framework is the most-studied African analogue of Tanzania's regime. Mostert's treatise on South African mineral law analyses the Social and Labour Plan (SLP) regime that operates as the South African counterpart to the CSR plan in Tanzania [1], identifying the SLP's binding character, for it is a condition of the mining right and the coordination among the Department of Mineral Resources, the Mining Charter framework, and the BBBEE Act [31, 32]. Humby's work on the perpetuity-liability question in South African mining shows how a clear statutory allocation of competence between the sectoral and environmental regulators can be achieved [32]. The comparative literature establishes that overlapping mandates without statutory coordination produce welfare losses; coordination can be achieved through competence allocation, decision rules, or information-sharing instruments; and statutory, rather than administrative, coordination is more durable where the underlying overlaps are doctrinal rather than operational. What is not addressed is a regulator-pair matrix specific enough to drive drafting at the level of the individual statutory provision.

Thirdly, the administrative material on Tanzania's extractive sector is substantial. The TEITA Annual Report 2022/2023 records aggregate CSR contributions of TZS 65,277,643,439 and provides sector- and project-level disaggregation [24]; the Mining Commission's 2022/2023 Annual Performance Report records a parallel figure of TZS 16,007,975,113 for the Commission's own CSR-project oversight [25], creating the curious empirical fact that two regulators with overlapping competence over the same CSR plans produce non-reconciled aggregate figures whose divergence the regime supplies no mechanism to explain. The Solidarity Centre's 2022 report and the Lawyers' Environmental Action Team's 2021 retrospective on mining-and-environment litigation provide the operational and litigation-side empirical material against which the doctrinal findings of this article are triangulated [33, 34]. The TEITI Reconciliation Reports, the

international transparency initiative reporting cycles that ran parallel to and predated the domestic TEITA Act, supply a longer time-series of aggregate extractive-sector disclosure data, and the 2018/19 reconciliation report in particular is useful for the pre-2023 baseline against which the post-Mining (CSR) Regulations period can be assessed [24]. The administrative material confirms the doctrinal diagnosis of overlap from a different angle: the two regulators' aggregate figures diverge, the reporting frames differ, and the reader who is interested in the answer to 'how much extractive-sector CSR is being done in Tanzania?' cannot, on the public record, answer the question without reconciling reports whose statutory bases are themselves uncoordinated.

Finally, the literature identifies the symptom. The symptom is substantive weakness in CSR enforcement in Tanzania. They also characterise the comparative landscape, which is a multi-regulator overlap, a recurring pattern in the African extractive sector, and provide the operational data, such as the TEITA and Mining Commission reports. What it does not address is locating the symptom doctrinally. This means identifying the specific statutory provisions whose drafting produces the overlap, the specific regulator pairs whose competence intersects, and the specific drafting interventions that would resolve each intersection. The article positions itself precisely in that doctrinal lacuna. Its contribution is not the discovery of overlap, which previous scholarship has noted in general terms, but the regulator-pair-level mapping of overlap to statutory text and the corresponding statutory-text reform proposal. The framework is built on the regime but structured to be transferable. This means any extractive-sector multi-regulator regime can be diagnosed using the same regulator pair and overlap category schema, and reforms can be calibrated accordingly.

3. Theoretical Framework

The article draws on four theoretical resources, each chosen for the specific analytical leverage it supplies. Each is defined here and translated into a testable proposition about how overlaps generate enforcement outcomes.

Institutional theory, in the DiMaggio and Powell tradition [21], identifies three mechanisms by which institutional pressures shape organisational behaviour. These are coercive, mimetic, and normative. The coercive mechanism is the relevant one for legal-architectural analysis because it operates through formal and informal pressures exerted by other organisations on the focal organisation. The effectiveness of the mechanisms depends on the clarity, consistency, and concentration of the pressure. Where the regulatory pressure is fragmented across multiple regulators with overlapping competence, the coercive pillar is weakened, the regulated entity faces ambiguity rather than imperative, and Meyer and Rowan's 'decoupling', i.e., the gap between formal compliance and operational behaviour, becomes the predictable institutional response [35, 36]. Campbell's synthesis of the institutional preconditions for socially responsible corporate behaviour treats clear, well-enforced regulation as one of the core preconditions; jurisdictional paralysis undermines that precondition by making regulation simultaneously over-present in the number of regulators) and under-present, in the clarity of authority [37]. Hence, the first proposition is that 'where two or more regulators hold statutorily concurrent supervisory competence over a CSR obligation without a hierarchy clause, coercive pressure on the regulated entity is diluted to the lowest common denominator among the regulators.'

Moreover, the principal–agent analysis, classically applied to the regulator–regulated firm relationship, becomes more complex where a single agent, that is, a firm, faces multiple principals, that is, regulators, with overlapping but not identical interests [38, 39]. The multi-principal configuration produces well-documented pathologies. These include the agent playing the principals off against each other, the principals' collective enforcement being suboptimal even when each principal is individually motivated, and information asymmetries multiplying because each principal observes only a fraction of the agent's behaviour. Crucially, the multi-principal pathology is not solved by adding more principals. It is solved by reducing the number of principals to one or by introducing a coordination rule that aggregates the principals into an effective unity for enforcement purposes. Hence, the second proposition is that 'where regulator pairs share enforcement competence over the same CSR conduct but pursue distinct institutional objectives, regulated entities can structure conduct to satisfy the more easily satisfiable principal and to externalise the dissatisfaction of the other principal as inter-agency conflict.'

In the regulatory governance literature, drawing on Jordana and Levi-Faur's analysis of the politics of regulation in the post-deregulation era [40], scholars have developed an analysis of inter-agency coordination. Freeman and Rossi distinguish three families of coordination instruments. First, competence allocation, meaning the law specifies which regulator is primary for which subject matter. Second, a decision rule, implying that the law specifies how conflicts between regulators are resolved. Third, information-sharing suggests that the law requires regulators to share data and coordinate findings [40]. The choice among the three depends on the nature of the underlying overlap: pure subject-matter overlap is best resolved by allocation, contested-competence overlap by decision-rule, and complementary-competence overlap by information-sharing. The regime supplies almost none of the three; its overlaps proceed without competence allocation, a decision rule, or mandatory information sharing. Hence, the third proposition is that "where the regime supplies neither competence allocation, nor decision rules, nor information-sharing instruments, overlapping regulators default to administrative non-engagement at the boundary of their respective mandates, producing enforcement vacuums precisely at the high-friction operational points.'

In addition, the rule of law literature, from Fuller's eight principles of legality through Raz's and Bingham's elaborations, supplies the normative benchmark against which the doctrinal findings are assessed [41-44]. Of Fuller's principles, two are particularly stressed by overlap. First, clarity. This means the law must be understandable to those subject to it. Second, congruence. It is about the administered rule matching the declared rule. A regime in which multiple regulators apply the same rule differently fails the congruence requirement at the administrative level; a regime in which the regulated entity cannot determine ex ante which regulator's interpretation will govern fails the clarity requirement at the legislative level. The High Court of Tanzania's 2026 decision in Kegoye [23] affirms the 'intelligible standards' principle in the administrative law context, and that principle is, this article argues, generalisable from delegated legislation, which was its facts, to institutional design provisions, which is the present concern. Hence, the fourth proposition is that 'statutory frameworks that allocate competence to multiple regulators without intelligible standards for the allocation breach the same intelligible standards principle that Kegoye applied to delegated legislation, with implications for the constitutional rule-of-law framework under Articles 9 and 13(1) of the Constitution [8].'

Therefore, jurisdictional paralysis is the operational outcome of regulator pair overlap in the absence of statutory coordination because each regulator addresses part of the subject matter, none addresses all of it authoritatively, and the cumulative enforcement gap exceeds the sum of the individual regulators' gaps. Regulatory arbitrage is the regulated entity's strategic response to paralysis: structuring conduct to fall within the jurisdiction of the most lenient regulator, or into the gap between regulators where neither clearly holds primary competence. Coercive capacity is the statutory and operational capacity of the regulatory apparatus to convert formal CSR obligations into binding behavioural constraints on the regulated entity; the article's argument is that coercive capacity is a function not of the number of regulators but of the architectural coordination among them.

The normative yardsticks for evaluating reforms are accordingly four. First, legal clarity. In this article, the author asks, 'Does the reform make the regulator's authority intelligible to regulated entities and rights-holders?' Second, accountability. In this article, the author inquires whether the reform produces identifiable institutional responsibility for enforcement outcomes. Third, enforceability. The author asks whether the reform provides procedural pathways to enforce obligations. Fourth, political feasibility. In this yardstick, the author asks: Can the reform be enacted within Tanzania's constitutional and political economy parameters? The four yardsticks are applied to each reform proposal in Section 7.

4. Methodological Approach

The research design is doctrinal textual with structured comparative triangulation. Doctrinal textual analysis is appropriate for three reasons. First, the research question concerns the framework of statutory and regulatory provisions, and the appropriate evidence is the provisions themselves. Second, no primary fieldwork could plausibly establish why the overlap exists at the statutory level. Analysing the statutes answers that question, not interviewing the officials who administer them. Third, the article's reform proposals are themselves statutory text proposals, and the diagnostic and reform sides of the analysis must therefore share a textual register.

The institutions analysed are those whose statutory mandates relate to the extractive-sector CSR plan obligation [1], to the disclosure and enforcement framework surrounding those obligations. The selection is exhaustive of the institutions whose mandates intersect with the CSR plan as a matter of black letter law; it is not selective. The CSR Technical Committee is included because, although created by delegated legislation rather than by primary statute, its position in the operational regulatory framework is non-trivial.

The texts analysed are: the Mining Act [1], the Petroleum Act [18], the TEITA Act [5], the EMA [4], the Local Government (District Authorities) Act [2], and the Local Government (Urban Authorities) Act [3], the Fair Competition Act [45], the Employment and Labour Relations Act [10], the Labour Institutions Act [11], the Occupational Safety and Health Act [12], the Commission for Human Rights and Good Governance Act [7], the Companies Act [46], and the Mining (CSR) Regulations [6]. Constitutional anchors are taken from the Constitution of the United Republic of Tanzania, 1977, as amended.

The unit of analysis is the regulator pair: a directed or undirected relationship between two institutions whose statutory mandates intersect at some specific point. Each pair is examined for: (i) the specific statutory provisions creating the intersection; (ii) the nature of the intersection by category; (iii) the presence or absence of a statutory coordination instrument; and (iv) the doctrinal consequences for the enforcement of the CSR plan obligation. The regulator pair unit was chosen rather than the regulator unit or the regime unit because it is the smallest unit at which overlap occurs and at which a drafting solution can be specified. Regulator-level analysis would aggregate too much and miss the differences between, for instance, Mining Commission–LGA overlap and Mining Commission–NEMC overlap; regime-level analysis would aggregate even more and reduce the diagnostic to 'the regime is overlapping', which is uninformative for drafting purposes. The institutions produce undirected pairs; not every pair exhibits overlap, and the article identifies the pairs that do.

Each regulator-pair overlap is coded against five categories, defined as follows. First, Concurrent Supervisory Competence: two regulators are statutorily charged with supervising or approving the same conduct, e.g., both the Mining Commission and the LGA in respect of the CSR plan. Second, Duplicated Monitoring: two regulators conduct overlapping

monitoring or audit functions over the same operations without integrated reporting, e.g., NEMC environmental audits and Mining Commission environmental supervision. Third, Conflicting Sanctioning Authority: two regulators are empowered to sanction the same conduct under different statutes, with sanctions that may differ in kind or magnitude. Fourth, Reporting Duplication: the regulated entity is required to submit substantially overlapping reports to two or more regulators on different statutory bases. Fifth, Advisory–Binding Asymmetry: one regulator's competence over the conduct is advisory while another's is binding, with no specification of how advisory determinations relate to binding ones. The categories are not mutually exclusive because a single regulator pair can fall within more than one category, and several of the most damaging overlaps documented in Section 5 are multi-category. The categories are, however, jointly exhaustive of the overlap patterns observed in the regime: every overlap relationship in the extractive-sector CSR framework falls within at least one of the five categories.

Where statutory provisions are textually ambiguous, the article applies classical common-law construction techniques. These include contextual reading within the statute; consideration of the long title and preamble; recourse to in pari materia statutory provisions; and, where available, judicial interpretation. The 2026 Kegoye decision [23] provides the most recent and most directly relevant interpretive authority on the Mining Act/Mining (CSR) Regulations framework; the 2018 Reni International decision [47] provides earlier authority on the LGA's supervisory authority. Comparative authority is used as illustrative rather than determinative.

The doctrinal findings are triangulated against the TEITA Annual Report 2022/2023 and the Mining Commission Annual Performance Report 2022/2023 by asking, for each overlap-category finding, whether the administrative reports record patterns consistent with the doctrinal prediction. The triangulation is not statistical; it is corroborative. For example, where the doctrinal analysis predicts that overlap in CSR-fund administration produces non-reconciled aggregate figures, the empirical confirmation is that the TEITA and Mining Commission reports record materially different aggregate CSR figures for the same reporting period [24, 25].

However, the article acknowledges three methodological limitations. First, textual analysis cannot establish whether overlaps that appear doctrinally significant are operationally significant; a regulator pair whose statutes overlap may in practice have developed informal coordination that the texts do not record. The triangulation against administrative reports partially addresses this limitation. Second, the article relies on the public administrative record, which is itself patchy in the context; some operational practices that would refine the doctrinal findings are not publicly documented. Third, the article does not address the political-economy questions of why the overlapping framework was enacted in its current form; that is a question for separate research using different methods. The article's focus on doctrinal diagnosis rather than operational prediction, and the conservatism of its reform proposals, mitigate these limitations by aiming for robustness across a range of operational realities consistent with the doctrinal framework.

5. Legal and Institutional Mapping Analysis

5.1. Institutional Inventory and Mandates

The institutions whose mandates intersect with the section 136/222 CSR plan obligation are reviewed here in turn, with attention to the statutory provision creating the mandate and the operational scope of the mandate as it bears on extractive-sector CSR.

First, the Mining Commission [1, 48] is a body corporate whose functions include supervising the implementation of corporate social responsibility plans [1]. Its composition is executive-dominated because six of nine members sit by virtue of executive office [1]. It operates under the Minister for Minerals' rule-making jurisdiction. It extends good-faith immunity to officers in respect of acts done in the performance of their functions [1]. Second, the Minister for Minerals is the rule-making authority for regulations [1]. This authority led to the promulgation of the Mining (CSR) Regulations 2023. The Minister is the appellate authority for decisions of the Mining Commission [6]. The Minister exercises discretion over extensions of time [6]. The concentration of rule-making, appellate, and discretionary functions in a single political office is the regime's most significant institutional design feature. Third, the Minister Responsible for Local Government and the Minister for Finance have a consultation role in CSR planning [1]. The Mining Act requires the licence holder, in making the CSR plan, to consult 'the Minister responsible for local government authorities and the Minister responsible for finance' [1]. The two-minister joint-consultation role is statutorily unspecified regarding its procedural form, substantive content, or relationship to the LGA approval function [1]. Fourth, the Mining Act vests in the LGA the function of approval of the CSR plan jointly with the licence holder [1]. The Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act supply general LGA functions over local environmental and social matters that intersect with extractive operations within LGA boundaries [3]. The CSR Technical Committee [6] reviews and approves CSR plans. Its composition excludes host community representatives while including the regulated entity through its representative. Its review is subject to the twenty-one-day deemed-approval rule [6].

In addition, the National Environmental Management Council (NEMC) [4] performs environmental monitoring [4], environmental impact assessment review [4], and environmental audit and monitoring [4]. These functions overlap with

the Mining Commission's environmental supervision [1]. Sixth, the TEITA Committee [5] receives CSR reports from extractive companies [5] and publishes specified categories of information [5]. The publication scope is restricted to 'implementation of Environmental Management Plans' [5]. Hence, it leaves the broader CSR plan substance outside the mandatory publication regime. The Fair Competition Commission (FCC) [45] exercises consumer protection functions [45]. It overlaps with sectoral regulators, including the TCRA, EWURA, and the BoT, in respect of CSR-relevant consumer-protection conduct [45, 49-51]. The Labour Commissioner administers employment and labour functions [10, 11]. The Chief Inspector administers workplace safety functions [12]. Both administrations engage with CSR plan elements concerning labour and workplace conditions. The CHRAGG [7, 8] receives complaints concerning human rights and good governance violations, including those arising from extractive sector operations. Its recommendations require judicial enforcement under the procedure illustrated in Koroso [9].

5.2. The Regulator Pair Matrix

The matrix below presents the regulator-pair overlap relationships identified in the regime, coded by overlap category and statutory citation. Each cell records the regulator pair, the operative statutory provisions, and the overlap categorisation. Pairs with no overlap are omitted. The matrix is the article's primary doctrinal contribution.

Table 1. *Tanzania Extractive-Sector CSR Regulator Pair Overlap Matrix.*

SN	Regulator Pair	Statutory Citation Creating Overlap	Overlap Type
1	Mining Commission and LGA	Mining Act s 24(u) & s 136(4)(b)	Type 1 (concurrent)
2	Mining Commission and CSR Technical Committee	Mining Act s 24(u); Mining (CSR) Regs regs 6–9	Type 1 (concurrent)
3	Mining Commission and NEMC	Mining Act s 24(h)–(l); EMA ss 18(2)(a) & 101	Type 2 (monitoring)
4	Mining Commission and Minister for Minerals	Mining Act ss 24, 160; Mining (CSR) Regs reg 17(3)	Type 5 (asymmetry)
5	Mining Commission and TEITA Committee	Mining Act s 24(u); TEITA Act ss 15–16	Type 4 (reporting)
6	LGA and CSR Technical Committee	Mining Act s 136(4)(b); Mining (CSR) Regs reg 7	Type 1 + Type 5
7	LGA and Minister for LGAs	Mining Act s 136(1) & (4)(b)	Type 5 (asymmetry)
8	LGA and NEMC	LGA Acts (general functions); EMA ss 18 & 101	Type 2 (monitoring)
9	Minister for Minerals and Minister for LGAs	Mining Act s 136(1); Mining (CSR) Regs reg 9(2)	Type 1 + Type 5
10	Minister for Minerals and Minister for Finance	Mining Act s 136(1)	Type 1 (concurrent)
11	Minister for Minerals and Mining Commission (appellate)	Mining (CSR) Regs reg 17(3) & reg 19(2)	Type 3 (sanctioning)
12	NEMC and TEITA Committee	EMA ss 18 & 101; TEITA Act s 16(1)(c)	Type 4 (reporting)
13	NEMC and Chief Inspector (OSH)	EMA s 18; OSH Act ss 5–6, Parts V–VI	Type 2 (monitoring)
14	NEMC and Designated National Authority (Carbon)	EMA s 18; Carbon Trading Regs reg 9	Type 2 (monitoring)
15	TEITA Committee and CSR Technical Committee	TEITA Act ss 15–16; Mining (CSR) Regs regs 6–9	Type 1 + Type 4
16	TEITA Committee and Minister for Minerals	TEITA Act s 16; Mining Act s 160	Type 5 (asymmetry)
17	CSR Technical Committee and Minister for Minerals	Mining (CSR) Regs regs 9(4), 17(3)	Type 3 + Type 5
18	FCC and TCRA / EWURA / BoT	FCA s 96; TCRA Act s 5(1); EWURA Act s 6	Type 3 (sanctioning)
19	Labour Commissioner and Chief Inspector	ELRA s 7; OSH Act ss 5–6	Type 2 (monitoring)

SN	Regulator Pair	Statutory Citation Creating Overlap	Overlap Type
	(OSH)		
20	Labour Commissioner and CHRAGG	ELRA s 7; Constitution art 130	Type 5 (asymmetry)
21	CHRAGG and Mining Commission	Constitution art 130; Mining Act s 24(u)	Type 5 (asymmetry)
22	CHRAGG and NEMC	Constitution art 130; EMA s 18	Type 5 (asymmetry)
23	Mining Commission and Designated Land/Lands Bodies	Mining Act s 95; Land Act provisions	Type 1 (concurrent)

Source: author's coding from primary statutes and regulations cited.

5.3. Pattern Analysis and Doctrinal Implications

The matrix yields four observations that the descriptive enumeration cannot deliver. First, the most overlap-intensive pairs cluster around the section 136 CSR plan itself. How so? The CSR plan is supervised by the Mining Commission, approved by the LGA, reviewed by the CSR Technical Committee, developed after consultation with two ministers, and reported to the TEITA Committee. The single most operationally consequential statutory instrument in the regime is subject to overlapping oversight from at least six institutions. Second, advisory–binding asymmetry is the modal overlap category, appearing in eight of the pairs. The asymmetry is doctrinally pernicious because it allows each regulator to claim its function as advisory when held to account, and as binding when invoking authority. Hence, it frustrates rights-holder enforcement and licence-holder predictability in a symmetrical way. Third, the framework concentrates conflicting sanctioning authority at the Minister-for-Minerals end, where rule-making, appellate, and disciplinary functions overlap in a single political office. Fourth, no pair in the matrix is supplied with a statutory coordination instrument from any of the three families identified by Freeman and Rossi: there is no competence-allocation provision, no decision-rule provision, and no information-sharing provision in any pair [29].

The statutory drafting features that produce the pattern are identifiable. First, parallel grants of function without exclusivity language because section 24(u) of the Mining Act vests CSR supervisory function in the Mining Commission and section 136(4)(b) vests an approval function in the LGA, without language indicating which is primary. Second, vague delegation since section 136 of the Mining Act delegates 'the modalities' to the Mining (CSR) Regulations without intelligible standards, which the Kegoye decision found unconstitutional in part. Third, overlapping sanctioning powers, without hierarchy, between the Mining Act and the TEITA Act create non-coordinated sanctioning regimes for CSR non-compliance. Fourth, the absence of advisory-binding clarification proliferates because the statutes do not distinguish, for any pair, which institution can review which determination.

5.4. Cross-Checking Against Administrative Reports

The doctrinal pattern is corroborated by the administrative reports. The TEITA Annual Report 2022/2023 records aggregate extractive-company CSR contributions of TZS 65.28 billion [24]; the Mining Commission Annual Performance Report 2022/2023 records aggregate CSR-project implementation of TZS 16.01 billion [25]. The two figures differ by a factor of four and are not reconciled. The Mining Commission report covers CSR projects under its supervisory mandate; the TEITA report covers CSR contributions under the disclosure mandate. The two mandates overlap, but the reports do not cross-reference, and the public reader cannot identify which projects in one report correspond to which contributions in the other. The empirical fact corroborates the doctrinal finding: where reporting duplication overlaps go unresolved, the operational consequence is parallel reporting streams that the public record cannot reconcile.

The pattern is sharpened by the Reni International [47] and Kegoye [23] decisions. In Reni International, the High Court confined the LGA's supervisory authority to the section 136(4)(b) approval function and held that it did not extend to altering private contracts; the decision resolved the specific dispute but did not specify how the LGA function relates to the Mining Commission supervisory function. In Kegoye, the High Court struck down regulations 4(4)(a) and (b) of the Mining (CSR) Regulations as ultra vires, but the doctrinal point extends beyond the specific regulations: the Minister was authorised, in the same regulations, to act as the appellate authority from the Mining Commission whose work he supervised. Together, the two decisions confirm that the High Court has begun to engage with the framework, but has done so case-by-case rather than structurally, in a manner that confirms rather than resolves the diagnosis.

Two operational hotspots emerge from the matrix and the administrative material. The first is the environmental approvals interface, where NEMC, the Mining Commission, the LGA, the Chief Inspector, the Designated National Authority, and the TEITA Committee each hold partial competence, and

no statute coordinates them. The second is CSR fund administration, where the section 136 CSR plan, as the operative instrument, is subject to overlapping oversight without a coordination mechanism. These two hotspots are where reform should be sequenced first and where empirical evidence of enforcement failure is most concentrated.

6. Rule of Law Assessment and Institutional Theory Implications

6.1. Rule of Law Standards Implicated

Three rule-of-law standards are directly implicated by the matrix-mapped overlaps: legal certainty, intelligibility, and non-arbitrariness. Legal certainty requires that the regulated entity be able to ascertain ex ante the legal consequences of intended conduct; the framework fails to meet this standard for the section 136 CSR plan because the plan's legal effect depends on which of the six overlapping regulators engages it first and how the others respond. Intelligibility requires that the law speak in terms the regulated entity can understand; the framework defeats this standard because the statutes do not specify the relationship among the overlapping regulators, so the rule that emerges from administrative practice is not a rule but an outcome. Non-arbitrariness requires that similarly situated regulated entities be treated similarly; the framework defeats this standard because the regulator pair that engages a given licence holder is not specified in advance, so identical conduct can produce divergent enforcement outcomes depending on which regulator engages and in what sequence.

The Kegoye [23] decision is directly authoritative on the intelligibility deficit. The High Court held that the Minister, in promulgating regulations 4(4)(a) and (b) of the Mining (CSR) Regulations, exceeded his statutory authority because the parent Act did not authorise the prescription of percentage divisions of CSR resources. The reasoning, in its ratio, is that delegated legislation must provide intelligible standards for exercising discretion; the implication, this article argues, is generalisable from delegated legislation to institutional design. A statutory framework that vests competence in multiple regulators without intelligible standards for the allocation breaches the same principle that Kegoye applied. The argument finds analogous support in English administrative law authority on which courts rely, in particular Padfield v Minister of Agriculture, Fisheries and Food and Attorney General v Fulham Corporation [52, 53].

6.2. The Coercive Pillar of Institutional Theory Weakened

Institutional theory's coercive pillar depends on three operational properties. First, inspection: the regulator can ascertain whether the rule has been complied with. Second, the regulator can impose sanctions for non-compliance. Third, adjudication: the regulator's determinations are final unless reviewed under specified procedures. Each of the three is weakened by the overlap pattern. Inspection is weakened because four institutions hold partial monitoring competence over the section 136 plan, and none holds comprehensive monitoring competence: a defect identified by one regulator may be regarded as out of scope by another, and the licence holder can defer compliance pending inter-agency clarification, for which the framework provides no mechanism. Sanctions are weakened because multiple sanctioning authorities without a hierarchy create sanction-shopping incentives for both regulators; each prefers to be the sanctioning authority, as a matter of institutional self-preservation, and licence holders prefer to accept the most lenient sanction available. Adjudication is weakened because the appellate framework concentrates the appellate function in the Minister, whose rule-making power created the rules under appeal, and provides no independent administrative tribunal.

6.3. Predictable Behavioural Responses

Three behavioural responses follow predictably from the framework. First, regulatory arbitrage by licence holders: the licence holder structures its CSR plan and its compliance practices to satisfy the most easily satisfied regulator. Empirical evidence consistent with this prediction is found in the divergent aggregate CSR figures reported by the TEITA Committee and the Mining Commission for the same period, and in the noted disconnect between formal CSR plan content and substantive community impact recorded by Gillo and others at North Mara [54]. Second, agencies shift blame: when an enforcement gap manifests, each agency disclaims primary responsibility, claiming another agency holds primary competence. The pattern is implicit in the contrast between the Mining Commission's reporting on its CSR project oversight and the TEITA Committee's reporting on CSR contributions: neither report contains the cross-reference needed to attribute operational gaps. Third, selective enforcement: agencies prioritise enforcement against licence holders whose conduct is most clearly within their core mandate, leaving overlap-zone conduct under-enforced. The pattern is consistent with the regulatory capture and political-economy literature on regulators in developing jurisdictions.

6.4. Consequences for Access to Remedy

The architectural consequences for host communities are doctrinally severe. A community confronting a CSR plan it considers inadequate has no clear institutional addressee for grievance: it can petition the Mining Commission, the LGA, the CSR Technical Committee, the Minister for Minerals, NEMC, the TEITA Committee, CHRAGG, or the Minister for LGAs, and each will hold partial competence to address part

of the grievance. The Koroso [9] litigation illustrates the operational cost because CHRAGG recommendations require judicial enforcement, which can be delayed for extended periods, during which the underlying conduct continues. The accountability chain 'community → addressee institution → authoritative determination → remedy' is broken at the addressee-institution step, before substantive consideration of the grievance begins.

The principle in R v Lord Chancellor [55], though an English authority, is persuasive in the present context: access to justice is a constituent element of the rule of law, and a procedural framework that makes access to authoritative determination uncertain or expensive defeats the rule-of-law standard. The extractive-sector CSR framework, by distributing addressee-institutions without specifying which is the addressee-of-first-instance for a given grievance, imposes on host communities a procedural cost that exceeds what the substantive obligations would impose under a coherent framework. The doctrinal route from this cost to a constitutional rule-of-law claim under Articles 9 and 13(1) is available, though it has not been pursued in litigation to date.

7. Reform Proposals and Drafting Guidance

7.1. Reform Objectives and Principles

The reform programme is organised around four principles drawn from the rule-of-law and regulatory governance analysis above. First, clarity: the framework must specify which institution is primary for which conduct. Second, exclusivity: within each competence, it must be either statutorily affirmed or statutorily disclaimed. Third, dispute resolution: the framework must contain a binding mechanism for resolving inter-agency conflict. Fourth, transparency: the framework must produce a single, public, reconciled record of CSR plans, projects, and contributions.

7.2. Institutional Models

Four institutional models are doctrinally available. Model A, Central Statutory Oversight Body. This model proposes a new statutory body with cross-sectoral coordination and standard-setting competences across the ten institutions, reporting to Parliament rather than a sectoral minister. The model is structurally analogous to South Africa's consolidated regulatory framework under the MPRDA [56, 57] and to the EITI multi-stakeholder board model [58]. Model B, Exclusive Competences. This article proposes a statutory amendment to the Mining Act and the EMA to specify the exclusive scope of each regulator's competence, with coordination procedures for shared-competence matters. Model C, Binding Inter-Agency Dispute Resolution. The model is about the statutory creation of an inter-agency CSR Coordination Council with binding decision-making authority over inter-regulator disputes, supplemented by an independent administrative tribunal to hear appeals from regulators' decisions. Model D, Strengthened LGA Role. This model is about statutory upgrading of the LGA approval function under section 136(4)(b) to a binding host-community consultation function, with the LGA acting as host-community proxy in inter-regulator coordination [59, 60].

The article recommends a combination of Models A and C: an Extractive Sector CSR Coordination Authority, established by primary legislation, with binding decision authority over inter-regulator disputes and an attached independent appellate tribunal. The combination is preferred over Model B alone because exclusive-competence allocation is doctrinally complex in this context because many CSR conduct types are genuinely multi-dimensional and cannot be cleanly allocated to one regulator, and over Model D alone because the LGA capacity to act as host-community proxy is empirically uneven, with the strongest LGAs concentrated in urban and well-resourced districts and the weakest LGAs in precisely the extractive-host areas where the framework is most needed [61, 62].

7.3. Draft Statutory Clauses

The following clauses are offered as drafting templates. They are calibrated to the statutory drafting style and to the legislative drafting conventions in operation in Tanzania since the Written Laws (Miscellaneous Amendments) Acts of the 2010s. They should be adopted with the political and stakeholder calibration that any drafting process entails.

Clause 1: Establishment and Mandate

(1) There is hereby established a body to be known as the Extractive Sector Corporate Social Responsibility Coordination Authority (hereinafter "the Authority"), which shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, and capable of acquiring, holding, and disposing of movable and immovable property. (2) The Authority shall have exclusive competence to coordinate, supervise, and adjudicate disputes between regulators in respect of the implementation of corporate social responsibility obligations under section 136 of the Mining Act, section 222 of the Petroleum Act, and sections 15 and 16 of the Tanzania Extractive Industries (Transparency and Accountability) Act. (3) The Authority shall not exercise the substantive regulatory competences of the Mining Commission, the National Environmental Management Council, the Tanzania Extractive Industries (Transparency and Accountability) Committee, or any other extractive-sector regulator, but shall coordinate the exercise of those competences in accordance with this Act.

Clause 2: Composition

(1) The Authority shall consist of a Chairperson appointed by the President on the recommendation of the relevant Parliamentary Committee, the Permanent Secretaries of the Min-

istries responsible for minerals, energy, finance, local government, and environment, the Chairpersons of the Mining Commission, NEMC, and the TEITA Committee, two representatives of host communities selected through a procedure prescribed by regulations and accountable to the communities they represent, two representatives of civil society with proven experience in extractive-sector governance, and two representatives of the industry. (2) The Chairperson and the host-community and civil-society representatives shall serve on a full-time basis; the remaining members shall serve part-time. (3) No member of the Authority shall be removable except for cause established before the relevant Parliamentary Committee.

Clause 3: Dispute Resolution

(1) Where two or more regulators identified in section 2(2) of this Act reach inconsistent determinations in respect of the same corporate social responsibility conduct, any regulator, the licence holder, or a representative of an affected host community may refer the matter to the Authority for resolution. (2) On a reference under subsection (1), the Authority shall, within sixty days of receiving the reference, conduct a hearing at which each regulator, the licence holder, and the affected host community shall be entitled to be heard, and shall issue a reasoned written determination identifying which regulator's determination is to prevail and on what statutory basis. (3) A determination of the Authority under subsection (2) shall be binding on all regulators and on the licence holder, subject only to appeal under section 8 of this Act to the Extractive Sector Regulatory Tribunal. (4) The Authority shall publish all determinations under this section in a publicly accessible register within fourteen days of issuance.

Clause 4: Reporting and Sanctioning Hierarchy

(1) Where a licence holder is required by more than one regulator to submit substantially similar reports concerning corporate social responsibility conduct, the licence holder shall submit a single consolidated report to the Authority in such form as the Authority may prescribe by regulations, and the Authority shall distribute the report to each regulator within seven days of receipt. (2) Where two or more regulators are empowered by their respective statutes to impose sanctions on the same licence holder in respect of the same conduct, the regulator that engages the conduct first in time shall hold primary sanctioning authority, and any subsequent regulator shall be confined to consequential or complementary sanctions. (3) For the purposes of subsection (2), "engages the conduct first in time" shall be determined by reference to the register maintained by the Authority under section 6 of this Act.

Clause 5: Host-Community Standing

(1) Without limiting the powers of any regulator under any other written law, an affected host community, acting through its lawfully constituted representatives or through a registered civil-society organisation, shall have standing to institute proceedings before the Authority, the Extractive Sector Regulatory Tribunal, or the High Court of Tanzania for the enforcement of corporate social responsibility obligations under section 136 of the Mining Act, section 222 of the Petroleum Act, and sections 15 and 16 of the TEITA Act. (2) Section 186(2) of the Companies Act shall not apply to proceedings instituted under subsection (1). (3) Proceedings under subsection (1) shall not be subject to filing fees or security for costs, save as the Tribunal or court may direct on the application of the licence holder for substantial and demonstrable cause.

The clauses are drafted in the present indicative style, which is standard in primary legislation. Clause 1 specifies the Authority's exclusive competence over coordination without dispossessing the substantive regulators of their substantive functions, addressing the regulatory-specialism concern. Clause 2 provides a multi-stakeholder composition modelled on the TEITA Committee, but extended to include direct representation from the host community, thereby addressing the participation deficit. Clause 3 provides for an explicit dispute-resolution procedure with a reasoned determination and binding effect, addressing the absence of decision-rule provisions identified in Section 5.3. Clause 4 provides for consolidated reporting through the Authority, addressing the parallel-reporting pathology, as corroborated by the divergent figures from TEITA and the Mining Commission [24, 25]. Clause 5 provides the standing reform doctrinally necessary for the framework to operate for host communities, displacing the section 186(2) Companies Act restriction in the extractive-sector CSR context [46].

7.4. Transitional Arrangements

Transitional arrangements should avoid creating a regulatory vacuum during the Authority's establishment and manage the political-economy resistance that institutional consolidation predictably provokes [64]. The recommended transitional clauses provide that: (i) existing regulators continue to exercise their substantive functions until the Authority is operational; (ii) the Authority's dispute-resolution function comes into operation on a date proclaimed by the President not later than twelve months after the Act receives Presidential assent; (iii) the Authority's consolidated-reporting function comes into operation in respect of CSR reporting cycles beginning not less than six months after the function is proclaimed; (iv) pending litigation before the existing regulators continues under the procedures in operation at the time of commencement of the litigation; and (v) the Mining (CSR) Regulations and the TEITA Act subsidiary instruments remain in force pending amendment [63, 64].

7.5. Constitutional and Administrative Law Risks

Three doctrinal risks attend the reform package. First, establishing an exclusive-competence body raises a separation-of-powers concern if the Authority's composition is dominated by executive nominees; the recommended composition

in Clause 2 mitigates this through parliamentary recommendation of the Chairperson and full-time host-community and civil-society representation, but the political-economy difficulty of these provisions should not be understated. Second, the binding inter-agency dispute resolution in Clause 3 may be challenged on the ground that it derogates from the statutory functions of the substantive regulators; the recommended response is to draft the Mining Act, EMA, and TEITA Act amendments concurrently, so that the substantive-regulator statutes are amended to subordinate inter-regulator dispute determination to the Authority's jurisdiction. Third, the standing reform in Clause 5 displaces section 186(2) of the Companies Act in the extractive-sector CSR context; the displacement is narrow and explicit, which mitigates the risk of generalised disruption of the company-law standing rules, but the drafting must specify the scope of the displacement carefully to avoid over-broad reading by courts [65, 66, 71, 72].

7.6. Phased Reform Roadmap

The reform programme is sequenced in three phases. Short term, zero to eighteen months. Administrative coordination measures, such as memoranda of understanding among the existing regulators, particularly between the Mining Commission, NEMC, and the LGA, address the most acute hotspot overlaps. It is strengthening the TEITA Committee's publication scope under section 16(1)(c) to cover CSR plan implementation rather than only Environmental Management Plan implementation; and judicial development of standing for host communities under Article 30(3) of the Constitution through strategic litigation [67, 68, 73, 74]. These measures are achievable without primary legislation but do not resolve the structural overlap; they buy time and produce diagnostic information for the medium-term reform.

Medium term, eighteen to forty-eight months. The enactment of the Extractive Sector CSR Coordination Authority Act, with the clauses outlined in 7.3, together with consequential amendments to the Mining Act (ss 24(u), 136), the Petroleum Act (s 222), the EMA (ss 18, 101), and the TEITA Act (ss 15, 16). The amendments should be drafted as a single Written Laws (Miscellaneous Amendments) instrument to ensure consistent cross-referencing and contemporaneous commencement. Stakeholder engagement during this phase should include the Mining Commission, NEMC, the TEITA Committee, the LGAs of extractive-host districts, particularly Geita, Mara, Shinyanga, and the Mtwara petroleum corridor, the Federation of Miners Associations of Tanzania, the Chamber of Mines and Energy, the Lawyers' Environmental Action Team, and host-community representative organisations [69, 75].

Long-term (forty-eight months and beyond): constitutional amendment to address the Article 7(2) ouster of justiciable Part II directives, in line with the Warioba Commission proposals [70, 76] so that the social-welfare commitments in Article 9 become justiciable as a constitutional anchor for the statutory framework established in the medium-term phase. The long-term phase is the most politically contested, and the article does not advocate making medium-term reform contingent on achieving it; the medium-term Authority framework is operational without a constitutional amendment, though a constitutional amendment would strengthen its anchoring.

8. Conclusion and Policy Implications

This article has argued that Tanzania's extractive-sector CSR regulatory framework exhibits jurisdictional paralysis: a doctrinal condition in which competence is plural, hierarchy is absent, coordination is unspecified, and enforcement of CSR obligations is fragmented. The argument has been advanced through a regulator-pair mapping of overlap relationships among ten institutions, coded against a five-category typology and triangulated against the most recent administrative reports. The mapping locates the source of paralysis in specific provisions of primary and delegated legislation; section 136 of the Mining Act and its delegated detail in the Mining (CSR) Regulations 2023 are particularly implicated, and it identifies the drafting features that produce the overlap pattern.

The principal finding is that jurisdictional paralysis is not an administrative inefficiency to be remedied by inter-agency memoranda of understanding. It is a doctrinal failure with a doctrinal remedy. The framework lacks all three coordination-instrument families that the regulatory-governance literature identifies as operative: competence-allocation, decision-rule, and information-sharing, and this absence is uniform across the regulator pairs. The remedy is the supply, by primary legislation, of an Extractive Sector CSR Coordination Authority whose mandate, composition, dispute resolution, reporting consolidation, and standing functions are drafted with the precision provided by the article.

The immediate policy takeaways are three. For legislators, the priority is enacting the Coordination Authority statute and contemporaneously amending the sectoral statutes whose overlapping provisions produced the paralysis. The Authority is feasible without constitutional amendment, and its medium-term enactment should not be deferred pending the long-term constitutional reform that would strengthen its anchoring. For regulators, the priority is the short-term administrative coordination measures, memoranda of understanding addressing environmental approvals and CSR fund administration hotspots identified in Section 5.4, and the institutional preparation to operate within the Authority framework when enacted. For civil society and host-community organisations, the priority is the strategic litigation programme that would develop a standing doctrine under Article 30(3) of the Constitution, both for its immediate access-to-remedy value and as the doctrinal foundation for the standing reform in Clause 5 of the draft Authority statute.

Three avenues for future research are signalled. The first is empirical: the article's doctrinal predictions about regulator

behaviour, arbitrage, blame-shifting, and selective enforcement should be tested by targeted empirical research that goes beyond the public administrative record. The second is litigation-strategic: the doctrinal route from the matrix to constitutional rule-of-law claims under Articles 9 and 13(1) of the Constitution has not been pursued in court, and there is scope for a programme of strategic litigation to develop the doctrine and secure judicial validation for the legislative reform proposed here. The third is comparative: the framework should be applied to the extractive-sector CSR frameworks of Uganda, Ghana, and Mozambique, all of which exhibit structurally similar multi-regulator features and would benefit from regulator-pair-level doctrinal diagnosis. The framework is built in Tanzania but does not belong solely to Tanzania, and its transferability to comparable Sub-Saharan African jurisdictions tests its analytical reach.

The actionable reform summary is brief. Enact an Extractive Sector CSR Coordination Authority by primary legislation; amend sections 24(u) and 136 of the Mining Act, section 222 of the Petroleum Act, sections 18 and 101 of the EMA, and sections 15 and 16 of the TEITA Act concurrently; supply binding inter-agency dispute resolution under Clause 3 of the draft statute; consolidate reporting under Clause 4; reform standing for host communities under Clause 5; sequence administrative coordination short-term, primary legislation medium-term, and constitutional reform long-term. The regulator-pair matrix in Section 5 is the diagnostic instrument; the draft clauses in Section 7 are the reform instrument; the rule-of-law principles in Section 6 are the evaluative standard. The framework of paralysis is identifiable, and the framework of coordination is draftable. What remains is the political will to enact it.

Abbreviations

CSR Corporate Social Responsibility

Author Contributions

Eliud Kitime: Conceptualisation, Data curation, Formal Analysis, Funding acquisition, Investigation, Methodology, Project administration, Resources, Software, Supervision, Validation, Visualisation, Writing – original draft, Writing – review & editing

Conflicts of Interest

The author declares no conflicts of interest.

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