Political Handbook & NGO Calendar 2011

East African Community Treaty

Article 3

adherence to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice;

TANZANIA

FRIEDRICH EBERT STIFTUNG

Dear Friends and Partners of Friedrich-Ebert-Foundation Tanzania,

Welcome to the FES Political Handbook and NGO Calendar for 2011!

Since I took up my assignment as the new resident director at the end of 2009, the FES Political Handbook and NGO Calendar 2010 has served as a useful planning tool and provided me with valuable insights into politics in Tanzania in this election year. This year's edition features articles dealing with a variety of social, political and economic issues in both the national and regional context. I hope it will be just as useful and informative to you as last year's has been to me.

The Treaty for the Establishment of the East African Community (Article 3) states that "adherence to universally accepted principles of good governance, democracy, the rule of law, observance of human rights and social justice" is a condition for becoming a partner state of the community. These are values which we share as a political foundation. We would like to contribute towards their broad realization at local, regional and global level through all our projects and activities.

We are glad to feature thought-provoking articles in this handbook from a number of authors who share their expertise and personal reflections on issues that matter to all of us. I would like to thank our authors for their valuable contributions and also to thank the editorial team for its innovative and creative ideas.

Together we present to you the FES Political Handbook and NGO Calendar 2011!

Dr. Stefan Chrobot
Resident Director
Tanzania Office

Geography

Total Area	945,087 km^2
Bordering Countries	Mozambique, Malawi, Zambia, DR Congo, Rwanda, Uganda, Kenya
Coastline	1,424 km
Lowest Point	0 metres (Indian Ocean)
Highest Point	5,895 m (Mount Kilimanjaro)

Source: CIA World Factbook

Demography

Population	41,892,895	
Pop. Growth Rate	2.032%	
Median Age	18 years	
Life Expectancy	52.5 years	
Birth Rate	33.44 birth / 1,000 population	
Death Rate	12.31 deaths / 1,000 population	
Age Structure	0-14 years	42.5%
	15-64 years	54.6%
	65 +	2.9%
Religion	Mainland: Christian 30%, Muslim 35%, Indigenous Beliefs 35%	
	Zanzibar: over 99% Muslim	
Urbanisation Rate	18.9% (2009)	

Source: all 2010 estimates, CIA Wolrd Factbook; UNDP.

Education

Literacy Rate (14 +)	72.5% (2007 est.)	
School Enrolment Rate	Prim. School	95.9% (2009); 97.3% (2007)
	Sec. School	27.8% (2009); 20.6% (2007)
Education in Budget	17.7% (2008/09); 18.3% (2007/08)	
Student / Teacher Ratio	54 : 1 (2009, Primary School)	

Source: Poverty and Human Development Report 2009 Tanzania.

Percentage of Children Passing Primary School Leaving Examination, 2001-2008
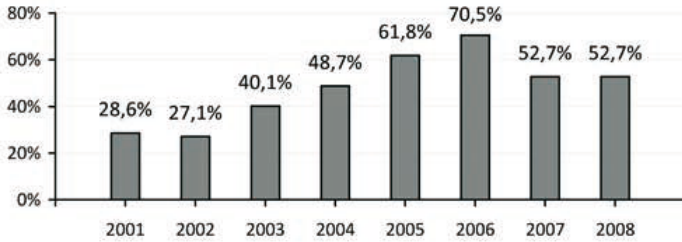
MKUKUTA Target 2010: 60 %

Source: MoEVT, 2009.

Percentage of Primary School Teachers with Relevant Qualifications, 2004 and 2006 – 2009
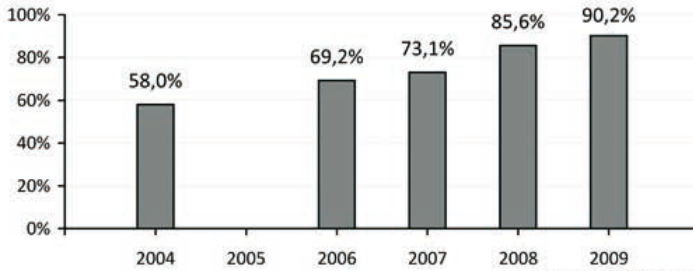
MKUKUTA Target 2010: 90 % of Teachers

Sources: RAWG, 2007; MoEVT, 2008a and 2009.

Gross Enrolment in Higher Education Institutions, 2002/03 – 2008/09
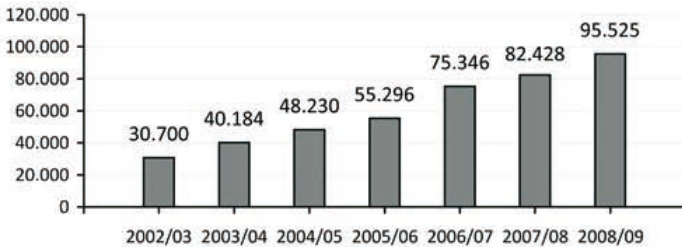
MKUKUTA Target 2010: 90.000 Students

Sources: PHDR 2005 (RAWG, 2005); MoEVT, BEST (various years).

Health

Infant Mortality	68.13 deaths / 1,000 live births (2010 est.)
Total Fertility Rate	4.31 children born / woman (2010 est.)
HIV / AIDS Prevalence	6.2% of adults (2007 est.)
People living with HIV	1.4 mill. (2007 est.)
HIV /AIDS deaths	96,000 (2007 est.)

Source: CIA World Factbook

Economy

GDP Growth Rate	4.9% (2009 est.); 7.4% (2008 est.)	
GDP	$57.89 bill. (2009 est.); $55.19 bill. (2008 est.)	
GDP per capita	$1,400 (2009 est.); $1,300 (2008 est.)	
GDP per sector	Agriculture	26.4%
	Industry	22.6%
	Services	50.9% (2009 est.)
Government Budget	Revenues	$4.208 bill.
	Expenditures	$5.159 bill. (2009 est.)
Inflation Rate	12.1% (2009 est.); 10.3% (2008 est.)	
Unemployment Rate	11.7% (2009 est.)	
Exports	$2.976 bill. (2009 est.); $3.037 (2008 est.)	
Export Partners	India (9.1%); Japan (6.5%), China (6.3%), UAE (5.7%), Netherlands (5.5%), Germany (5.1%) (all 2008)	
Imports	$5.776 bill. (2009 est.); $6.44 bill. (2008 est.)	
Import Partners	China (13.7%), India (13.4%), South Africa (7.4%), Kenya (6.6%), UAE (5.6%), (all 2008)	
External Dept	$7.07 bill. (Dec. 2009 est.), $5.311 bill. (2008 est.)	
External Debt Rate	14.3% of GDP (2008 est.)	

Source: CIA Wolrd Factbook; EIZA Tanzania Fact File.

East African Community

Population	126.6 Mill. (2008 est.)	
Pop. Growth Rate	2.9% (2008 est.)	
GDP Growth Rate	Burundi (3.2%), Kenya (2%), Rwanda (5.5%), Tanzania (4.9%), Uganda (6.6%) (2009 est.)	
School Enrolement	Prim. School	93%
	Sec. School	19% (2008 est.)
Tanz. Intra-EAC Trade	to/from Kenya	$188.6 Mill. / $198.0 Mill.
	to/from Uganga	$38.5 Mill. / $6.6 Mill.
	to/from Rwanda	$19.8 Mill. / $0.0
	to/from Burunidi	$15.0 Mill. / $0.4 Mill.
	to/from EAC states	$259.9 Mill. / $205.0 Mill.

Source: CIA World Factbook; EAC Facts and Figures 2009

Germany

Total Area	357,022 km^2	
Bordering Countries	Switzerland, France, Luxembourg, Belgium, Netherlands, Denmark, Poland, Czech Republic, Austria	
Population	82,282,988 (2010 est.)	
Age Structure	0-14	13.5%
	15-64	66.1%
	65 +	20.4% (2010 est.)
Religion	Protestant 30.5%, Roman-Catholic 31%, Muslim 4%, Non-denominational 32%, Others 2.5% (2010 est.)	

Source: CIA World Factbook; .de-Magazin Deutschland, Issue 3, July 2010

January 2011	Febuary 2011	March 2011
S 1	T 1	T 1
S 2	W 2	W 2
M 3	T 3	T 3
T 4	F 4	F 4
W 5	S 5	S 5
T 6	S 6	S 6
F 7	M 7	M 7
S 8	T 8	T 8
S 9	W 9	W 9
M 10	T 10	T 10
T 11	F 11	F 11
W 12	S 12	S 12
T 13	S 13	S 13
F 14	M 14	M 14
S 15	T 15	T 15
S 16	W 16	W 16
M 17	T 17	T 17
T 18	F 18	F 18
W 19	S 19	S 19
T 20	S 20	S 20
F 21	M 21	M 21
S 22	T 22	T 22
S 23	W 23	W 23
M 24	T 24	T 24
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W 26	S 26	S 26
T 27	S 27	S 27
F 28	M 28	M 28
S 29		T 29
S 30		W 30
M 31		T 31

April 2011	May 2011	June 2011
F 1	S 1	W 1
S 2	M 2	T 2
S 3	T 3	F 3
M 4	W 4	S 4
T 5	T 5	S 5
W 6	F 6	M 6
T 7	S 7	T 7
F 8	S 8	W 8
S 9	M 9	T 9
S 10	T 10	F 10
M 11	W 1	S 11
T 12	T 12	S 12
W 13	F 13	M 13
T 14	S 14	T 14
F 15	S 15	W 15
S 16	M 16	T 16
S 17	T 17	F 17
M 18	W 18	S 18
T 19	T 19	S 19
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S 24	T 24	F 24
M 25	W 25	S 25
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W 27	F 27	M 27
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F 29	S 29	W 29
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	T 31	

July 2011	August 2011	September 2011
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S 31	W 31	

October 2011	November 2011	December 2011
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03 - 09

January

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Internet and e-Mail

The Internet
This is a computer network that joins other networks together e.g. those of academic and government institutions, schools, libraries and corporations, making them seem to be just one network to the user, who sits in front of her / his computer at home, in the office or at an "internet cafe". The Internet provides access to information stored in different computers all over the world and it also provides the opportunity to engage in discussions and to share ideas and research with people connected to the network.
To access the Internet you need a computer with the adequate software, a telephone-line and a modem (modem = contraction of modulator / demodulator)
to link your computer with the telephone. You also need to subscribe to an "internet provider".

World Wide Web (www)
Through the Internet, you can access the www. This is the name given to the apparently seamless "web" of many geographically separate sources of information. The mass of data available is overwhelming. There is no guarantee that it is acurate, up-to-date or even meant to be helpful. Anyone with access
to the internet can publish her / his own material and make it accessible on the web. Internet users must therefore approach websites with a very critical mind.
A web is distinguished by the prefix http:// in its address, which you should write on the top of the page of your "browser" software (e.g. Fire fox, Opera, Internet Explorer, ...). Each website has a unique address, known as URL. The FES Tanzania address is http://tanzania.fes-international.de Take care when writing the web addresses for they are sensitive to punctuation and spaces (there are no spaces in electronic addresses), and are normally written in lower case.

Search engines and websites
When you are looking for information you might already know the website to look in and its address. If you do not know where to look, then you will have to use a search engine. A search engine helps you find information. To access the search engine you write http:// and the name of the search engine, e.g. www.google.com OR www.altavista.com OR www.yahoo.com. These addresses open the websites of Google, Altavista and Yahoo. When you access a search engine, you will have to type some key words in the space provided. The search will be based on those words you chose as the most important ones. Here is the secret: what sort of key words should you use, and how to combine them?

1. Be specific!
The more specific your search is, the more likely you will find what you want.
For example if you want to know how many international treaties Tanzania has signed, you should write "Tanzania international treaties signatories" or you should even write "how many treaties Tanzania has signed?" You will be surprised at how often this works!

2. Use the symbol + to add
If you want to be sure that the pages you will find contain not only one or another word you typed, but all of them, you should use the symbol +. For instance, you want to find pages where there are references to President Kikwete together with references to Mwalimu Nyerere. You should then type: +Kikwete+Nyerere. You can narrow down your search by adding more specific words.

3. Use the symbol - to substract
If you want all the pages related to those

key words but not the ones referring to a specific subject, you can use the symbol -. Using the above example, you want to reference to President Kikwete and Nyerere, but do not want reference to Ujamaa, you can type: +Kikwete+Nyerere- Ujamaa.

4. Use quotation marks to keep expressions together
If you want to find references to a special combination of words, you will have to write those words in quotation marks. For example, if you type +President+Kikwete, you will get sites that make reference to those words together or separated. But if you write "President Kikwete", you will get only the reference where both of the words appear in that same order.

5. Combining all of it
Try to use the different signs to be specific. For example: +"President Kikwete"+"Mwalimu Nyerere"+development-"international cooperation". Here are the names of a few search engines:

• Google (www.google.com)
• Altavista (www.altavista.com)
• Yahoo
• RSS
• AskJeeves
• HotBot
• InfoSeek
• MSN

You can also enter a search engine and search for specific search engines, for example, +"search engines"+Africa. Some of the specific search engines for Africa are:

• Mosaique.com
• ClickAfrica.com
• Orientation Tanzania
• Woyaa.com
• Ananzi.com
• Zebra.co.za
• Siftthru.com

• Searchenginewatch.com
• Fishboo.com

E-Mail
This refers to electronic mail as opposed to airmail or surface mail (today popularly known as "snail mail"). You can send messages to anyone with an Internet account, and it can include not only text, but also pictures and spreadsheets.
Incoming messages are stored in you mail-box on your internet provider until you access it. E-Mail is delivered very fast, in a matter of seconds or a few hours.
This depends amongst other things on the amount of data being transferred and the quality of telephone lines and that of your modem. The cost of sending email depends on the amount of data and therefore the length of time it takes to send it from your computer to the local server. It is relatively cheap: sending email to the other side of the globe is not
more expensive than sending one to a computer next door.
To send and receive e-mails you will need a dedicated program, such as Outlook Express, Microsoft Outlook, Morilla, Thunder bird, and others. You will have your own electronic address and will send your message to another address.
FES Tanzania´s electronic address is HYPERLINK "mailto:info@fes.or.tz" info@fes.or.tz

Chatting and conferencing
The Internet provides the possibility of communicating directly with others online.
In other words the people chatting or holding conference are at their computer and are on the internet at the same time.

January

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31 - 06

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February

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HOW TO CHOOSE THE RIGHT COMPUTER FOR YOUR BUSINESS

By: Vipul Shah, PC Solutions Dar es Salaam

Many people think that purchasing a computer for their business is a simple matter of knowing how much they want to spend and then finding something that fits the budget. This is not ideal.

To ensure that the users can maximise their productivity on the computer it is important to understand what the computer is going to be used for. Only then can you specify what hardware and software is needed. This is often difficult because the user is rarely the person who decides what to buy. Usually such decisions are made by the procurement department, so it is essential that the user informs the buyer about what he needs and why. For example, if the computer is going to be used primarily outside the office, then a desktop computer will be of little use because the user will not be in the office to use it!

Deciding on the hardware

The first decision you need to make is whether you need a laptop or a desktop. Increasingly users choose laptops because (a) they allow the user to work even when they are out of the office, (b) they are now as powerful as desktop computers, and (c) the price of laptops is now similar to that of desktops so it does not cost the organisation more to invest in a laptop.

Deciding what to buy is about matching specifications to the actual need, with processor, memory, hard disk and screen size being the most important specifications to take into account. Performance is measured by a combination of processor speed and the amount of RAM available.

Processors - Intel processors are the most popular and fall into two main families – Celeron and Intel Core 2 Duo. The Celeron processor is fine for applications where the user is only going to run a single application at a time as it is not geared towards multi-

processing. However, most businesses opt for the Intel Core 2 Duo (or the new Intel Quad core) processors which allow users to work with several applications at the same time e.g. Outlook, Word and Internet Explorer.

Memory (RAM) – You can never have too much RAM. Whilst this is not entirely true, most users will see significant performance improvements in their computers by upgrading to 2GB of RAM (particularly if using MS Windows Vista).

Hard disk size – Hard drives have been increasing in size at an amazing rate. Today you can have 1TB (1,000GB) as the hard disk in your computer. This reflects the growing use of multimedia applications both at home and in business. However, unless you are a graphics designer, the basic 120GB or 160GB hard disk will be plenty of storage for your work

Screen size – whilst CRT screens are still available most users now only purchase LCD screens because they use less power, take up less desk space and look nicer. LCD screens come in many sizes but the two most popular sizes are 17" and 19" in standard and wide format. The standard format monitor is preferable if you use lots of Word and graphics design files whereas the wide format is better if you use lots of applications simultaneously or work with wide format spreadsheets.

How to determine the ideal computer for you The first step is to determine what you need to use the computer for by asking questions like the ones below:

Once you have answered the above questions you will be able to identify your specifications because you have determined your priorities. The priorities can then be communicated to the computer retailers who will be able to show you some of the options that meet your needs.

Some practical advice

If the choice is between a faster processor and more RAM, choose the RAM as that is more

Question	What you need
Do you need to take your work with you?	This will tell you whether a laptop or a desktop is best for you.
Do you use many applications at the same time?	This will help you determine the processor speed and the amount of RAM you need.
Do you work with media (music, video, graphics) files?	This will help you determine the processor speed, amount of RAM and the size of hard disk you need.
Do you use large spreadsheets with automated macros?	This will determine the amount of RAM and the size of screen you need.

likely to improve the performance.

If the choice is between RAM and hard disk space, choose the hard disk if you need to store lots of data because it is easier to add more RAM than to upgrade the hard disk afterwards.

If you have the money, choose the 19" screen: you will see the difference and you find it much easier to work on.

If you are going to use MS Windows Vista make sure you have at least 1GB of RAM.

More practical advice

Always make sure that you get a genuine operating system with your computer. The operating system is what allows the computer to work and pirated software will stop you from being able to update your system and may even leave you vulnerable to viruses and worms. In the business environment always specify MS Windows Vista Business.

In the old days it was enough to ask for "anti-virus". Now you must insist on a comprehensive "internet security" solution because this will protect you against viruses, worms, phishing attacks, and also ensure safe internet browsing. The security threats are serious and once the computer is infected it can costs a lot of money to disinfect it.

If you work for an organization with more then fifty computers, than it is important that you purchase a branded computer (HP, Dell, Apple) that is consistent with the others in the organization because this makes it easier to get support from your IT support in case

of problems. In addition, a lot of branded computers integrate management and support tools into the computer making them easier to manage. This lowers the total cost of ownership.

Peripherals that you must consider

UPS are essential. The range of UPS has grown so that you can now purchase a cheap UPS for as little as $45. This is not recommended as the quality is unknown and the organisation is not only risking damage to the computer but also possible loss of data due to power problems. It is best to purchase a line-interactive UPS (also known as a Smart UPS) because it provides the protection required in our environment.

Printers are the most obvious peripherals that you require. For most users the choice is between inkjets or laser printers. Laser printers are cost effective for black and white print and inkjets are cost effective for low volume mix of colour and black & white. If you print more then 500 pages per month then go for a laser. Colour laser printers are now less then $500 and give the cost benefit of laser black & white copies whilst providing the advantage of colour.

Microphones and headphones are becoming essential because they allow users to communicate with colleagues around the world for free user applications like Skype and MSN messenger. This can lead to significant cost saving for the organisation.

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March

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Basic system maintenance
By Carl Vancil

One of the most common questions I have been asked has been, "Why is my computer so slow?" This has been followed closely by, "What can I do to speed up my computer?"

The answer can be as varied as the number of computers with the problem. The solutions can range from some simple maintenance to hardware repair/ upgrades or even a combination. Here are some common things you can do to improve system performance.

1. Run a thorough scan disk
Errors in the files on your harddrive can reduce performance as can a hard drive that is developing physical errors. Scan disk will repair many of the file errors on your hard drive. Running the thorough scan disk will also check the hard drive for physical errors. Remember, depending on the size of your hard drive this can take a lot of time and you cannot do anything else at the same time. The best time to run scan disk is when you do not need to use the computer.

2. Delete temporary files from your hard drive
Temporary files are usually the files left over after installing a program and can be safely deleted.

3. Clean your internet browser cache
Cache files are those left over from your browsing experience. They mostly consist of images that your browser had to download in order to display on a web page you are viewing.

4. Defrag the files on your hard drive
Defrag arranges the files on your hard drive so that they can be accessed more efficiently. This has two advantages. One, your system operates more efficiently. Two, your hard drive will last longer because it will not have to work as hard to access files.

5. Perform a virus scan
Many viruses use so much of your system's resources that they will greatly degrade performance. Some will even crash your system completely. Make sure your virus definitions are up to date and run a complete virus scan of your system. This should be done weekly.

6. Check your system for spyware / adware
Many websites install spyware/adware on your system without your knowledge. These can be as simple as cookies that track where you surf to actual programs that give others access to your computer. There are many utility programs that you can download to scan for these files.

7. Clean the dust out of your computer
It seems too simple but just having a dirty computer can slow it down. If there is an excessive buildup of dust inside your computer, it will cause a heat buildup. This heat buildup will degrade performance as well accelerate wear and tear on the parts inside your computer which can lead to the premature failure of a critical part. Remember to unplug your computer before opening the case. Also, remember to NOT bump any of the internal parts with the vacuum to prevent damage.

These steps are something that we can all try if our system is running slow. If these do not get the performance of your system back to where you think it should be then a few more things can be tried. Many utility programs will perform deep checks on your system's registry as well as look for missing shortcuts and even missing Windows files.

Another possibility is that there are too many programs starting when you turn on your computer. In Windows 98SE or XP (both home and pro) this is easy to

check using the msconfig utility. From the 'run' command type 'msconfig' and hit the enter key. This will bring up the Windows Configuration Utility where you can check what is starting with Windows and it gives you the option of turning off the auto startup of many programs. In other versions of Windows (95, NT, 2000) it would be best to have someone with a good working knowledge of the Windows Registry service your computer.

If all this fails then you may need to reformat your hard drive or upgrade hardware. Remember too that you always have the option of taking your system in to a qualified service technician. Sometimes spending a little extra money will save you hours and hours of headaches or worse yet, the loss of data.

HOLDING EFFECTIVE INTERNAL MEETINGS AND PLANNING SESSIONS

Starting the meeting

1.Who is chairing the meeting?
(It is best to have agreed on this in advance.)

2. Who is going to write the minutes?

3. If the agenda has not been prepared in advance, then the chairman, (you), should collect the issues that need to be discussed from the participants. They should be written up on a board or a flipchart, so that everyone can see them. Remember the issues that might have cropped up at the previous meeting.

4. In collaboration with the participants decide how much time it will take to discuss each issue. Confirm at what time the meeting has to close. Ask if anyone has to leave early.

5. Then ask participants which issues they wish to concentrate on at the meeting and which ones can be postponed (if necessary). After that ask which issue should be dealt with first, second, third and so on. This should not take more than five minutes!

During the meeting

1. Follow the agreed agenda, discussing the issues in turn. The chairperson or moderator must see to it that the agreed time frame is adhered to. If this proves difficult, then the group must be asked to decide
whether to continue the discussion of the issue in question and therefore extend the meeting, or whether to stop the discussion and continue it at an agreed time.

2. Never move on to the next issue before making a decision on the one being discussed.

Closing the meeting

1.Quickly repeat the decisions that have been made.

2. Decide when and how the minutes will be distributed.

3. Decide who will chair the next meeting.

4. Close the meeting at the agreed time.

March

21 - 27

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PROJECT OUTLINES

Should be short, clear and promising.

Those who really know what they want can usually do with 2-3 objectives. Be as concrete as possible.

Who takes interest in this project? Who shall be involved? Who profits from the project and how?

Detailed list of expected expenditures (personnel material, travel, etc.)

Do you foresee any prohibitive difficulties or problems?

Any workshops about maintenance and organisation of the project?

Explain briefly aims, general objectives, former projects!

Convince the reader of the need for this project! Explain the idea of the project and how you want to fulfill the objectives, describe the Impact!

Do you need to contact other persons to fulfill your objectives? Specify their capacities or know-how!

Be precise about the venue, duration, methodology!

Which further impact does it have?

By whom? List names.

TITLE OF THE PROJECT

- Name of proposing agency
- Address and contact person
- Short presentation of your NGO
- Objectives
- Justification for choosing the project
- Target group
- Know-how from outside needed?
- Budget
- Scedule / program
- Feasibility
- Sustainability
- Intended follow-ups
- More info about your NGOs background, work done so far etc. (optional)

🕐 **Practical advice**
- **use white, clean sheets of A4 - paper**
- **present your project in a typewritten version if possible**
- **write on one side of the paper**
- **make sure you have a clear structure**
- **attach a covering letter**

8 TIPS ON HOW TO SUCCESSFULLY CHAIR A CONFERENCE

1

It is the conference chairperson's responsibility to see that the atmosphere during the discussion is always friendly, communicative and fair.

2

The conference chairperson introduces the topic in an objective and informative way. He/she formulates the discussion goals for each item on the agenda. During a discussion, he/she must not initially express his/her own opinion or assessment as this would bias the discussion.

3

The chairperson speaks as little as possible in order to give maximum time to the conference participants. Conference chairmanship principally entails raising questions and giving the word to different speakers.

4

Questions from the chairperson should always be designed to stimulate dialogue and consequently should never be answered by the chairperson himself/herself.

5

Preference should be given to open questions (W-questions: who, why, where, when, etc.) and information questions. Closed questions (which can only be answered with a "yes" or "no") can be fatal to a discussion.

6

Should a discussion peter out it is up to the chairperson to get it moving again by means of (open) questions, thought-provoking remarks and a summary of the proceedings so far.

7

The chairperson should make interim summaries to emphasize the thread of the discussion. At the close, the chairperson gives a general summary and his/her evaluation as to which of the goals formulated at the outset have or have not been achieved.

8

At the end of the conference, it is also up to the chairperson to formulate and delegate tasks to individual participants. Nobody ought to leave the conference without precisely knowing:
a. what has been achieved in today's discussion,
b. what is my specific assignment until the next conference/meeting,
c. where and when is the next conference/meeting?

Source: Schulte, Carla (1997) Talking Politics (and being understood), Kampala: Fountain Publishers.

April

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May

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HOLDING A WORKSHOP, SEMINAR OR CONFERENCE

Planning and Budgeting

1. Develop the idea

Identify:
- The main objectives
- The target group
- The intended outcome

Write the outline.

2. Develop the program

Decide:
- Which topics
- The time frame
- The organisational style (conference, lectures, working groups)
- How much time is needed for the various elements, not forgetting recreation
- Who will act as resource persons
- Whether or not to seek media coverage of the event

Try to involve participants in developing the program.

3. Calculate the budget
- Preparatory meetings
- Hall charges
- Catering
- Refreshments during sessions
- Accommodation
- Travel
- Stationery
- Secretariat/organising team
- Reception (if necessary)

4. Income and expenditure

Record all income - donations, participants' fees etc.

Record all expenditure, remembering to keep receipts for each item

Organising

1. A checklist
- Book the venue & accommodation
- Hold preparatory meetings
- Prepare PR (public relations) activities if relevant
- Make agreements with resource persons
- Prepare the invitations:
  - State the objectives clearly
  - Give information about the program, venue, dates, resource persons and participants
  - If participants have to do homework beforehand, make this clear
  - Explain financial and other conditions clearly
- Make the necessary travel arrangements
- Hold a joint session with all resource persons
- Prepare the necessary materials, forms, documents
  - Stationery

- Registration forms
- Claims forms for allowances
- Printed program
- Papers and teaching materials
- Workshop documentation

2.Terms of reference for resource persons

- Discuss subject, objectives and duration of their input
- Explain how these fit in to the overall objectives and program for the workshop
- Discuss the desired method of presentation
- Give information about the venue and the facilities / equipment provided for the workshop
- Request a written paper and or hand-outs if they are considered necessary
- State the terms of payment for the persons services

Try to hold preparatory meetings with resource persons.

Implementing

1. Arrival

Organisers should be in place well before the participants

- Check the venue and the technical facilities needed
- Give resource persons a final briefing
- Prepare for the registration of participants
- Display the program and other documents, if relevant

2. Registration

3. Welcome

Explain:

- Subject of the meeting
- Who are the organisers and sponsors
- Objectives
- Logic and timing of program
- Methodological approach
- Expected outcome

4. Holding the sessions

- Handle transport claims

etc. during tea breaks only

5. Departure

Collect all that is necessary before people leave

- Signed registration forms/list of participants
- Signed allowance claims
- Original detailed invoices and receipts for venue, food, drinks, accommodation, travel, stationery etc.

6. After the event

As soon as possible take care of

- Accounting
- Report writing
- Any other follow-ups needed

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May / June

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06 - 12

June

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QUALITIES OF A MODERATOR

The Moderator

Moderation technique can best be used in groups of up to 15 participants. How to be a good moderator is not something to be learned quickly and easily, but is a matter of guided experiences, self reflection and continuous learning. A moderator's tasks are to:

- help the group to know and appreciate their own knowledge and strengths

- help the discussion process to be coherent and resultoriented

- be expert at guidance as far as the "how" of the discussion process is concerned, and not the "what"

- visualise and thus document the steps of the discussion process and its immediate results

- ask the right questions and break deadlocks

Usually two people can fulfil these tasks easier than one...

The ideal Moderator is a person who is...

- regarded as neutral by all participants

- therefore an outsider to the discussion group

- able to use visualisation techniques, such as pinboards, flipcharts and blackboards

How to prepare a Moderation

- The issue, the main objective, and the quality of the intended results have to be very clear

- Be aware of the participants' composition, background, knowledge, interests and potential conflicts

- Determine the duration of the process, the facilities available and their limitations

- Identify clear-cut objectives and goals for every session, what methods to use and the amount of time needed

- Make sure that sufficient visualisation materials are available.

THE MODERATION METHOD

The typical steps in moderating a discussion

1. OPENING

- Warm-up with participants (explain your role, make them know each other).
- Discuss and agree on time-frame and organisational matters.
- Collect the expectations of participants.
- Discuss and agree on expectations that shall/can be objectives for the workshop.
- Agree on methodology.
- How will minutes be taken?

2. COLLECT ISSUES/SUBJECTS

- Phrase the guiding question carefully and in a very focused manner and visualise it!
- Collect all answers/ideas of participants, without discussing them first!
- Visualise answers/ideas as they come.
- Group them into clusters and give a name/title to each cluster.

3. SELECT ISSUES/SUBJECTS

- Phrase a guiding question carefully and write it down visibly.
- Allow participants to prioritise clusters according to their individual preferences.
- The agenda will then be determined by the number of "votes" per cluster, going through as many clusters as time or workshop-concept allows.
- In doing this, every participant gets the same number of "votes" which he can use on the clusters as he wishes. (One way of doing this is to hand out little markers of some sort to every participant so that they can all jot down their preferences at the same time.) If possible avoid "voting" by raised hands.

4. WORK ON THE ISSUE AND FIND A WAY TO SOLVE THE PROBLEM

- Find a method of how to discuss or "solve" the prioritised subject/s.
- The method has to depend on the kind of issue at hand and the intended results.

5. PLAN ACTION/DETERMINE THE FOLLOW-UPS

- Visualise the activities regarded necessary by the group.
- Write down who will be in charge and by when different tasks need to be done.

6. CLOSING

- Find out, whether participants' expectations have been fulfilled,
- Whether they are satisfied with the process and the result.

Always come up with a result!
Always pin down which task is assigned to whom!
Always ascertain if you have addressed the needs and expectations of the participants!

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20 - 26

June

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June / July

27 - 03

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ARGUMENTATION TECHNIQUES

Good argumentation techniques are always beneficial. Your chances to win others over are higher if you can:

- present effective arguments and
- refute your opponent's arguments.

PRACTICAL TIPS

- Try to understand the position of your counterpart first, then react to it.
- If your counterpart's argumentation is weak, repeat your own good arguments.
- If you are interrupted, insist on the right to finish what you were saying.
- Anticipate your counterpart's arguments by including them in your own argumentation.
- Use the persuasive power of examples. Ask your counterpart to provide concrete examples of how to apply his theories.
- Expose generalisation and inaccuracies.
- Stick to the facts of the issue.
- If somebody evades the issue, return to the subject.

Source: C. Schulte, 1997, Talking Politics (and being understood): Kampala, Fountain Publishers

Mwalimu Julius K. Nyerere during an interview with the German magazine "Der Überblick" in Hamburg in April 1999.

THE STRUCTURE OF YOUR SPEECH

The aim of a discussion is to convince the listeners of the correctness of the speaker's opinion on the subject in question. Such speeches should not last longer than 30 minutes.

How do you most effectively structure such a speech?

AUDIENCE RELATED INTRODUCTION
(max. 1 minute)

- Create the right atmosphere for the speech by referring to the audience, the venue, the occasion, etc.

SUBJECT-RELATED OPENING REMARKS
(max. 3 minutes)

- Begin with a provocative proposition, a rhetorical question, a current event, etc.

PREVIEW THE MAIN POINTS OF YOUR SPEECH
(max. 1 minute)

MAIN BODY
(max. 20 minutes)

- Discuss the current situation/the facts/the problem.
- Discuss a variety of possible solutions.
- Discuss the pros and cons of these solutions.
- Present your own evaluation.
- Prove the accuracy of your assessment.

SUBJECT-RELATED CONCLUSION
(max. 4 minutes)

- Summarise the main argument in a maximum of three points.

AUDIENCE RELATED CONCLUSION
(max. 1 minute)

- Close your speech by, for instance, thanking the audience for their attention.

Source: H. Hess: Party Work in Social Democratic Parties

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July

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HOW TO USE BLACKBOARDS AND FLIPCHARTS

Blackboard

Useful in gatherings of up to 25 people.

+ It is easy to write information & easy to correct it.

- Information is wiped off, it disappears and it is hard for participants to retrieve.

TIP: If the chalk squeaks - this always makes participants uncomfortable - break the chalk and continue writing using the broken end.

Flipchart

Useful in gatherings of up to 35 people.

+ Sheets can be prepared in advance. Information can be displayed for a long period by removing sheets from the flipchart and posting them on the wall.

TIP Useful for a wide range of information e.g. displaying the day's agenda, important overviews, central statements, flowcharts, participants' contributions.

General rules

- Do not write down too much: concentrate on key issues only.
- Give the audience time to copy the contents of the presentation OR give it to them as a hand out afterwards. If you intend to distribute a handout, tell the participants so. Otherwise it is likely that they will spend time making unnecessary notes.
- Do not talk with your back turned to participants (e.g. while writing on the blackboard or flipchart).
- Do not stand in front of your presentation - the participants will get irritated at not being able to read what is written.

THE CHECK LIST FOR GOOD IMPLEMENTATION OF ACTIVITIES

1. Important: plan step by step.What should be done first?

2. Consider all improbabilities, and plan alternatives.

3. Fix deadlines for you and for your partner.

4. Follow-up the results before the deadline.

5. Keep an eye on the indicators to be achieved.

6. Hire assistants, delegate, mobilize people.

7. For seminars & workshops, check everything in advance on loco.

8. Take care of the documentation (dates of receipts, use of materials, tasks of people involved ...)

9. Support partners in the learning process. Sell the idea "on-the-job learning".

10. Take care of the financial settlement and reporting as soon as possible.

11. Evaluate with the partners the achievement of objectives and indicators. Write recommendations. File documents. Release important papers. Inform other related institutions.

12. Write a reminder for following-up the results sometime later. Document it.

13. Keep your colleagues informed and updated.

Source:Workshop Report Management Skills for Decision-Makers - August 1999

August

08 - 14

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TWELVE STEPS TOWARDS CONFLICT RESOLUTION

1. Understanding the conflict

- its type
- its sources
- its intensity
- its impact

2. Identifying the parties to the conflict

- whether bilateral or multilateral conflict

3. Identifying the issues involved

4. Determining the method of resolution

- Conflict prevention: Preventive diplomacy
- Conflict resolution: Negotiation
  - Direct negotiation between the conflicting parties.
  - Assisted negotiation: Use of a third party.

Mediation/Facilitation
Conciliation
Good offices
Arbitration

5. Determining the mechanism of resolution

- The actors/agents
  - States
  - NGOs
  - Individuals: Eminent personalities
  - Inter-governmental organizations

6. Determining the venue and dates for negotiation

7. Negotiating rules of procedure

8. Setting the agenda

9. Launching the substantive negotiations

10. Reaching a compromise agreement

11. Implementing the negotiated settlement

12. Guaranteeing and monitoring the implementation of the agreement

TIME MANAGEMENT - SELF MANAGEMENT

Most people bristle at the idea of becoming a slave to time: "The Swiss have clocks, but we have time", said a wise old man in Bhutan. A certain degree of time and self- management is nonetheless necessary if you wish to be effective and to achieve your goals.

Many people rely on their memory as their management tool, but most find that at some point their memory lets them down. "Sorry, I forgot" is not an uncommon statement. This is not necessarily a catastrophe, but in some instances forgetting can have unfortunate consequences. You might lose an important contract, you might lose your job, you might even lose your husband/wife to-be!

RULE 1: Write things down - use a diary and a calendar, (e.g. the FES diary/calendar)

- Keep a "things to do" list.
- Enter all your appointments and deadlines, putting in a reminder maybe a week before the deadline falls.
- Review your appointments and deadlines regularly, informing those implicated in good time if you want to change them.
- Plan your week: Make the "things to do" list, get an overview over your appointments and deadlines.
- Plan your day.
- At the end of each day and at the end of each week make a review. Did you do all that you had planned to do? Did you meet your deadlines? Did you attend the scheduled meetings? Were you late? Why?

RULE 2: Be realistic about what you can manage to do

- Do not get overloaded: you have to be realistic about what you can overcome in the given amount of time.
- Prioritise: decide what are the most important issues.
- Say no, if the task is beyond what you are capable of doing.
- Remember to make time for your private life - family, friends, hobbies and your own relaxation. This is where you renew your energy.

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WHAT IS PUBLIC RELATIONS?

Public Relations (PR) is about relations between an organization - be it a business enterprise, a political party or an NGO - and the public. Such relations exist, whether we want them to or not. It is therefore wise to consider what image you wish the public to have of your organization and to work consciously on the promotion of that image.

An organization manifests itself to the public in many ways. It can be through its propagated political aims, the behaviour of its representatives and members, its public statements and activities, the atmosphere at its public meetings and press conferences, its transparency and its accountability.

The traditional "tools" of a public relations officer are:

• press conferences • publications • leaflets • posters • press releases • public events

These tools must be used carefully. A public meeting held without being well prepared or a badly designed and written publication may do more harm than good!

PREPARING AND RUNNING A PRESS CONFERENCE

A press conference is an event to which members of the press are invited for a briefing by the host organisation or personality. The briefing is followed by an opportunity for the journalists to ask questions.

Often press conferences are held when the subject matter is intricate and further questions from journalists are expected and desired.

If the information/news to be given at the press conference is not sufficiently interesting, relevant or "meaty" for the invited media's readers/viewers, then it is likely that the journalists will not show up.

Preparation

• Are the objectives clear and is the topic well defined?

• Which media are to be invited? Remember, TV & radio may have special needs.

• Is the time/date well chosen and convenient for journalists? Does it allow them to meet their deadlines? Does it coincide with other important events?

• Who will chair the conference?

• Who will act as the organisation's spokesperson/s?

• Is the opening statement well prepared?

• Are the major arguments well supported in the written handouts?

• Check the venue: make sure that there are enough chairs, tables and lights.

• Have handouts ready, e.g. press release. You might prepare a press folder that includes the most important statements, a report and background material.

Invitation

• The headline must clearly indicate the host organisation, the name of the person responsible and how to

contact him/her.

- State the subject matter clearly. (Who did/does what, when, where, why and how.)
- Provide information about the speakers.
- Provide details about the venue, time and date.
- Send out/deliver the invitation at least a week in advance.
- Send out a reminder one or two days before the event.

Running it

- Ask journalists to note their names and which media institution they represent on a prepared list. This is useful information for making follow-ups.
- Make the written handouts available for journalists when they arrive.
- The chairperson opens the conference and introduces the speakers and subject.
- The key presenter makes his/her statement clearly and concisely, and relates them to the handouts.
- The chairperson moderates the question and answer session.
- Answers must be brief, clear and concise. It is good to give practical examples to illustrate the message you want to give.
- Speakers must remain relaxed, friendly and forthcoming even when provoked.

A PRESS RELEASE

This is one of the most useful mediums through which an organization can make itself and its views known to the public. The contents might be:

- Statements on pertaining issues.
- Reports on activities or events you have organized.
- Announcements of forthcoming events.
- Reactions to statements made by others.

Pros and Cons

Issuing a press release is a relatively cheap way of creating awareness about one's stand. However, badly written press releases and those dealing with unimportant issues will annoy the recipients and may create negative feelings towards your organization.

How to write it

- The headline must state clearly the name of the organization issuing the release and the subject matter.
- State the most important themes first.
- Make clear why you are issuing the press release at this particular point in time.
- The journalist must be able to pick out relevant information easily and quickly.
- Use a typewriter or word processor, double-space and use only one side of the page.
- Give information about how to contact the person responsible: name, address, telephone, e-mail address.

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Participatory Impact Monitoring and Evaluation

By Constanze Pfeiffer
Freiburg, Germany

1. Why is it so important?

It is not only important to implement activities but also to learn about the perceptions of and the consequences for those people involved in the interventions. Through participatory impact monitoring and evaluation you find out if your project is still on track or if things need to be changed. More importantly, you learn not only what people think about your activities but if your work has initiated any changes, and if so what kind of changes.

2. What are the key terms?

What is Monitoring?

Monitoring is a repeated observation, reflection and correction of activities. It allows us to observe change in order to get a better picture of what is happening. There are two main types of Monitoring:

1. Monitoring of activities: Involves the observation of activities with regard to the intended project activities, for example workshops or production of training materials.

2. Monitoring of impacts: Impact Monitoring is done to find out whether a project initiated changes, which contribute to achieve the project's objective. Impact Monitoring is crucial since it investigates further than monitoring of activities what has been achieved.

Monitoring should include those people, who are involved in the project, because they know their situation and problems best. Since people may be biased because they are too close to the project, outsiders can additionally come in.

What is Impact?

Impact means mid- and long-term changes attributed to a certain factor or intervention. Impact can be positive or negative, intended or unintended, planned and unplanned.

What is Evaluation?

Evaluation is based on the information discovered during monitoring. Data from monitoring formats are summarized, compared, analysed and interpreted. Evaluation can be internal or external. This means evaluation is done either by a member of your organisation or by an independent person who is an outsider to your organisation. Both approaches have advantages and disadvantages. During internal evaluation the evaluator can use his/her insider knowledge and avoid misunderstandings, however, this might lead to biased reports. External evaluators are more neutral but they need to backstop results with all people involved, in order to make sure that there are no misunderstandings.

What are Indicators?

Indicators are "pointers", "signs" or "markers" which are "related to" certain changes and which can be felt, seen and questioned.

Broad objectives	Training of paralegals
Expected impact	• Communities will access information of their rights and if needed claim their rights
Indicators	• Number of trainings conducted • Number of participants trained • Cases recorded by paralegals at community level • Clients feel satisfied with paralegals and use their services
Methods	• Interviews/Focus group discussions • Records
Who can give information?	• Paralegals • Communities
Who can collect information?	• Paralegals • Project management unit

Quantitative Indicators:

They use measuring or counting (e.g. number of people that took part in the training) and give us exact numbers.

Qualitative Indicators:

They describe in words only (e.g. participants of the training find the trainings useful and apply their knowledge accordingly) and therefore give us descriptions about opinions, experiences etc.

3. What to consider when monitoring and evaluating?

When planning monitoring and evaluation, a matrix is a very helpful tool. It tells you what needs to be covered. First, you should be clear about your objectives and your expected impact; then decide on appropriate methods, the interview partners and those who will collect information. One example: A monitoring matrix focusing on a women's rights project (see table above).

4. What tools to use in order to learn about changes?

There are two types of methods: quantitative and qualitative ones. It is highly recommended to use a combination of both methods.

4.1 Quantitative methods

Statistics

Record keeping is very helpful to track down changes by collecting numbers (e.g. number of the participants of a workshop divided by sex and age) and comparing them over time.

Questionnaires

Questionnaires consist of open (describing in own words) and closed questions

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(choosing given answers/categories) focusing on a specific topic. They start with information on the interview partner (e.g. sex, age, economic and educational status) before proceeding with questions related to the addressed topic.

4.2 Participatory qualitative methods

Introduction

In order to learn from local people about their conditions, experiences and problems, a set of participatory data collection methods named "Participatory Rural Appraisal" (PRA) was developed. Up to now, new methods are still being added to the list of participatory data collection methods. PRA can therefore be understood as a growing tool-box of participatory methods. PRA is based on several very important principles:

- Learn from the locals at the site, face-to-face in the local context

- Be relaxed and not rushed, listen and do not lecture

- Use the different PRA methods in a flexible and innovative way

- Use several methods and compare their results in order to look at findings from different angles

Gender perspectives

During planning- and implementation stage, Gender aspects need to be covered in order to learn about different perceptions of women and men (e.g. additionally broken down by social and age group). Depending on the cultural setting, the discussions should take place in either single-sex or mixed groups.

Tools

Most of the PRA methods use visualisation techniques which allow for visualising conditions, problems and experiences of local people. Useful tools are:

Qualitative interviews

Qualitative interviews play a key role in the PRA approach. There are several ways of conducting an interview with systematically or randomly selected:

- Groups of women and/or men

- Individuals

Interviews rely heavily on questions. That is why questions:

-Need to be clear, simple and relevant

-Need to consider the target group (e.g. gender sensitive)

Focus group discussions

Group discussions often provide a useful addition to the information gathered in one-to-one interviews. Instead of interviews, discussions are held with groups on various topics, e.g. whether the project has led to any changes and if so what kind of changes.

Before/after comparison

This method compares situations and conditions before the beginning of a project with the current situation. In this context, it is important to find out whether the situation has changed since the project began and if so, why.

Example : Fighting in the family
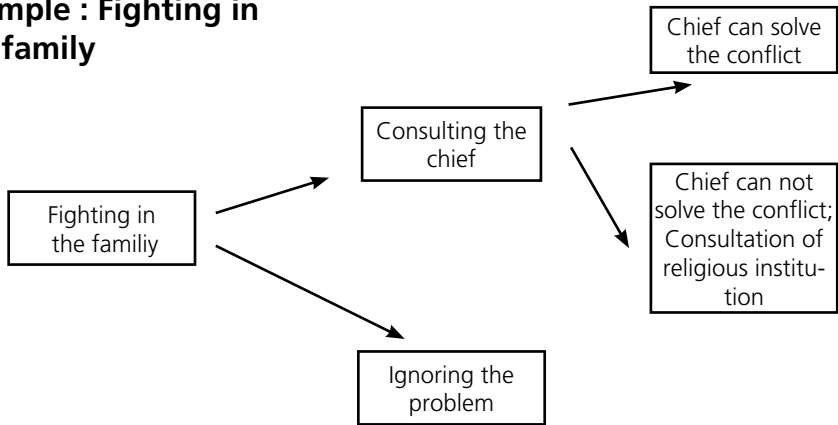
Case studies

Case studies of individual women and men in the target group provide information on their lives and on changes that resulted from the project.

Observations

The intention is to observe the lives of the target group and to gain a better understanding of their perspectives, experiences and problems.

Diagrams

Often, some people in the target group are illiterate, and it has therefore proved useful to illustrate certain aspects by using visualisation techniques. Hereby, diagrams are a helpful tool. During meetings with the participants, processes are initiated that enable them to discuss certain issues and to illustrate these by using diagrams. For example, to obtain information on specific consequences of an intervention or action, so-called flow charts can be used.

Ranking techniques

Ranking techniques can help to reveal certain aspects of the target group's problems and preferences and what criteria apply to their choice. The aim is to discuss various aspects and to rank their importance. Hereby, participants assign values (e.g. 5 = most important, 1 = least important). The aspects to be assessed when using ranking technique are best collected during brainstorming sessions or interviews held beforehand.

Role exchange

Here, men analyse the situation of women and vice versa. This method can serve to open people's eyes on both sides. A change of view often enables men to perceive for the first time how life is for women and vice versa.

Source:

Germann, Dorsi & Gohl, Eberhard (1995): Participatory Impact Monitoring. Eschborn: Gate/GTZ.

Juliane Osterhaus & Constanze Pfeiffer (2003): Monitoring – Guidelines for partner organisations of the GTZ sector project 'Strengthening Women's Rights'. Eschborn: GTZ.

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Articles

Democracy and civil society in Tanzania

By Daniel Mvella
Miradi Consult, Dar es Salaam

Introduction

Civil society describes that element of society outside of the government and business sectors, both organized and essentially disorganized, that represents the workings of people among, and with one another to achieve their aspirations, meet their needs and live creative, active, healthy lives. Civil society refers to the arena of un-coerced collective action around shared interests, purposes and values. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy groups.

The rise of civil society movements has clearly emerged since the early 1990s as part of a broad based effort to democratise political space and to overcome the democratic deficit exacerbated by the processes of globalisation. The number of registered civil society organizations stands at an estimated four thousand. Today, we witness an emergence of loosely organised relationships between civil society organisations and actors who are interested in similar issues and who, to a greater or lesser extent coordinate their activities to publicly influence social change.

Role of civil society in enhancing democracy

A vibrant civil society is now widely assumed to be a necessity for making democracy work. Civil society organizations (CSOs) play a significant role in democratizing society by spreading democratic norms and practices. They cultivate democratic citizenship by teaching and raising awareness about norms such as social trust, political participation and general support for the democratic process.

CSOs give a voice to the concerns of the community, particularly poor and marginalised populations, and help to ensure that their views are mainstreamed into policy and programme decisions. They bring innovative ideas and solutions to development challenges at the local, national and global levels. They can improve public transparency and accountability of development activities and thus contribute to bringing about good governance. Civil society exposes the corrupt conduct of public officials and lobbies for good governance. It is widely accepted that anti-corruption laws and bodies cannot function effectively without the active support and participation of civil society.

Civil society promotes political participation. Civil society organizations (CSOs) can do this by educating people about their rights and obligations as democratic citizens, and encouraging them to listen to election campaigns and vote in elections. They help develop citizens' skills to work with one another to solve common problems, to debate public issues and express their views.

Civil society organizations help to develop the other values of democratic life: tolerance, moderation, compromise and respect for opposing points of view. Without this deeper culture of mutual accommodation, democracy cannot be stable. These values cannot simply be taught; they must also be experienced through practice.

Civil society helps to develop programmes for democratic civic education. Civil society must be involved as a constructive partner and advocate for democracy and human rights training. The participation of civil society in empowering communities to raise their civic competence and actively participate in democratic elections has been growing over the years since Tanzania adopted multi-party democracy in 1992.

The state has increasingly recognized the role of CSOs in promoting democracy through election monitoring. Their role is vital. Since the 1995 general elections, they have formed a broad coalition of organizations, unconnected to political parties or candidates, that deploys neutral monitors at all the different polling stations to ensure that the voting and vote counting is entirely free, fair, peaceful, and transparent. It is very hard to have credible and fair elections in a new democracy unless civil society groups play this role.

Over the past 15 years a number of CSOs have been involved in training communities to actively participate in democratic processes at various levels. The role of civil society in empowering communities has started bearing fruit. It is not uncommon to find community members coming out into the open to air their views regarding electoral processes when they find that things are against democratic norms. The recent popular objections to the results of the Chama Cha Mapinduzi primaries before the 2010 general elections, resulting from corruption in many parts of Tanzania, speaks volumes about the growing civic competence in Tanzania.

Civil society is an arena for the expression of diverse interests. Another role for civil society organizations is to lobby for the needs and concerns of their members, such as women, students, farmers, environmentalists, trade unionists, lawyers, doctors, and so on. CSOs and interest groups present their views to parliament and local government authorities by contacting individual members and testifying before parliamentary committees. They also establish a dialogue with relevant government ministries and agencies to lobby for their inte-

rests and concerns. The Foundation for Civil Society (FCS) in Tanzania plays a vital role of providing both technical and financial support to civil society to enable the latter to engage constructively with key policy and law makers. The FCS has organised strategic events to raise its profile and facilitate the establishment of strategic working relations between the legislature and civil society.

Civil society provides new forms of interest and solidarity that cut across old forms of tribal, religious and other identifying ties. Democracy cannot be stable if people only associate with others of the same religion or identity. When people of different religions and ethnic identities come together on the basis of their common interests as women, artists, doctors, students, workers, farmers, lawyers, human rights activists, environmentalists, and so on, civic life becomes richer, more complex, and more tolerant.

Civil society provides a training ground for future political leaders. CSOs and other groups can help to identify and train new types of leaders who can deal with important public issues and can be recruited to run for political office at all levels and to serve in national cabinets. Experience in Tanzania shows that civil society is a particularly important arena from which to recruit and train future women leaders. Dr Asha Rose Migiro, the Deputy Secretary General of the United Nations, initially hailed from

Agenda Participation 2000, one of the keen CSOs working for promotion of democratic culture in Tanzania. Before being appointed to serve at the UN, she was appointed a Member of Parliament on a CCM ticket and she later served as the Minister for Foreign Affairs. This is living proof that civil society is the nurturing and training ground for local, national and global leaders.

Civil Society helps to inform the public about important public issues. This is not only the role of the mass media, but of CSOs which also provide forums for debating public policies and disseminating information about issues before parliament that affect the interests of different groups, or of society at large. A number of CSOs engaged in promoting democratic governance organize public debates where community members take part to discuss and analyse relevant policies and practices. The Policy Forum, Tanzania Gender Networking Programme and Tanzania Education Network are among the leading CSOs in Tanzania which have catalyzed democratic processes by involving the general public to debate a number of issues. This has contributed to strengthening civic competence, an important principle in promoting democratic culture.

Civil society organizations play an important role in mediating and helping to resolve conflict. Some members of civil society in Tanzania have played a key role in empowering other members of Civil Society across the Great Lakes

Region for enhanced mediation and dispute resolution through bargaining and accommodation. The Concern for Development Initiatives in Africa (ForDIA) is noteworthy in this role. ForDIA is the regional secretariat of the Peace and Security Network (PeSeNet), a civil society network for promoting peace and security in the Great Lakes Region.

Civil society makes the state at all levels more accountable, responsive, inclusive, and effective—and hence more legitimate—a vigorous civil society strengthens citizens' respect for the state and promotes their positive engagement with it. A democratic state cannot be stable unless it is effective and legitimate, with the respect and support of its citizens. Civil society is a check, a monitor, but also a vital partner in the quest for this kind of positive relationship between the democratic state and its citizens. Civil society organizations have played a key role in public expenditure reviews and public expenditure tracking studies. The empowering role of CSOs in Tanzania has started paying dividends. Increasingly, community members have started holding local government authorities (LGAs) accountable. CSOs have notably been playing a watchdog role. This contributes significantly to good governance in the country.

Conclusion

There has been a dramatic expansion in the size, scope, and capacity of civil society in Tanzania over the past twenty years. Apart from being important actors in the delivery of social services and implementation of other development programmes, as a complement to government action, civil society has been instrumental in raising civic competence through the adoption and popularization of participatory development processes as well as the promotion of democratic culture in communities. Civil society gives a voice to the concerns of the community, particularly poor and marginalised populations, and helps to ensure that their views are mainstreamed into policy and programme decisions. Such is the contribution of civil society to strengthening democracy in Tanzania.

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Civil society and the democratization process in Tanzania

By John Jingu
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The wave of democracy which started in the late 1980s and early 1990s led to the emergence of new democracies in Latin America, Southern Europe, Eastern Europe, Asia and Africa (Huntington, 1991). This wave also saw the resurgence of civil society as one of the actors in democratic processes in these countries. The notion of civil society denotes voluntary groups or associations through which citizens organize them to legally pursue an issue of public interest while at the same time maintaining relative autonomy from the state, the market and the family. According to this conceptualization, organized groups which compose civil society, include: i) social movements; (ii) non-governmental organizations (NGOs); (iii) religious associations; (iv) neighbourhood and recreational associations; (v) professional organizations and; (vi) trade unions (Jingu, 2006).

In Tanzania, as in many other new democracies, civil society organizations have emerged as prominent actors in the democratization process. In this regard, civil society organizations play two major roles. Firstly, civil society organizations serve as agents to inculcate democratic values and norms such as justice, equality, trust, inclusion, tolerance, respect of diversity, respect and protection of individual liberties, rule of law and the general support for democratic processes. Some civil society organizations (CSOs) provide civic education, to enable citizens to become aware of their civic rights and obligations. In short, CSOs have been useful agents of democratic socialization in the country.

The second role of civil society organizations is to promote democratic governance in the country. This entails making sure that the state and its many agents are transparent and accountable to the people. In this regard, civil society organizations have tried to ensure that state actors abide by the rule of law by revealing cases of governmental wrong doing and pushing for sanctions against law breakers. In some instances, civil society organizations have taken action to ensure that the existing laws are in keeping with the principles of human rights. For example, some CSOs, including the Lawyers Environmental Action Team (LEAT) and the Legal and Human Rights Centre (LHRC) took measures which moved the High Court in 2006 to strike off Section 98(2) and 98(3) of the Elections Act of 1985 as amended by the Electoral Law (Miscellaneous Amendments) Act number 4 of 2000 as well as sections 130(b) and (c) as these pieces of legislation legalized electoral corruption in the name of African Hospitality (*Takrima*).

The role of CSOs in promoting accountability, however, is not without cont-

roversy. Some government officials in Tanzania argue that it is not the business of self-appointed CSOs to hold public officials accountable and that by doing so CSOs interfere with the work of legitimate accountability mechanisms such as elections and parliament. This argument is faulty as it ignores the fact that CSOs have the inherent right and obligation as citizens' groups to engage in any issue of public interest (Tocqueville, 1981). Furthermore, the widespread election rigging and fraud in elections in Tanzania today as well as the skewed influence on the process brought about by extensive economic support to specific candidates and parties render the accountability function of elections ineffective. Also, as the recent experience in the country shows, the application of the doctrine of party discipline turns the parliament into a caricature of party bosses. In other words, the parliament's ability to enforce accountability in a country where party discipline dictates the conduct of parliamentarians who are at the mercy of party bosses is very limited. That said, CSOs have the duty to ensure that public officials who abuse the power vested in them are held accountable by respective state organs. This role is too noble to be left to political organs alone. As pointed out by Sklar (1983), democracy "stirs and wakens from the deepest slumber whenever the principle of accountability is asserted by members of a community or conceded by those who rule." CSOs thus constitute 'a vital force' in propagating the principle of accountability of rulers to their subjects.

CSOs also perform a representative function. In the strict sense of the word, CSOs are not representative organs of the people as they are not elected. Yet, in some cases, CSOs have emerged as more effective representatives of marginalized sections of society than state representative organs. In this capacity CSOs conduct research on issues concerning some sections of the society and disseminate their findings with a view to influencing state decisions in addressing the identified problems. This role of CSOs however tends to be viewed suspiciously by state actors as they are afraid that they might undermine the legitimacy of the government in power. The troubles such organizations as HakiElimu face with state apparatus may be attributed to this factor. HakiElimu runs a series of media spots - both print and electronic - to expose various facets of corrupt practices by state officials. HakiElimu spots have greatly irritated the government from time to time. Experience has shown that although CSOs are self-appointed representatives of the people, they tend to be more genuine representatives than traditional organs like the parliament.

The performance of civil society in promoting democratic governance is relatively more problematic than the first role mentioned above. There are a number of factors which affect the role of CSOs in promoting democratic gover-

nance. Firstly, most civil society organizations lack internal democracy and as such they lack the moral authority to push for the accountability of state officials who violate the values they themselves do not abide by. Amongst other things, the lack of internal democracy may be caused by the tendency of some CSO founders to use the organisations as 'money making machines'. They may perceive more democracy in the organizations as a potential danger to their using them to generate money.

A second handicap facing many civil society organizations is their dependency on external donors for their existence. Consequently, most of these organizations tend to be viewed as conduits of foreign interests, and this compromises their legitimacy. This view has a lot of significance as CSOs often feel compelled to design their projects in line with donor funding conditionalities. Yet most proponents of this view tend to ignore the fact that even the government heavily depends on external donors. The argument against civil society organizations in this respect should equally apply to the government. Dependency of both the government and civil society organizations may limit their ability to be responsive and accountable to the people and thus undermine democratic governance in the country.

In addition, Tanzania retains several pieces of legislation which inhibit the smooth operation of civil society. These include the NGO Act (2002), the Newspapers Act (1976) and the National Security Act (1970). These laws provide a window for state actors to 'deal' with any critical voice from civil society organizations in order to maintain the loyalty and passivity of civil society organizations. These authoritarian tendencies of the state could be the legacy of the long period under an authoritarian mono-party system and the colonial state before it. In both mono-party era and colonialism, the state was '*Alpha* and *Omega*' of everything, meaning that public officials could not be questioned by the citizens about their exercise of power as the state was taken to know everything and citizens as subjects were taken to be ignorant of everything and thus required to obey everything. The state was what Sithole and Makumbe (1997) termed as "*Gukurahundi*"[1], meaning that it had power to destroy any restraint on the exercise of its authority. The existence of restrictive laws to hamper the operations of civil society organizations represents the existing tensions between democratic and authoritarian forces within the country. CSOs as one of the democratic forces ought to push for further democratic reforms of the state.

In Tanzania today, the major challenge for civil society and all of the actors interested in democratic development in Tanzania is the abject poverty, unattended illness and inadequate education. Democracy cannot develop and prosper under such conditions. By way

1 A Shona colloquial expression which means the storm that destroys everything.

of illustration, elections have become opportunities for poor Tanzanians to demand some share of the national resources from the election contenders in exchange for their votes rather than a means for choosing people with right competences to represent them in decision making processes. While the aforementioned appalling human conditions continue to escalate in the country, there is a growing waste of national resources through corruption and inefficiency.

These conditions must be addressed as a matter of necessity, if civil society organizations in Tanzania are to become relevant and effective agents for consolidating democratic development in the country. Recommended measures include,

- Members of civil society organizations should put their houses in order by ensuring that there are effective transparency and accountability mechanisms within their organizations. This would give them credibility in their pursuit of the accountability agenda up to the national level. Cooperation and networking among CSOs would increase their clout in promoting accountable governance at national level.

- Civil society organizations should strive to ensure that their projects reflect their agendas and ideas which should be geared to national needs. They should not serve as mere implementers of donor 'wishes. In addition, CSOs should strive to ge-

nerate funds from local sources to remove the perception that they are agents of foreign interests.

- The deepening of democratic institutional reforms in order to strengthen transparency and accountability. This includes constitutional and legal reforms to provide watchdog institutions, like the Prevention and Combating of Corruption Bureau with broader mandates, real autonomy in respect to their implementation of their mandates and unambiguous legal powers. This will enable watchdog institutions to check the abuses of power committed by public officials regardless of their positions in the government in order to tame their sense of impunity. In order to guarantee their autonomy, watchdog institutions should be placed under the people themselves through their representative bodies.

- Repressive laws which infringe on fundamental freedoms, in particular those concerned with the freedom of expression and assembly which are pivotal in enabling citizens to scrutinize the performance of the government and hold it accountable whenever necessary, should be amended or repealed. The guarantee of these freedoms will not only enable citizens to participate in the promotion of public accountability without fear of reprisal, but also enable civil society organizations to perform their function as a major instrument available to citizens in

bringing government agents to account. This requires that civil society organizations work together to push the government to repeal laws which inhibit their effective operations. This is only possible, if CSOs are assertive enough and are capable of developing effective strategies which can bring about political consequences to the powers-that-be.

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The Role of Civil Society in Fostering Good Governance and in the Fight against Corruption: Experiences in Tanzania

By Moses Kulaba
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Corruption has been defined as the act of using public resources, position or influence for personal gain.

According to the Prevention and Combating of Corruption Act (PCCA) of 2007[1], corruptions and a corrupt offence can be committed by any person or in conjunction with another person by soliciting, accepting or obtaining, or attempting to obtain from any person for himself or any other person or promising any advantage as an inducement to, or reward for, or otherwise on account of any agent or anything in relation to his principal's affairs or business[2].

By this definition it is a corrupt act and illegal in Tanzania to give or receive a bribe. Attempting to use or obtain advantage is also illegal and categorized as corruption. The range of acts categorized as corrupt range from corruption in transactions, corruption in contracts, corruption in procurement, corrupt transactions in auctions, corruption in employment, bribery of public foreign officials, persons obtaining advantage and sexual corruption or any other favours.

For many people corruption is generally accepted as an evil and an invisible virus that silently affects society. Corruption mows down development, it stifles

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1 The PCCA was passed by parliament in 2007 to replace the former PCA Act. The Act establishes the new Prevention and Combating of Corruption Bureau (PCCB) with broader mandate and powers to fight corruption

2 Section 15 of the Prevention and Combating Corruption Act (PCCA)- 2007

government public service delivery efforts and it threatens the lives of poor citizens as it works in favour of those who can pay or bribe their way to receive social services. In his address during the May Day Celebrations on the 17 May 1960, Mwalimu Julius K Nyerere said, "I think corruption must be treated with ruthlessness because I believe myself corruption and bribery is a greater enemy to the welfare of a people in peacetime than war." It is for this reason that civil society organizations (CSOs) have a very important role to play in the fight against.

CSOs play a key role in exposing cases of corruption and seeking or compelling government and those entrusted with law enforcement to take action against the corrupt. By documenting and sharing information on corruption, CSOs contribute towards increasing transparency and thus the ability of citizens to engage in the fight against corruption. Through education and mass mobilization campaigns, CSOs can rally citizens to exert public pressure against the corrupt.

CSOs build the capacity of citizens to track public spending and to demand accountability of those entrusted with managing public resources. Across Tanzania, CSOs have been pioneering the training of local communities on how to conduct public expenditure tracking surveys (PETs). In PET exercises conducted by CSOs and local communities in Bahi, Karagwe and Kibaha districts,

massive losses and the diversion of public funds were exposed. In some districts the local leadership was forced to resign from office. In some districts the local leaders were forced to pay back the stolen money with interest.

There are many reasons for the heightened relevance of CSOs engagement in the fight against corruption important. One is the failure of government departments and law enforcement agencies to combat the vice. An analysis conducted by the Tanzania Corruption Tracker System (CTS)[3] reveals the dismal performance by the Prevention of Combating Corruption Bureau (PCCB) over the past ten years. According to the analysis, the conviction rate of those accused of corruption is less than 1% of the total cases reported and prosecuted in court. According to the data over half (54%) of all the information received on corruption is not investigated and only 21% of the reported cases were investigated between 1995 and June 2008. Only 13 % of the investigated cases were filed in court out and the PCCB secured a conviction rate of 17% conviction in the cases filed.

Graphical presentation of investigations, files opened and administrative action taken

Despite the reports of widespread grand corruption in Tanzania, the available data indicates that the PCCB has recovered very few resources or assets misappropriated through corruption. A detailed analysis of PCCB reports by the
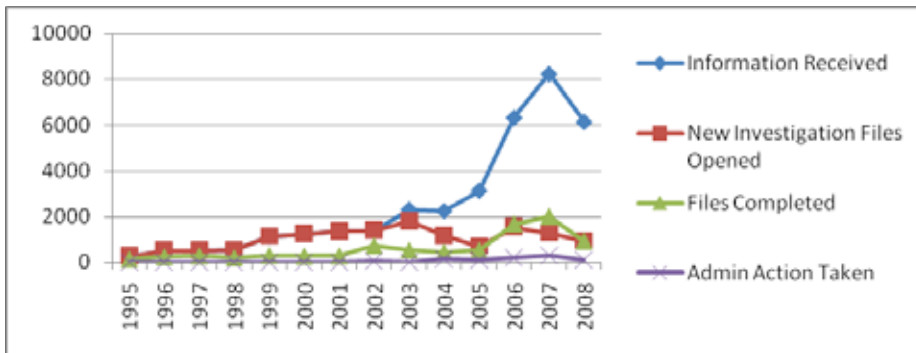
Source: Tanzania Corruption Tracker System: www.corruptiontracker.or.tz an analysis based on case statistics from PCCB Headquarters in December 2008

Tanzania Corruption Tracker[3] System revealed that PCCB has saved and recovered money and assets worth Tsh87 billion in corruption cases investigated and successfully concluded by the bureau between 1995 and 2008. This money is equivalent to approximately USD 80 million only.

This volume is almost less than half of the estimated over Tsh200bln swindled from the Central Bank of Tanzania during the infamous External Payment Arrears (EPA) Account between 2004 and 2005 alone.

Total amount of money saved or assets recovered by PCCB between 1995 and 2009 (see next page)

The data shows that the largest amount of money and assets recovered was in 1999 when the bureau recovered **Tsh**

3 Tanzania Corruption Tracker System is one of the projects of Agenda Participation 2000 (AP2000) under its enhancing good governance program.

14,795,169,650. The year 2008 alone saw a recovery of **Tsh 13, 203,459,357**.

There was no explanation given as to why the year 1999 registered the highest volume of money recovered given the fact that the number of cases handled was small. It is probable that the volume of funds involved and assets recovered in the **1,116** cases received and **9** convictions secured by the bureau in this period was relatively high.

These two cases clearly show how government agencies may be overwhelmed or incapacitated in effectively addressing the vice. There are many explainations as to why the government agencies have been performing poorly.

According to the PCCB Director General, Dr Edward Hosea, the secrecy involved in committing acts of corruption makes it difficult to fight the vice. It is difficult to arrest people involved in corruption without cooperation from either one of the parties to the crime or witnesses to the act being committed.

YEARS	MONEY SAVED/ASSETS RECOVERED (TSH)
1995	2,706,800,000
1996	1,900,651,000
1997	6,932,950,000
1998	9,300,478,000
1999	14,795,169,650
2000	11,100,000,000
2001	2,500,000,000
2002	2,714,199,000
2003	3,800,266,000
2004	4,000,216,000
2005	2,500,600,000
2006	1,301,492,528
2007	1,580,099,081
2008	13,203,459,357
2009 (AUGUST)	254,467,940
TOTAL	**86,786,018,206**

Source: Tanzania Corruption Tracker System: PCCB Saves 87 Bln Corruption Money: www.corruptiontracker.or.tz an analysis based on information obtained from PCCB Headquarters, November 2009

The perpetrators of grand corruption are so wealthy, have close political ties and access to the best legal representation once caught. This makes it difficult for the mostly young PCCB officers and often poorly paid state prosecutors to win the cases in court. The PCCB has also often blamed the judiciary for being slow in trying the cases for the slow process provides opportunities for crucial evidence to be tampered with before the case is concluded in the court of law.

The fight against corruption has therefore become more than an issue to be addressed exclusively by the state. CSOs are necessary to provide support that is required to cushion the poor performance faced by government agencies.

The increasing commitment of government to Decentralisation by Devolution under the ongoing Local Government Reform Programmes (LGRP) makes it even more important for CSOs to engage in the fight against corruption. As more public resources are channelled to lower levels of government, through the local government structures, it is impor-

tant for ordinary citizens and CSOs to track how these resources are spent.

Despite this clear need for more engagement, in Tanzania very few CSOs are actively engaged in the fight against corruption. The difficulties and challenges faced by CSOs in fighting corruption explain their low morale and level of engagement.

The politicization of corruption and the view that corruption is political issue rather than a social and economic issue which affects broader society beyond the confines of political ideology explains the limited engagement of CSOs. In Tanzania CSOs engaged in the fight against corruption have been accused of being politically biased against a given political party and significantly, the party in office. For this reason very few CSOs are willing to engage in the fight against corruption.

There have been accusations that anti-corruption CSOs lack of patriotism. Such CSOs are at times viewed by those in authority as being obsessed with tarnishing the image of the government and the country before the eyes of the public and international community. For this reason most CSOs do not view fighting corruption as an attractive thematic area in which to engage.

In some instances there have been attempts by government to de-register or blacklist CSOs engaged in the fight against corruption. A good example was

the attempts by government to de-register a local CSO- Haki Elimu - due to its consistent analysis and exposure of corruption and misuse of public funds in the education sector. When courageous CSOs are declared 'unofficial public enemies of the state', others become scared of become involved as they fear being attacked and de-registered.

The lack of a law protecting whistle blowers also works contrary to the efforts by CSOs to fight against corruption. The current PCCA Act is very extensive. However it lacks the necessary legal provisions to protect those who expose corruption. As a consequence, very few people are courageous enough to come forward and engage in the fight against corruption. Indeed for many, it is better to keep quiet and stay safe than to speak out and risk their survival for the next day. Without a specific protective mechanism for whistle blowers engagement in the fight against corruption largely depends on personal bravado, courage and commitment to the cause. Obviously, there are few people willing to run the risk.

The government, and those accused of corruption, have argued that CSOs are not transparent and lack integrity. As such they (CSOs) cannot confidently point the fingers against the government and those accused of corruption. There have been cases of misuse of donor money by CSOs. In a recent public high level meeting of Chief Executive Officers (CEO) of leading CSOs in Tanzania, it

was resolved that CSOs also need to clean up their 'houses' before taking on the government and those involved in corruption. The CSOs need to exercise prudent financial discipline and to comply with the existing laws.

As the debate rages between government and CSOs and sometimes amongst government agents like the police, PCCB and the Judiciary, the effects of corruption continue affecting innocent citizens. According to Tanzania's President Jakaya Mrisho Kikwete and the Controller and Auditor General's (CAG) reports approximately 33% of the total budget is lost due to corruption. This is an enormous amount of money which, if well spent, can go a long way in transforming ordinary lives. It is the magnitude of corruption and its wide impact on society that makes CSO engagement in the fight against corruption more relevant than ever.

Land use, mining and foreign investment: effects on the marginalized groups in Tanzania

By Max Mmuya
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Introduction

The question which this paper raises and responds to is: what have been the effects of foreign investment on land and mining on Tanzania's marginalized groups? We begin with a presentation of some basic data on land and mining. Then we review the instruments that determine land and mining use in Tanzania. Thirdly, we comment on the ongoing debate on the effects of foreign investment on land and mining on marginalized groups.

1. Basic data on land and mining in Tanzania

1.1 Land

Land is the most important resource in Tanzania. It is fundamental for agricultural development in the country and for the livelihood of the majority of the population. As shown in Table 1 below, 80 percent of the Tanzania's labour force is engaged in agriculture and 42.8% of Tanzania's Gross Domestic Product (GDP) is made up of agriculture and agricultural related products. Given its significance, it is obvious that the abusive use of land will have adverse implications for Tanzanians and for the national economy.

In recent times, land in Tanzania has grown in importance in various other ways, too, notably for building and construction works, fishing, tourism and mining. Land has been the focus of

STATUS OF THE AGRICULTURE SECTOR IN TANZANIA		
Labour force by occupation	*agriculture*	80%
	industry and services (2002 estimate)	20%
Composition of gross domestic product (GDP) by sector	Agriculture: Products coffee, sisal, tea, cotton, pyrethrum, cashew nuts, tobacco, cloves, corn, wheat, cassava (tapioca), bananas, fruits, vegetables, cattle, sheep, goats	42.8%
	Industry: Agricultural processing (sugar, beer, cigarettes, sisal twine); diamond, gold and iron mining; salt, soda ash; cement, oil refining, shoes, apparel, wood products, fertilizers	18.4%
	Services (2007 estimate)	38.7%

investment, especially by foreign investors in Tanzania.

The government website
www.go.tanzania.tz.economy
describes land distribution as follows:

Tanzania has a surface area of 94.3 million hectares of which 22 million ha. (23%) are allocated to reserves which include national parks (4.2 million ha.), game reserves (7.7 million ha.) and forest reserves (10.1 million ha.). The gross area cultivated/planted annually is about 5.1 million hectares, which is only about 5% of the surface area of Tanzania. A further 10 million hectares are uncultivated arable land, much of it used as pasture. Within the reserves, an additional 4 million hectares are suitable for cultivation.

1.2 Mining in Tanzania
In comparison with other countries mining in Tanzania is an industry in its infancy. Nonetheless it is significant.
"…Tanzania is Africa's third largest gold producer after South Africa and Ghana. Gold exports reached $1.076 billion in 2009, up from $932.4 million the previous year.
Other minerals that have attracted most investors and therefore elevated the industry in the recent years are base metals, gemstones and diamonds that have always been the mainstay of the country's mineral production…"
Source: http://www.tanzaniainvest.com

Besides, "…Tanzania is the world's only source of tanzanite. …Tanzanite, is 1,000 times rarer than diamonds, [The mineral] is also… mined from the world's only known deposit, at the foot of Mount Kilimanjaro, Africa's tallest and snow caped peak…"
Source: pmrichardson@bloomberg.net

2. Instruments that determine land use and mining Tanzania

There is a synergetic relationship between minerals and the land from which they are extracted. It follows therefore that instruments that are applied to either of the two - minerals or land - are likely to have some bearing on the other.

Land use
Land use for any purposes in Tanzania, including agriculture and mining, is legislated and subject to government policy. The critical pieces of legislation include: the 1973 Operation Vijiji (villagisation), the 1999 Land Act and the accompanying Village Land Act and the Land Tenure Reform Programme.

The 1973 the Operation Vijiji (Villagisation) Policy
The 1973 the Operation Vijiji (Villagisation) was notorious for its approach. It forced hundreds of thousands of people to relocate in Ujamaa (socialist) villages. This was intended to facilitate communal farming and the provision of services. Consequently, the authorities hoped that the then customary land tenure system would be replaced by the

preferred communal one. However, on the contrary, in some cases the communal system and in the individual ownership systems operated as parallel systems. When the policy was abandoned in the 1980s, many people moved back to their original homeland, only to find that other people had settled there. The result has been land tenure confusion and disputes all over the country.

The Land Act (1999)

This act, which became effective in 2001, made it clear that there would no land reform in Tanzania. All land would remain public land and would be vested in the President. The actual administration of the land would be carried out by the Commissioner for Lands on behalf of the President. The Land Act confirmed the tenures that were introduced under colonialism which granted right of occupancy, customary tenure and leasehold estates. Customary tenure applied to village land, general land, reserved land as well as urban land and peri-urban areas.

The accompanying Village Land Act

The Village Land Act no. 5 was passed in 1999. The objective of the law was to enforce policy statements made by the Presidential Commission of Inquiry into Land Matters.

These included:
➢ Section 4.2.2 (iii) which provide that village councils shall administer village land

➢ section 5.2.1 which provided for the demarcation of village boundaries and resolution of village boundaries disputes
➢ section 4.2.2 which provided for titling of individual parcels of land in village land

The broad legal and policy objectives from the government side was to
➢ To ensure that existing customary land rights are legally secured
➢ To ensure efficient and effective village land administration
➢ To enable villagers to participate in land administration
➢ To ensure gender balance in land administration and ownership (URT, 2007a)

According to these policy and legal instruments, the Ministry of Land would be responsible for administering the implementation of the National Land policy and the Village Land Act, while local government would implement the Village Land Act. The titling of individual parcels in village land was meant to increase people's economic empowerment.

Customary rights to Land

Clark points out that most land users in the countryside do not have any formal certificate or title to the land that they are using in spite of the existence of these instruments. The process of attaining a certificate or title to a plot in rural areas is slow and expensive, and having a title does not always protect the title holder

against disputes, since there is no reliable official system for registering titles and other documents that give rights to use land. Certificates of title to the same land are sometimes issued by different officials to different people (Clark et al., 2007:12-13).

Also, despite the efforts undertaken by the government to reform land tenure and its administration, land problems persist in the country. One explanation is that there is gross ineffectiveness in the implementation of land reform policies and programmes because of unclear land policies and cumbersome administrative procedures.

Competing frameworks for land policy
The framework for the above instruments was Ujamaa which was steered by a strong state. From 1995, Tanzania embarked on a neo-liberal land tenure reform. There were a number of factors that pushed Tanzania in this direction. A number of observers associate this with the growth of informal land markets in urban and rural areas and the growth in the volume of violent land disputes, especially among pastoralists and peasants in many parts of the countryside (URT 1995).

Other observers suggest that indeed the turn to a liberal reform framework was a corollary of the trends taking place elsewhere in Tanzania's political economy. The market was taking over from the state and the private from the public. A review of the 1999 land policy which

resulted in the *Land Act, 1999* and *The Village Land Act, 1999,* subsequently led to significant amendments which are incorporated in the land (Amendment) Act, 2003. The provisions of the 2003 Act facilitated the acquisition of big pieces of land by local and foreign investors and granted permits the sale of bare land. Subsequently, the government established the Land Bank through the Tanzania Investment Centre in order to make land available for investment.

It has been recognised by many observers on the political economy of Tanzania that while   the government bureaucracy was genuinely interested in correcting anomalies in land law brought about by the former villagisation policy, the World Bank/IMF policy of economic liberalisation has exerted considerable influence in initiating land reform processes in many African countries in the 1990s, including Tanzania. Liberalisation accelerated the growth of both domestic and international business investment in land. This has created competition over natural resources between large-scale farmers and small-holders, between pastoralists and cultivators, between forest keepers and lumber business interests and so on. Incidents of land-grabbing are now widely reported, and some of them have caused social disturbances. The World Bank and associates are now encouraging the government to formulate new land tenure policies and possibly to enact new land laws which provide for market oriented land tenure and use.

Mining

Liberalisation accelerated the growth of both domestic and international business investment in land and land related industries, including mining. This has led to competition over access to natural resources as can be seen in the mining sector since Tanzania opened its doors to mining prospectors. The World Bank encouraged the government to pass legislation allowing international investment in mining.

However, even while this general liberal framework was being put in place, the state sometimes responded in a retroactive way by introducing "illiberal", "anti-market instruments" in some sectors, including the mining sector.

Very recently, for example, the state and not the market raised royalty payments from 3% to 4% and banned exports of raw minerals, notably Tanzanite. There is also significant pressure on the state from various categories of stakeholders to protect vulnerable groups. It would seem that the state cannot afford to desist from giving in to this pressure and is likely to at least compromise on a number of demands, even if it means backtracking on various market based policy instruments.

3. The effects of foreign investment on land and mining focusing on marginalized groups

When it comes to classifying Tanzanians in terms of their vulnerability in relation to various policies, they can all be lumped together with the exception of the few who are partnering with foreign investors and those who have a high position in official formal entities and bodies. Tanzania is recognised as one of the poorest countries of the world with the majority of Tanzanians eating only one meal a day and a very poor quality meal at that. Politically, the majority of the Tanzanians have little opportunity to effectively stand up for their rights. Even the government elite and other officials are poorly resourced when it comes to entering into negotiations with more experienced officials from the multinational corporate agencies involved in mining, pricing, etc. In this respect the country is made up of an entirely vulnerable and marginalized population that requires "preferential treatment" when it comes to dealing with foreign private, profit-oriented investors.

There are at least two major standpoints on the effect of foreign investments in land and mining in Tanzania: that of the foreign investors and their local partners; and that of activists.

3.1 The position of foreign investors and local partners

They claim that the poor segment of Tanzanians - women, children, rural residents and squatters in town- stand to benefit from foreign investment in land and mining. This is the typical position of the international financial institutions (IFIs) which include the World Bank and the International Monetary Fund. It is echoed by a number of foreign, wes-

tern institutions and agencies. Basically it arises from a liberal and neo-liberal postulate which claims that opening up to foreign investment means access to much needed capital and technology as well as markets for the resulting products. The exponents of this view hand over the challenge to recipient countries such as Tanzania, to create systems which can deter the investors from "abusing" the investment opportunities accorded to them. The World Bank, for example, has been singled out as having a significant hand in pushing Tanzania to carry out various reforms to this end, for example on the question of land.

The actors have come out in direct support of the IFIs positions, notably the foreign mining companies. Here are some excerpts from their statements:

1. "Mining provides direct employment for about 14,000 workers in Tanzania, Africa's third-largest gold producer after South Africa and Ghana. About 42 percent of Tanzanian exports are minerals, mainly gold, as well as diamonds and Tanzanite".

2. Reacting to the new law on the ban on the export of rough Tanzanite and other minerals mining companies they argue:

   ➢ The law is "distorted", "… it will restrict future mining projects in the second economy of Africa…"
   ➢ "(The bill) will only serve to impede … the mining industry's future growth as existing inves-

tors, limiting the use of existing expansion plans and is linked to scare potential investors will look elsewhere to invest " (a joint statement by mining companies)

They (the mining companies) continued that they

➢ "… hoped to persuade the Government to amend the new law before it received presidential assent, as it would have "serious repercussions" on the (mining) industry.

Furthermore, a report issued by the World Gold Council (WGC) in partnership with the International Council on Mining & Metals (ICMM) and Oxford Policy Management (Tuesday, September 15th 2009) claimed that

➢ " … Large-scale gold production has been found to be a major factor in bolstering the economies of developing countries."

Referring directly to Tanzania, the report claimed

➢ " … The findings of the study uncovered that the most significant contribution that gold mining provides to Tanzania's economy is its effect on foreign direct investment (FDI) which has been enabled by the mining law reforms introduced over the past 12 years…"

3.2 Activists and nationalists

An opposing position is held by what one may refer to as activists cum nationalists. They hold the following positions on both mining and WB induced land reforms.

Referring to the new law on mining, they argue that

> ➢ *"…A ban on Tanzanite exports will create additional jobs in the mining industry… many gemstone cutting and polishing operations have either closed-down or are operating beneath full capacity because of increased exports of rough tanzanite,"   (Sammy Mollel, chairman of the Tanzania Mineral Association)*

Contrary to the claims made by the World Gold Council (WGC) in partnership with the International Council on Mining & Metals (ICMM) and Oxford Policy Management, critics claim that the gold mining industry in Tanzania provides relatively low tax receipts.

"…Tanzania has collected only $1 million in income tax from foreign mining companies even though they exported nearly $3 billion worth of gold over a four-year period…" (Africa Economic Research Consortium Report)

The report went further to show that

"…As at the end of last year, AngloGold Ashanti was the sole mining company operating in Tanzania to have paid any corporate income tax…" (Report by Action Aid and other critics)

This indicates that other mining firms evade paying back at the very least the small amount that would have benefited the vulnerable Tanzanians.

Just as is there is criticism of mining, there is a lot of criticism of neo-liberal land reforms. A report by the Southern Africa Report, "the Menace of the Market: Land and Labour in Southern Africa", by Steve Greenberg and Samuel Bonti-Ankomah, summarizes the negative effects of the liberal postulates and accompanying laws which are forced on poor people in countries like Tanzania thus:

"…Although a limited amount of land reform has taken place in the different countries since independence, growing demands by the World Bank and other Western agencies for privatisation and reduced state support threaten not only to roll back those limited gains but also to push the rural poor further back than they were prior to independence. Those countries that gained independence first (like Tanzania, Zambia, Malawi, Angola and Mozambique) instituted land reform mainly via state ownership of the land in the name of the people, allowing peasants to use the land. But with the wave of privatisation sweeping the region, peasants who have been working the land for decades are in danger of losing all access…"

Referring specifically to Tanzania, the report reads:

"...In Tanzania a proposed Land Act threatens to dispossess over 9 million peasants who will be turned into illegal squatters overnight because land which was formerly vested in the President under ujamaa (villagisation) is due to be privatised by the end of 1997..."

The report warns that the process will lead to a re-colonisation of the countries like Tanzania via the market arrangement. It will also convert the rural poor into landless labourers.

Conclusion

The discussion above falls neatly into the current debate on the state in the economy. After so many years where the dominant paradigm celebrated the efficacy of the market in the distribution of goods, it is now acknowledged that the state must be brought back in. The major question is where (in what sectors) and how. The state should be brought in to support the vulnerable who are always the first victims of the market's ferocity.

. . . .

The rule of law and the separation of powers: how it works in Tanzania

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Introduction

The rule of law and the separation of powers are core principles of liberal democracy, a key feature of which is the relationship between the three branches of government authority - the legislative, the executive and the judicial. The division of government into three authorities is sustained by the principles of the separation of powers and rule of law which are considered to be imperative for the protection of individual liberties and for the government's response to pu-

blic issues. The present article is about the rule of law and separation of powers, with particular emphasis on how the two principles work in Tanzania.

The rule of law

The rule of law is the principle that the law should guide the management of public affairs. This means that there must be a legal and institutional framework to which all actors in society, whether they be private citizens or government officials, must adhere. The rule of law, as a core principle of liberal democracy, embodies the ideas and practices of constitutionalism and limited government. The idea of limited government implies the existence of a constitution and a legal and institutional framework that limits its powers, protects individual liberty

and regulates the relationship between the branches of government authority (Heywood, 2007:326, 447). Thus, the rule of law establishes the primary rules (the content of the legal system) that regulate individual social behaviour and the secondary rules that confer power upon the institutions of the government and regulate their adjudications in the political system. The role of the rule of law is, then, firstly, to ensure the universal authority of law which prevents the abuse of individual liberties; and secondly, the existence of an independent judiciary whose task is to interpret law and adjudicate between parties in a dispute (ibid, pp. 326 &327).

The separation of powers

The doctrine of the separation of powers has evolved through a long historical process as rulers and political theorists searched for new ways of organizing the authority of the government to avoid the concentration of power in one or a few hands. However, the application of the doctrine as a core characteristic of liberal democracy may go back to the late 17th century when a French Philosopher, Charles Montesquieu (1689-1775), championed a form of parliamentary liberalism and the need to resist tyranny by fragmenting government powers through the device of the "separation of powers". His construction of modern government based on fragmented authority of the three branches of the government (the legislature, exe-

cutive and judiciary) was based on the following thesis:

"When the legislative and executive powers are united in the same person or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarchy or senate should enact tyrannical laws and execute them in a tyrannical manner. Again, there is no liberty if the judicial power be not separated from the legislative and executive. Were it joined with legislative, the life and liberty of subjects would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive powers, the judge might behave with violence and oppression. There would be an end of everything where the same man or the same body, whether of the nobles or the people, to exercise these three powers, that of enacting laws, that of executing the public resolutions, and of trying the cases of individuals"(Montesquieu, 1748 quoted in Mushi, 2001:4-5).

Since then, Montesquieu's thesis has been the fundamental organizing principle of modern government with regard to the distribution of power in constitutions, a balanced distribution being considered essential for liberal democratic government (Mushi, 2001:5). Thus, "the doctrine of the separation of powers proposes that each of the three authorities and functions of government (legislation, execution and adjudication) should be entrusted to separate branches of government (legislative, executive and judiciary respectively). Its purpo-

se is to fragment government power in such a way as to defend liberty and keep tyranny at bay" (Heywood, 2007: 339). In its formal sense, it demands the independence of each branch, in that there should be no overlap of personnel between them. However, it also implies interdependence in the form of shared powers to ensure that there are checks (the restraint or control exerted by one of the powers /authorities of the government against the other two so that no one of the three powers can go beyond the boundaries or limits of its authority within the constitution) and balances (equalization of the three powers by making them counteract one another's actions to create a state of harmony among them by eliminating or reducing conflicts and increasing complementarities (Mushi, 2001:5; Heywood, 2007: 339).

The rule of law and separation of powers in Tanzania

(a)   How it works

Tanzania is a republic state with an institutional arrangement that is a hybrid - a semi-presidential system of government. In this system there is a "dual executive" where a separately elected president works in conjunction with a prime minister and cabinet drawn from, and responsible to, the legislature. In principle, like most presidential systems, the semi-presidential system is based on the principles of the rule of law and the application of the doctrine of the separation of powers. The principle virtue of presidential systems is that, by separating legislative power from executive and judicial power, they create internal tensions within the governmental sys-

Figure 1: Separation of Powers
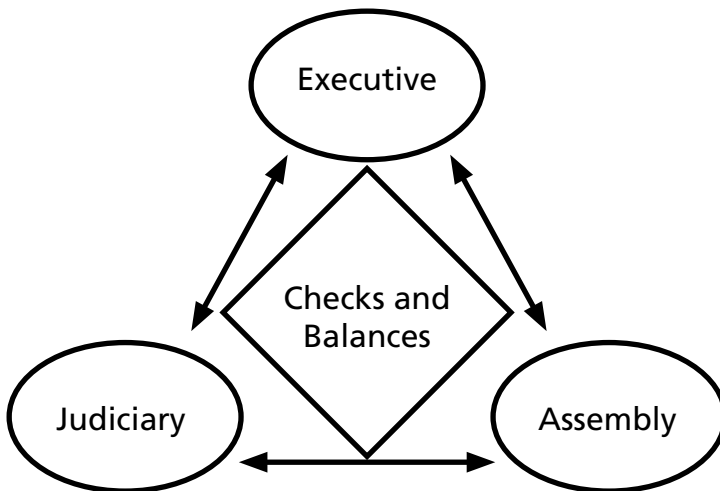
tem that help to protect individual rights and liberties (Heywood, 2007: 339).

In Tanzania, the constitution of 1977 states that all state authority in the country must be exercised and controlled by organs vested with executive powers, organs vested with judicial powers and organs vested with legislative and supervisory powers over the conduct of public affairs. In terms of the division of the powers (structurally and functionally) the Tanzanian constitution states that all the executive functions of the government are discharged by officers of the government on behalf of the President [Article 35 (1)]. The President is the Head of the State, the Head of Government and the Commander in Chief of the armed forces [Article 33 (37)]. The authority of the government is exercised by either the President himself directly or by delegation of such authority to other persons holding office in the service of the United Republic [Article 34(4)]. The President is also given the power to constitute and abolish any office in the service of the government of the United Republic [Article 36 (1)] and the authority to appoint persons to of-fices in the service of the Government, to promote, to remove, to dismiss and to discipline such persons [Article 36 (2)]. The legislature is the legislative authority and the principle organ with the authority, on behalf of the people, to oversee and advise the government and all its organs in the discharge of their respective responsibilities in accordance with the constitution [Article 63(2)]. All ministers and deputy ministers are appointed from among members of parliament - *the essential feature of the parliamentary government* [Article 55(4)]. The freedom of Parliament to perform its responsibility without undue fear of victimization by the executive is guaranteed by the Articles 100 (1) and 101. The Judiciary is responsible for the adjudication process and is defined as the Court of Appeal, the High Court and all subordinate courts of the United Republic [Article 115(2)] (See also, Mushi, 2001, pp: 6-9).

The constitution has a number of provisions, which specifically enforce the separation of powers of the three authorities of the government.

No.	Aspect of Separation of Power	The Provisions
1	A parliamentarian ceases to be a member of that body where he is elected President or is elected or appointed Vice-President of the United Republic	Article 71, (1) (a) and (b)
2	A person shall not be qualified to be elected or appointed a Member of Parliament if he holds a senior office in the service of the government	Article 72 (b)
3	Ministers and Deputy Ministers are barred from being elected Speaker or Deputy Speaker of the Parliament	Articles 84 (2) and 85 (2)
4	A Member of Parliament cannot be appointed a member of the Judicial Service Commission	Articles 112 (2)

Source: The Constitution of the United Republic of Tanzania, 1977; Mushi, 2001

The constitutional laws indicate the ways the powers check and balance each other. The process is too complex to be discussed in detail in a brief article like this one. The following are only few indicative aspects of checks and balances as practised in Tanzania. Article 63 (3) lists several ways in which the Parliament (the legislature) can control or exert influence over the actions of the executive. These include putting questions to ministers concerning public affairs, debating the performance of the government, deliberating on and approving government's long-term plans and budgets, enacting legislation and ratifying all treaties and agreements made by the executive. The Parliament can also control the executive by vetting appointments made by the Prime Minister and exercising a vote of no confidence against the same (Article 51). On the other hand, the President is empowered to dissolve Parliament under certain circumstances such as when Parliament refuses to approve a budget proposed by the government; when it fails to pass a bill which the president favours or when Parliament insists on passing a bill that is in the President's disfavour (Article 97); when Parliament refuses to pass a motion considered of fundamental importance to government policies and the president feels that the only way out is to call for a General Election (see also Mushi, 2001). The executive checks the Judiciary through presidential appointments of judges (Articles 108,110.112,113,1180. However, the President plays a marginal role in the removal of judges (Articles 110, 120). But the executive can overturn a verdict of the court by amending the constitution retrospectively or outwitting the judiciary by inserting ouster clauses in areas of the constitution and other laws where it does not want the court to exercise authority.

(b)   The challenges

How the rule of law and the separation of powers in a semi-presidential system works in practice depends on the provisions of the constitution, the balance of power and structural and functional relationship between the three branches of the government, the personal authority and popularity of the president, the personalities of the heads of other branches of the government, and the political complexion of the legislature.

First, legal scholars and professionals argue that one main feature of the Tanzanian semi-presidential system is the imbalance of power between the three branches of the government characterised by the overwhelming and extensive powers vested in the executive. The executive, it is argued, is well placed and has wide discretionary powers outside the framework set by the constitution, it has a monopoly over most of the resources needed by the other powers and it controls the coercive instruments of the state. All these factors create conditions where it has the potential to take *ultra vires* actions and undermine the rule of law and separation of power. This phenomenon is historical. Historically, legal

institutions were not created or adopted as instruments at the disposal of citizens in their search for freedom and rights against the colonial state nor to promote access to resources and the protection of their well-being. They were adopted as colonial state instruments for control of resources and exploitation. The status of legal institutions was that of an administrative mechanism with which to rule – in other words they were the means for legitimising and enforcing administrative actions for the preservation of the interests of the rulers. As a result of this, legal institutions became secondary in status and inferior to administrative institutions. Moreover, due to distortions in their way of functioning and their oppressive character, legal institutions rendered themselves useless and therefore illegitimate in the eyes of the majority of people. Despite post-independence reforms, institutions have never reached a high standard as far as legal and administrative regulatory balance is concerned. The elevation of bureaucratic regulations above legal institutions have institutionalized the domination of bureaucracy and exposed legal institutions to bureaucratic manipulation and placed them in an inferior position. Due to its inherent nature of multiplicity and volatility, the overriding influence of bureaucratic institutions have inflicted the Tanzania's political system with uncertainty and weakened the legal foundations of the rule of law and separation of powers (Sansa, 2010). Since the rule of law and separation of powers are based on the assumption that there is an effective legal system, these tendencies remain the main challenge to political and legal reformers.

For example, while the principal machinery for settling land disputes is the judicial system, for a very long time, the organs of the executive have been heavily involved in land dispute settlement to the extent of undermining the legal system. A comparative overview of the extent of the involvement of different organs in the process of resolving land disputes (Table 2) shows high frequencies in the incidences of involvement of the executive organs. This indicates that it is the executive arm that is heavily involved in the process of dispute resolution. The involvement of the judiciary, the primary organ for resolving disputes, is less extensive than would have been expected. According to the Shivji Commission, while this could have been partly due to the relative inaccessibility of the judiciary for a large number of people, the main reason is the dominant tendency of the executive arm to allocate extensive powers to itself (URT, 1994:104). (see Table 2, n. p.)

The second challenge is the structural and functional link between the executive and the legislature. Although the parliament as a legislative body is distinct from the executive authority, structurally, the ministers and deputy ministers are members of parliament. The 13th Constitutional Amendment gave the President power to appoint up to 10 members of parliament. Among other things, this increases the influence

Table 2: Extent of Involvement of Different Organs in the Resolution of Land Disputes (in %) by 1994

No.	Region	Village Authority	CCM Organs	Executive Organs	Judiciary	Administrative Tribunals	Other
1.	Arusha	16	5	42	34	3	-
2.	Dar es Salaam	4	6	62	20	6	1
3.	Iringa	12	17	46	25	-	-
4.	Kagera	9	14	40	34	1	2
5.	Kigoma	4	8	48	32	8	-
6.	Kilimanjaro	5	13	41	31	8	2
7.	Lindi	-	9	82	9	-	-
8.	Mara	12	5	48	34	1	-
9.	Mtwara	-	8	67	25	-	-
10.	Morogoro	-	9	62	20	6	1
11.	Shinyanga	16	24	33	27	-	-
12.	Tabora	7	10	65	16	-	2
	Total	**8**	**9**	**52**	**27**	**3**	**1**

Source: URT-PCILM (1994) Report-Volume I (page 104, Sections 13).

of the executive in Parliament. Moreover, functionally, the President, who is the chief executive, constitutes one part of the legislature [Article 63(1)]. The authority of the parliament is thus shared by the two powers: the executive through the president and the parliament. In practice this constitutional arrangement creates the possibility for the executive to manipulate the separation of powers and influence the legislative processes in its favour.

The third challenge is the personalities of the heads of the branches of the government. On 14th February 2009, the Chief Justice Mr Augustine Ramadhani complained that the work of the judiciary was being interfered with by other pillars of government. He said that the Speaker of the National Assembly, Mr Samuel Sitta had overstepped his domain by publicly commenting against a court ruling in Morogoro, in which the Energy and Water Utility Regulatory Authority, EWURA, had previously shut down a petrol station allegedly for selling corrupted fuel. The owners had hurriedly obtained a court injunction order that overturned the earlier one. His main concern was that the Speaker had made comments about a matter that was pending in court out of parliament, contrary to the letter and spirit of Article 100 (1) and (2) of the constitution. He cited another example where a member of the public, Mr Reginald Mengi, had clashed with the Deputy Minister for Minerals and Energy and Mkuranga MP, Adam Malima,

following which Parliament summoned the two. A special parliamentary team was even formed to look into the matter. In the end no culprit was found. In this particular instance the Speaker responded by criticizing some of the court's decisions which, in his own words, left a lot to desired. According to some observers, this was the sign of the abuses of the principles of the rule of law and separation of powers (Ngotezi, 2009).

Conclusion

Constitutional provisions for separation of powers among the three branches of government in Tanzania adhere to the core principles of liberal democracy. The division of government into three authorities is considered imperative for the protection of individual liberties and government responsiveness to public affairs. However, despite the fact that there are a number of provisions for checks and balances provided for in the constitution, the authority of the executive still outweighs by far that of either of the other branches. So, any analysis of the working of the rule of law and separation of powers in the country must take into account this institutional discrepancy.

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Who controls our health?

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The Health Sector Strategic Plan 111 for the period July 2009-June 2015 focuses on "Partnership for delivering the MDGs" through the ongoing health sector reforms. HSSP 111 is the result of the ministry's extensive consultations with all stakeholders and the ministry is committed to seeing it through.

The health budget will be increased to 15% of the government budget through resource mobilization, basically from the Health Basket Fund which was created in June 1999, and has a committee made up of MoHSW, PMO-RALG, MoFEA and basket donors. Others contributors are the Community Health Fund and the National Health Insurance Fund; and there is increased collaboration with the private sector which will be provided with opportunities for investment in health. The ministry believes

the public-private partnership is important for achieving the goals of the health sector!

The ministry recognizes the challenges which globalization poses when it comes to providing health services to the people of Tanzania. One of the issues highlighted by HSSP 111 is that "non-communicable disease has become more and more important with the shifting democratic situation and modern lifestyles." More attention on healthier lifestyles and better treatment will be stimulated so that by 2015 the population will be aware of the impact their changing lifestyle has on their health. To realize this, the ministry has put the Environmental Health and Public Health Act in place.

The ministry also acknowledges that, in order for it to succeed, it needs to invest capital to expand the health services network in infrastructure, maintenance, equipment and transport. Medicine and medical distribution need to be improved, too. The ministry uses the sector-wide approach and coordinates and manages the process with the support of its development partners. The private sector is coordinated by several major umbrella organizations - the Christian Social Services Commission, the National Muslim Council of Tanzania and the Association of Private Health Facilities in Tanzania. Civil society organizations are represented by the Policy Forum and Tanzania Association of NGOs.

The ministry recognizes that political stability is a condition for the implementation of HSSP 111. The health sector is in competition with other sectors when it comes to getting and maintaining the best human resources for Tanzania suffers from a certain degree of brain drain. Therefore the commitment of the population to health financing for interventions and preventive health activities will help the ministry reach its goal sooner than later.

The ministry has outlined several challenges, among them donor dependence in many areas and this is what we shall look into.

At independence

Growing up as teenagers in the 1960s, we were optimistic and enthusiastic. The future was bright for our young nation which had just achieved its constitutional independence and was working for full political, economical and social freedom. Before independence our biggest enemy was colonialism and imperialism and even after our political independence the two enemies still remained because the rest of Africa was not totally free from the shackles of colonialism and imperialism, and our economy was in the hands of those who had colonized us.

We were told that in order to win the war against colonialism and imperialism we had to fight three enemies: ignorance, disease and impoverishment. Our weapons were our human resources; all the resources above and below our land; people-centred policies; as well as good governance and leadership. Our leaders developed plans, strategies, tactics and

programmes for destroying the three enemies using the weapons we had! Our guiding spirit was Ujamaa and Self Reliance which meant strengthening the human rights culture from the African perspective and having economic policies that would guarantee national ownership, equitable growth and equitable distribution of resources.

We were beginning to focus on developing as a nation and Tanzania ranked high in universal primary education, adult education was more than 80%, and our target on health services was to have a clinic near every citizen in the Ujamaa villages. No man, woman or child should die because of ignorance, disease or impoverishment. At least the government aimed at fulfilling our basic human rights in the first twenty years of our independence. This was a social transformation process. In fact the original "MKUKUTA" was home grown and grounded on self reliance; and it was a result of our own aspirations and we answered the call of our leaders without reservation; it was voluntary and participatory! Where did the chain break?

A lot of research and thinking has been done by distinguished scholars and scientists to help us understand what went right in Tanzania in the 1960s and 1970s when the world was calling for a new world order based on the Charter of the UN; and to understand the somersault which began in the mid- 1980s when most countries in the South were introduced to the common miracle pill known as *Structural Adjustment Programmes*.

The International Monetary Fund & the World Bank

Today the WB provides loans to national governments (especially less industrialized nations) to develop infrastructure aimed at increased industrialization and the exploitation of land and resources. The IMF establishes guidelines for world financial policies (along with others) and provides loans to national governments for economic development. As conditions for loans, the IMF imposes policies and programmes which national governments must follow.

Some of the conditions include the liberalization of the economy by way of a market economy, the privatization of parastatals, services (health, education, water, energy, security services, financial institutions, communication and information), the abolition of price control bodies and entrenching workers. This leaves many people, including the government, at the mercy of investors.

Globalization

Globalization is the term used to describe the current expansion of corporate power around the world. This time around the expansion has been made easy by the great advancement in technology, science and industries. Unlike 600 hundred years ago, this time it is not nations but transnational corporations who are the driving force behind expansion, the engine for development! People of good will call it the re-colonization of the world! Times and methodologies

may have changed but the goal remains the same: the exploitation of resources, dispossession of land and the enslavement of people through wage and welfare slavery.

Today, the World Trade Organization and others enforce similar trade conditions at a global level and work through national governments, banks and businesses. They are controlled by the G-7 bloc of industrialized nations (Canada, the US, Britain, France, Germany, Italy and Japan); and this is where the world largest transnational corporations are based. The G-7, and especially the US, are the economic and military forces of the "global ruling class".

With their economic power they can impose economic sanctions on countries that violate their trade policies. They can force countries to de-regulate energy markets, sell their public utilities, remove labour, health or environmental standards, in fact anything that will inhibit or limit the freedom of the corporations. It is not an over-statement to describe the armed forces of the US, NATO and the UN Security Council as the gunboats of globalization. The guiding ideology behind globalization is Neo-Liberalism which literally gives corporations the freedom to occupy new markets previously under the control of national governments.

If you do not cooperate with these new economic realities you are removed, economic sanctions are imposed on you, or you are the victim of covert wars of destabilization or military invasion. Corporate control also exists through media

support and the corporate funding of political representatives in government. Together, the corporate and financial elites in the communication, industry, banking, natural resources, manufacturing and technology sectors, along with economists and lawyers, run the country which to them is a market. Which head of state or government can fight these well organized, well resourced corporate giants alone? By controlling the means of production, communications, technology and governance, the capitalists ensure that society functions as a market, because in a capitalist, free market society, it is economics that determine overall policies. Therefore step by step, stage by stage, before our very eyes, the capitalists are constructing a global, free market; this is their historic task, expand or die! Ecological destruction, human suffering and death, at unprecedented levels are the unfortunate, but for the capitalist, the inevitable results of this history. We are part of that legacy and our grandchildren will wonder why we decided to die like lambs!

Laws and regularities which trade unions, civil society organizations have fought for, in the belief that these would protect society, control monopolies, or cushion the impoverished, are today overturned in secret, hi-level meetings of trade bureaucrats, ministers, economists, bankers and corporate heads. We see in this global market three emerging trading blocs - the Americas, Europe and Asia - which are necessary steps on the road to a complete global market, dominated by transnational corporations.

What is happening in tandem is the rapid pace of corporate mergers under globalization, as markets become deregulated and laws against monopolies are stripped away – just as what happened to our Ujamaa. In this economic free-fire zone, the strong dominate and overpower those who cannot compete or who are guided by the principles of justice. Transnational corporations exist above and beyond civil society, subject to no laws other than those which protect their interest. That is why they are big corporations like General Motors, Mitsubishi, Shell, WalMart, IBM among others that have sales larger than the gross domestic product of many countries (UN Development Report 1999).

While the rich get richer, and the impoverished are subject to new levels of impoverishment and suffering, economists tell us that globalization and the free market will save us. And yet, it is this very system which is to day killing us and the earth. Globalization has deepened the contradictions of history and is increasingly throwing the world out of balance.

Globalization's aftermath

Globalization seeks to erode the national sovereignty of national governments in the entire sphere of economics. For national governments, their subordination to international trade laws and economics policies means the de-regulation of markets, including the protection of labour, health or environmental standards. It also means cutting social services and privatization (the selling or contracting out of social services to business and the private sector).

While many sectors in society decry the erosion of national sovereignty, the dismantling of the welfare state and the removal of social reforms and standards on health, labour and the environment, it is the national governments themselves which facilitate this process of neoliberalism. A welfare state normally establishes a large state bureaucracy which provides institutional social needs, welfare, child care, unemployment insurance, education, health care, subsidized housing, etc. These are vital tools for capitalism to maintain social stability to replace the former social relations (families and communities) which capitalism destroys.

In Western Europe the welfare state was necessary since there was no other means to maintain the surviving civilians after the Second World War. We are also becoming a welfare state as part of the new economic system with global governance through the UN, IMF/WB. While the role of national systems within the global system of capitalism has yet to be clarified, many still seek reformist changes and even a strengthening of nation-state in response to neoliberal policies. Such perspectives are based on illusions about the true nature of international systems and the global elite, which controls national markets and therefore national governments

These illusions which are based on material comforts and social stability created under the conditions of a welfare sta-

te and maintained over 2-3 generations, have had a considerable psychological effect. People's perceptions of society as a whole have changed through globalization. Great leaders like Mwalimu Julius Nyerere, Kwame Nkrumah and others always maintained that capital has little need to compromise with national political policy and indeed it is in a position to demand broad policies reflecting its own needs, hence neo liberalism. It seems we did not understand our ancestors yesterday, but today when we can see clearly, what are we doing?

Economic inequality, an increase in long term unemployment and a chronic decline in living standards set in and the powers of national and local government decline. The future of social control, given the declining legitimacy of governments and growing unemployment, is almost certainly going to rest increasingly on forms of state coercion. Control of information is increasing as media corporations merge with new technologies, making many workers redundant. Media coverage becomes increasingly limited to fewer sources. That is why no matter which stations you choose essentially you get the same stories. The World Press Review 2000 observed that, "The world faces the spectre of a global commercial media sector swamping the traditional press and promoting the commercial value of international capital. Media analysts warn that this development augurs well for diversity of opinion and freedom of expression and threatens to muffle the voices of the world's impoverished majority in a continually globalizing world."

We hear a lot about a global society, implying togetherness, one united village, and that after all we share the same earth as one human race. Communication systems have advanced, we see people from anywhere and witness as events happen every minute making the world very small. In Namupa and Lindi we see people drinking coca cola even if they lack clean and safe water and in South Africa we see Shakira entertaining at the World Cup while in Darfur and the Congo children are running away to hide from advancing soldiers who are paid to kill.

The jigger is back!

Suddenly the diseases which were long eradicated are back. Even the jiggers are back in full force! What is up in this century of the most extraordinary advancement in science and technology that Africa should be experiencing a resurgence of curable diseases? Or are we satisfied that they are just statistics and they do not tell us anything? Social tensions and conflict are based on inequality in economic, political and social power and inevitably lead to rebellion, both rational and irrational.

So, as you can see, the global system is built like a pyramid. At the top we have the elite group of people, the wealthiest and most powerful group in global society. They make decisions affecting our daily lives, the effect of which can lead to wars, impoverishment, mass un-

employment, starvation, ill health and death. They are the bankers, businessmen and heads of state. The majority of them is concentrated within the advanced industrialized countries and is transnational. This is the real ruling class.

Below them are international organizations such as UN, IMF, WB along with national governments through which the policies of the ruling elite are imposed upon the world. The military and police forces serve as the ultimate enforcers of these policies. At the bottom of the global pyramid are the impoverished, the lowest class. They form the largest part of the pyramid; they are the foundation, the base. The pyramid is built on top of them.

Somehow when we see images in the media and official reports, we believe we are developing along with the industrialized world. The conflicting images we see on the screens are just a tip of the iceberg as the year 2000 edition of the State of the World, published by the World Watch Institute says, "What becomes clear from our research is that the economic model that evolved in the industrial West and which is spreading throughout the entire world is slowly undermining itself. As now structured, it will not take us very far into the next century. The question then is whether we can find another path that can be sustained."

So now you know who controls our health!

The vision of young leaders in Tanzania

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Introduction

This article focuses on what we see to be the main challenges facing Tanzania and East Africa today and what we believe to be an effective response to those challenges, a response that ought to inform the vision of our young leaders.

We will start by explaining the concept of vision and leadership. Then we will highlight the challenges facing Tanzania and East Africa today. Finally, we will deliberate on what we think ought to be the vision of young leaders in that environment.

The concepts leadership and vision

The terms vision and leadership are closely related. In our view, vision is the very essence of leadership. Any person worthy of the term 'leader' should have a vision regardless of how effective and realistic it may be. The vision may be a dream, an idea or a belief which the leader convinces other people to share and follow. It must be a dream or an idea that has common benefits, one which provides the solution to one or several of the followers' problems. We would argue that a vision is not formed in a vacuum. It is the product of some given conditions within a particular context. Therefore, if we are to talk about 'the vision of young leaders in Tanzania and East Africa', the context and conditions in Tanzania and East Africa must be taken in consideration. Our understanding of vision relates to what George Ambler (2007) wrote:

"Effective visions provide context, give purpose and establish meaning. They inspire people to mobilize, to act, to move in the same direction… Every good leader realizes that effective visions cannot be forced upon the masses. Rather they must be set in motion by means of persuasion and inspiration."

Leadership itself is essentially about holding a certain position in relation to others. It is about the ability that a person has to motivate a group of people to move towards a common goal. It is the ability to see a problem that needs to be fixed or a goal to be achieved through specific means. A leader needs to have a vision in order to be able to motivate the people towards achieving the desired goal. In academic circles leadership is considered to be a rather complex concept and there are various competing theories from the extremes of structuralism to functionalism[1]. However, beyond the theo-retical debates on leadership remains the fact that the specific situation in which leadership is exercised and the task the group of followers intends to face are central among other factors that leadership depends on (David Gonzalez, 2000:131).

1 David Gonzalez (2000) notes that structuralists have noted the variety of ways and circumstances in which leadership is exercised, while functionalists underline the complexities of the interaction that takes place between the leaders and their followers.

Challenges facing Tanzania and East Africa

Tanzania and the rest of the East African region lie South of the Sahara. Nyerere noted (2000:19):

"Africa South of Sahara is totally isolated in terms of that configuration of developing power in the world of 21st century - on its own. There is no centre of power in whose self interest it's important to develop Africa, no centre. Not North America, not Japan, Not Western Europe. There's no self-interest to bother about Africa South of the Sahara. Africa South of the Sahara is on its own…African leadership, the coming African leadership, will have to bear that in mind."

In other words, Tanzania and East Africa suffer from global isolation and this presents various challenges:

• Lack of integrity in governance reflected by selfish and corrupt cadre in the political leadership
• Immense and increasing mass poverty despite being endowed by great wealth of natural resources
• Existence of fragmented individual states which do not benefit from their diversity
• The process of globalization weakening and impoverishing the region
• Poor investment and poor development of human resources leading to functional incapacity and dependence

The challenges are innumerable, but we have highlighted the above in an attempt to locate the context in which a specific kind of leadership and visionary is sought.

The basis of a vision for young leaders in Tanzania/East Africa

The vision for young leaders in Tanzania and the East African region needs to respond to these existing challenges. Although it is not our intention to determine exactly what vision our young leaders should have, we would like to point out what we believe to be the main five areas that should inform their vision.

Firstly, it should respond to the need for genuine democratic governance in Tanzania and the region, in other words it should promote participatory democratic governance. There must be room for the voices of the voiceless to be heard, the voices of marginalized groups and individuals such as the disabled, orphans, youths, women and all the poor. Priority must be given to gender disparities and to rights within the broad context of human rights. This would be a vision that responds to growing inequality, increasing income poverty, unemployment and economic vulnerability[2].

Secondly, a realistic vision for young leadership in Tanzania/East Africa should respond to the need to make East

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2 The Tanzania National Strategy for Growth and Reduction of Poverty (2005) realizes increasing social economic inequalities between and among the people as one of great challenges facing the society today. We believe the situation in Tanzania is not so different from the rest of East African states.

African Region and the rest of Africa a beacon of strengthened and functional regional unity. It should embrace the spirit of better understanding and see regional unity as an essential tool for sustainable development. We believe that it is mainly unity which will turn our differences and diversity into a useful weapon against the ethnic conflicts and various human rights abuses which have been witnessed within the individual states.

Thirdly, there is a need to visualize how to manage the intensifying globalization effectively for the benefit of the East African countries. We need fair globalization and new international relations that avoid rigid rules and double standards at the expense of the poor.

Fourthly, the vision must respond to the call to invest in human resource development in order to achieve sustainable development in the region. Without investment in people in terms of education for human development and freedom, ignorance will prevail. This will continuously endanger the dignity of the people.

Fifthly, any realistic vision for leadership in Tanzania and East Africa should provide a response to the chronic disease of the state's and the people's economic dependence. Young leaders should be dynamic proponents of self-reliance which is central to fighting the new global imperialism in all its manifestations.

Personal and social dynamism in the way we face the global and local challenges of today are crucial. The way in which our leaders are nurtured should not be ignored. Their integrity is moulded by their background which is based on the existing social structures and institutions.

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The role of youth in promoting democracy

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1.0 Introduction

After almost 20 years of multiparty democracy, what has gone wrong with Tanzania? The country faces serious moral, ethical and institutional challenges: corruption has become a way of life. Corrupt politicians sign dubious contracts at the cost of the people, who in turn seek to emulate them. Such are the role models for the youth of today.

In a country where youth makes up 68% of the labour force this is serious indeed. Unless steps are taken to promote, expand and consolidate democratic governance, Tanzania will not achieve an improved quality of life for all. Both the state and its citizens are responsible for making this happen. Both have duties and responsibilities. Amongst other things, citizens must hold their leaders accountable for their policies, decisions and actions. This is a task that needs energetic, visionary and well-organized people and Tanzanian youth needs to be empowered to play its part. It has been argued that "Any society which neglects its youth and forgets its communities might as well forget its future" (Mufune et al., 1990).

What measures should be taken to promote the active participation of youth in developing our democracy in order to mould a better future for the present and future generations? This paper will discuss potential opportunities that can be utilized by youth to influence public decisions making. It will also look at those factors which hinder youth participation in democracy building. Tanzanian youth has several key roles to play and we will make a number of recommendations in this regard towards the end.

2.0 A definition of youth and democracy

2.1 Youth

There is no universal definition of youth. The Oxford dictionary defines youth as the time between childhood and full maturity. In Tanzania people between the age of 15 and 35 are considered to be youths (National Youth Policy 2007, p. 10). It is when in their youth that people are generally at their best: they are energetic, innovative, enthusiastic and visionary and generate new ideas. The youth of today is expected to live longer than past generations and therefore the future of any society relies on youth (Ilunde in FES, 2010).

2.2 Democracy

Democracy is a way of life. It is a political system that provides space for people's participation in the governance of public affairs. Political decisions are made after consulting the people either directly or through their representatives. In democratic societies people are free to debate, express their own opinion and render constructive criticism. There

is also freedom of assembly and association. Regular free and fair elections, the rule of law, the separation of powers and the active participation of citizens in governance and accountability processes are also a reflection of true democracy. The opposite is dictatorship.

3.0 Factors hindering youth participation in democracy building

Youth has always been, and still is, marginalized in politics, the economy and decision making processes. This means that youth has very little influence in democratic processes such as the elections and the building of governance institutions. The current status of youth is reflected in the facts described below provided by Sansa in Dalali, 2010.

- In the local government elections in Dar es Salaam in 2000 only 3.1% of the 97 elected and special seats were won by youth. No youth councillor was elected or even nominated for the Temeke and Kinondoni Municipal Councils.

- In 2005, out of 417 people who contested for seats in 72 wards of Dar es Salaam 36.5% were youths while in Dodoma, out of 423 candidates only 65 (15.2%) were youths. In the parliamentary elections the number of candidates who were youths was below 20% of all contestants from all political parties.

- There are values, customs and stereotypes in society which under-

mine the political participation of young women and disable youth's active involvement in society. These factors continue to exist in spite of the efforts of various stakeholders to advocate against discriminatory practices.

- Act No.9 of 2004 on Higher Learning Education allows a person who has been admitted to an institute of higher education to acquire a loan. However, the board sets conditions that make it difficult for many young people to access loans in order to pursue further studies. This perpetuates the challenge of there being an inadequate number of educated youth with an analytical capacity.

- Youth has an image problem going by the public's prejudiced perception of age. The "Views of People 2007" survey conducted by REPOA and URT[1] revealed that youth is considered to be the least trustworthy group in the community.

- Youth unemployment is high and consequently very many young people are poor. Nonetheless young people constitute 68 percent of Tanzania's labour force. Young people are vulnerable and have often social problems. If they are hungry, they will not participate in political activities until they have food to eat and are sure that they also will eat tomorrow. Unemployment and

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1 United Republic of Tanzania

hardship endangers political growth and the expansion of democracy.

- Local election observer teams noted a low turnout of youth on polling day in the local government elections in 2009 in reports compiled by the Legal and Human Rights Centre and Youth Partnership Countrywide (Kibaha) for a number of districts.

These facts must be seen in light of the challenges democracy in Tanzania has faced in the past decade, challenges which have had an impact on the population as a whole and therefore also on youth. According to the Tanzanian Election Monitoring Committee in the 2000 elections:

- ✓ The elections were free but not fair

- ✓ Very limited civic and voter education was given to constituencies

- ✓ The political protagonists played on unequal playing fields

- ✓ The Zanzibar elections were declared as aborted elections

- ✓ There was evidence of threats and intimidation being used during the election campaigns

- ✓ There was widespread corruption in the election process

- ✓ Armed men and women were on the streets during campaigns and on polling day

Although various efforts have been made to improve governance and ac-

countability since 2005 in accordance with the goals of MKUKUTA (the National Strategy for Growth and the Reduction of Poverty) cluster III, there is still a lot to be done in order to promote democracy. This is why youth must take on the challenge and intervene to make sure that their future is not a dark one as a result of today's unfinished business!

4.0 The role of youth in promoting democracy

Young people more than anyone else should be interested in the long term future of this country. The UN is fully aware of the potential and importance of youth and it has designated 12th August as International Youth Day to be marked by all member states across the world each year. Furthermore, the year 2010 was proclaimed as the International Year of Youth and UN member states, UN agencies, development partners and youth organizations have been invited to take advantage of the year to work with youth.

This is good news for Tanzanian youth and it is up to us to use 2010 to identify opportunities for collective action which will shape the future. We must develop an alternative vision for Tanzania and rally wide support for it in the population. We must create innovative educational and advocacy programmes. We must get all young people to turn out to vote in elections. We must increase the number of youth candidates in elec-

tions and we must make sure that elections are free and fair.

4.1 Providing civic and voter education for civic competence

We do not need to repeat the mistakes made by the others, for instance, in America. "Americans citizens have endangered the republic by failing to educate new generations of citizens about civic responsibilities" White *et al.* (2007).

Civic education provides citizens with the ability to engage in public life. They develop civic competence as a result of continued exposure to training and interaction on issues, processes and skills related to civic and political life. Information, too, helps create civic awareness. Informed citizens are better equipped to take advantage of opportunities, exercise their rights and hold the state accountable.

The Youth Partnership Countrywide (YPC) in Kibaha District has organised monthly public seminars – commonly known as civic awareness talks "CATs" – aimed at youth and the general public. Over 100 participants from various wards have benefitted from the interaction and learning opportunities that these meetings, and civic education training of trainer sessions, have provided since 2004. The increase in voter turnout and youth candidates is an indicator for their success.

4.2 Getting organized for collective action

Article 20 of the Constitution of the United Republic of Tanzania provides for the freedom of association to air views, participate in social forums and join societies of any kind, (political, social and economic). This can be done through political parties, civil society organisations (CSOs), networks and coalitions.

As noted by Ilunde in FES(2010), Tanzania is one of the Commonwealth countries south of the Sahara which does not have a national youth council to unite youth and help raise their voices and channel their ideas to influence public decisions. Youth Partnership Countrywide (YPC) and Tanzania Youth Coalition (TYC), with the support of MS Tanzania Action Aid Denmark (now part of Action Aid International Tanzania), have helped young people in a few districts to form District Youth Networks. Kibaha District is a case in point: the forum was launched in 2009 and it has come to the notice of both the Kibaha District Council and Kibaha Town Council. Members of the youth forum meet on quarterly basis to discuss youth issues and they invite local government authorities to listen to their demands. This is a particular democratic space that has been created at local level. More can be done across the country if youth organizations are supported and encouraged.

In Uganda, there are designated Youth MPs in parliament to represent the interests of youth. This is because youth is organized from the local level up and young people are invited to present their views at various decision making levels including parliament. If this is possible in Uganda, a fellow East African country and a member of the Commonwealth, then it is also possible in Tanzania.

4.3 Advocate for changes to the legal and policy frameworks and for their enforcement

The National Development Policy (URT 2007 p.14) is clear about the current status of youth:

'The youth...are not represented in various forums and do not participate adequately in decision making bodies'...There shall be a mechanism to facilitate effective participation of youth in structures and issues defined in the local government system, central overnment and other participatory organs at national and international levels'

The above statement is obviously an expression of the government's commitment and should be positively received by youth as a sign of the political will to get them to participate in governance issues and processes. In the conferences and workshops that have been conducted by Youth Participation Countrywide (YPC) since 2004, and even at the recent district youth forum in Kibaha, young people have expressed their dissatisfaction that in spite of having the right to vote at the age of 18, they have to wait until they are 21 to stand in parliamentary and local elections and until 40 to stand in the presidential elections. It is therefore the right time to hold the government accountable for its commitment to provide youth with genuine opportunities to influence public decisions. Youth must get out and strengthen civil society by organizing advocacy and lobbying campaigns and demanding their rights as provided by policy and the constitution.

Governments in countries such as Brazil, Bolivia and Thailand have taken significant measures to include women and other marginalized groups in public life. They have institutionalized laws on people's participation in policy making. Through youth intervention, lobbying and advocacy Tanzania can also move from having only well formulated policies to passing enforceable laws and guidelines.

4.4 Holding communities together

According to Robert Putnam (2000), "The key determinant of the success or failure of democratic reforms in a society is the character of its civic life. To create and sustain democratic institutions, a society must possess a critical mass of citizens who are well educated about their rights, concerned about the long-term goals of the community as a whole, and are in constant social contact with each other, allowing a free exchange of ideas."

Although Putnam said this in America ten years ago, it is still relevant in Tanzania today because for a political activity to happen there must be social interaction. Youth must use their energy, new ideas and innovative programmes to organize communities by bringing them together through their shared interests.

4.5 Vote and join the contest for political posts

Tanzanian youth have a dual responsibility in the electoral process. While they can use their energy, skills and limited experience on a voluntary basis by reaching out to communities by providing civic and voter education, they should actually also appear on the polling day as voters as well as candidates for various political leadership posts. However it is important to note that because youth have had limited exposure to civic skills, electoral institutions and CSOs must take it on the task of enriching youth's capacity to achieve such a noble goal.

Tanzanian youth in Kibaha District have contributed to promoting democracy as a result of Youth for Participation Countrywide's (YPC) continuous activities. YPC has been offering youth a space in the form of public debates to learn and exchange views on civic and voters' education and also in the form of capacity building exercises for youth candidates in order to influence the outcomes of the local and national elections.

YPC tries to change the political culture that prevents youth from influencing and actively joining local politics. Comparing the number of youth candidates in the last two local elections, they made up barely 8% of the total candidates in 2004 while in 2009 40 % of the 600 contestants were young people. This was a significant increase in a period of 5 years. It is hoped that those who have gone into local government and the few who will enter the National Assembly will help to create a conducive environment for the expansion and promotion of true democracy in Tanzania.

5.0 Promote good governance and accountability

The basics of good governance are TAP - transparency, accountability and participation. A condition for good governance is that people people turn up for public meetings, village assemblies and other public forums. Youth - the majority of the labour force - must make sure they participate meaningfully in public meetings organized by their local leaders so as to be well informed and so as to contribute constructively to local development by coming up with ideas and asking questions related to accountability. Through their groups, youth can collect evidence and build up advocacy cases to hold their government accountable for their daily responsibilities.

However, youth and their collaborating partners must be aware that it is not enough to promote good governance in public offices. Their own organizations

must also be transparent, accountable and participatory. Moreover, they must acquire skills such as lobbying, advocacy, negotiation and policy and budget analysis so that they are able to communicate on a par with local and central government policy makers and bureaucrats .

Youth must not get involved in public evils such as corruption and gender violence. Nor must they become hostage to a lifestyle or a level of ambition that will destroy their lives. Young people have a lot of energy with which to build their future and at the same time they are very vulnerable to cultural and ethical pollution.

6.0 Concluding remarks

Even though the task of reclaiming and redirecting trends in Tanzania is a long one, as young people it is our duty to take it on. The wellbeing of future generations rests on what we decide to do or not to do in our time.

Although the state is expected to realize the betterment of the people, there is an obvious risk in relying only rely on the State to deliver. It must be the responsibility of both the state and its citizens, and young people are among those citizens. While the state is considered to be a duty bearer, citizens are right holders and they may therefore demand accountability of the state and hold leaders accountable for their policies, decisions and actions. However, both the citizens and the state must align their obliga-tions and commit themselves to fulfilling them.

Young people have a great role to play in promoting democracy in Tanzania and all over the world, if given a chance. Nevertheless, nothing comes for free and served on a silver plate. So wake up, youth of Tanzania, and get to work!

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The Role of the Media in Multiparty Democracy

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Introduction

What has been the role of the media in Africa's transition to multiparty democracy? Has the media played its roles effectively in promoting democratic culture and development? This article attempts to respond to these two key questions in spite of the difficulties involved in making generalizations about the media in Africa, a continent characterized by historical, geographical, economic as well as social diversity. It is true that many countries do share a common colonial history and a marginalized position in most global affairs today. Furthermore, three decades of independence in most African countries are characterized by political experiments and military or one party regimes that have had little success in tackling development challenges. If anything, most military and one party dictators have only demonstrated success in pillaging national resources and denying citizens their fundamental human rights and freedoms, including that of the press. It would therefore be tricky to focus solely on the role that the economic and geopolitical interests of former colonial countries and donor nations have played in Africa's wobbling progress after independence without the

risk of being accused of partiality. The reintroduction of multi-partyism in Africa since the late 1980s and early 1990s following the crumbling of the Communist Bloc again was made possible by pressure from the same donor countries. Today, almost all countries in Africa have introduced some measure of pro-democracy reforms aimed at correcting the post-independence mess. These reforms have led to, among others, constitutional amendments to protect freedom of expression (or the press), the introduction of multi-party elections, and limiting presidential terms (Ogundimu et al: 2007).

Defining Democracy

There are widely agreed canons of democracy which include the following[1]: Citizens rule through representatives they elect; elected leaders are installed and removed through free and fair elections; all adult citizens have the right to vote and be voted into office; citizens have the right to express their views including criticising government leaders, policies, etc., via a variety of reliable mass media which are not monopolised by government or any other group; citizens have the right to form or join any political parties, social or economic associations provided they uphold the constitution and other (just) laws of the land; citizens have freedom of opinion, worship, speech, writing, meeting, associating with fellow citizens provided they uphold the constitution and other just laws of the land; every human being is assured of his/her personal freedom, equality and dignity; there has to be rule of law; no body or group should be above the law; authority and powers of the state divided into three branches with checks and balances for sustained democratic practice and behaviour.

The Role of Media in Democracy

Over the years, communication scholars (Lasswel: 1948), (Merton: 1949), Gurevitch et al. (1990), Christians et al. (2009) have provided a theoretical basis for understanding the role of media in society. Whereas earlier theorists such as Lasswel and Merton saw the basic roles of the media as surveillance, correlation and continuity, more contemporary scholars tend to relate media roles to democratic systems. Gurevitch et al. see the roles of media in a democracy as: surveillance, setting meaningful agenda, initiating dialogue across a diverse range of views, holding power holders to account, serving as a platform for citizens' exchange of views and provider of incentives for citizens to learn and participate in political processes. These roles are best summarized by Christians et al. (2009) as: Monitorial (surveillance), Collaborative (correlation), Facilitative (continuity) and Radical (watchdog).

Since the 1990s when many African countries opened up to democratic reforms, the number of media outlets under diverse ownership has increased

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1 Redet Publication

considerably. Diversified media space has provided citizens with the opportunity to be informed, to scrutinize and to question what the ruling elite is doing on their behalf as Ogundimu et al. (2007:8) observe:

> *Wherever democratic reforms have been genuinely carried out, the expanded boundaries of what can be spoken and written have enabled the growth of a stronger political opposition to the ruling elite in government. The latter, however, have not always agreed to the political enlargement of the communicative space. Presidents, or government ministers, have intervened to seize publications or detain individual reporters responsible for articles that are deemed unduly or unfairly critical of the political establishment.*

But Berger (2001:29) looks critically at the role of the media in Africa and concludes that they are, 'at best, constrained in their contribution to democracy by their reach, content, and state control'. A more recent trend in many African countries, suggests a marriage of convenience between the media and politicians/corporate world. By and large, it is the politicians who set the agenda because they patronize the media and, where possible, bribe the editors while the corporate world also buys the media's loyalty with adverts[2].

Policies and Regulatory Framework

2 Author's article titled: "Media in Transition to Multiparty Democracy" for a forthcoming publication by Globalforum, University of Goteborg, Sweden

Almost all countries in Africa have made constitutional provisions that guarantee freedom of expression or that of the media. Even countries that had such provisions during the one party era have moved to refine them to ensure that they reflect the spirit of pluralistic democracy. However, as Ogbondah (2008) has noted, the language in most of these constitutions is as liberal as in other developed countries only that in Africa there is lack of a political culture to support the democratic spirit. Access to public information remains highly contentious in Africa. The constitutions of Uganda, Malawi and South Africa, for instance, do provide for the right of access to information about or under government. Yet the enjoyment of public information in these countries is not necessarily guaranteed in practice. Media and civil society organizations have, in recent years, stepped up efforts to force their governments to enact Freedom of Information legislation, but the governments have used lack of resources to implement the arduous requirements for access to information provisions as their main excuse for inaction.

Nevertheless, in 2005 the Media Institute of Southern Africa (MISA) and the Friedrich Ebert Stiftung (FES) initiated an exercise in which panellists from Africa use home grown yardsticks to assess press freedom in their countries. The yardsticks which are largely drawn from the African Commission for Human and People's Rights (ACHPR) are

used to evaluate the performance and progress of media in the region on an annual basis. Generally, there has been improvement over the last three decades in terms of an increase in the number of media outlets, diversity, and mounting pressure on governments for accountability. However, this has not gone down well with most of the politicians in power and consequently, there has been a continuous endeavour to muzzle the press in many countries. The incidence of harassment and the use of draconian laws to punish media or journalists have been on the increase since Africa ushered in reforms in early 1990s as Ocitti (1999) observes[3]:

The proliferation of political institutions, the liberalization of the economic and political landscapes, the regularity of elections hitherto unheard of in certain African countries, and a decline in military coups in the 1990s, have all signalled that the momentum towards democratic consolidation on the continent is on the increase. Yet, these formalisms of procedural democracy have also concealed a much more profound pattern of declining press freedom on the continent, as African governments, under the guise of constitutional rule, have resorted to the enactment of suppressive laws against an increasingly critical media. In most of the new democracies, as this paper attempts to show, new parliamentary bills that are hostile to the media, are increasingly being promulgated, and this includes countries that have traditionally been considered democratic.

Despite the enactment of 'reform' legislations on the continent, threats to media still exist in countries such as Zimbabwe, South Africa, Botswana and Uganda. In Tanzania, Ethiopia, The Democratic Republic of the Congo, Cameroon, Togo and in a number of other countries in the region, the use of draconian laws against defamation or sedition which impose wanton and hefty fines, as well as jail sentences to journalists, pose a formidable threat to media and press freedom. The special rapporteur on Freedom of Expression and Access to Information in Africa (2009) mentions explicitly that even the Kenya Communications (Amendment) Act 2009 (The Kenya Media Law), which President Mwai Kibaki of Kenya signed into law, does not comply with regional and international human rights standards. In Tanzania where stakeholders contributed their recommendations to a bill on Freedom of Information (The Right to Information), the government has shown no indication it would enact the legislation any time soon[4]. To counter government behaviour journalists have initiated a number of measures to promote press freedom. In 1990 Southern African countries formed the Media Institute of Southern Africa (MISA) after the Windhoek Declaration of Press Freedom to promote media freedom, diversity and independence. Although MISA is still dependant on funding from developed countries, its activities and advocacy campaigns for press freedom and the protection of journalists has been phenomenal. Many countries in the region

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3 Ibid

4 ibid

are establishing voluntary media councils to promote self-regulation to replace government control. Journalists have also set up forums for editors to address issues of editorial independence as well as responsible journalism. Many other journalists' associations have been established to deal with ownership, professional as well as specialization issues.

Has the media been effective in promoting democracy and development?

To what extent has the media played its role, particularly during the second wave of change (1990s until now)? Scholars who assess the role the media have played in the transition to democracy differ in both their observations and conclusions. But they tend to agree that the increase in the number of media outlets and diversity of ownership has expanded communicative space for the citizenry and thus enhancing participatory democracy. Scholars also acknowledge that the media have played an important role in exposing corruption and supporting democratic ideals. But scholars such as Berger (2001) are of the view that the media in Africa's transition to multiparty democracy have not done enough mainly due to historical as well as infrastructural factors. It is important to understand the complexities that have influenced political behaviour on the continent for many years now and which, generally speaking, affect democratic dispensation and the role the media play in the process. Scholars such as Onadipe & Lord (1999) have

observed the precarious situation of conflicts, wars, famines and disasters that characterized most of Africa since independence in the 1960s. They argue that that Africa's conflicts have mainly resulted from struggles for power, ethnicity, militarism, alienation of people, and deep-rooted historical, socio-economic and cultural elements. But, generally speaking again, studies by Western scholars have tended to provide generalized descriptions Africa's conflicts and failures in governance while doing little to explain the root causes or important contributing factors, including other geo-political and economic interests of powerful nations.

Although most of Africa has made considerable steps towards democratization, the shadows of the old dictators and their inept governance credentials refuse to go away. And one crucial explanation is that African corrupt and incompetent rulers continue to get away with corruption and bad governance because, seemingly, donor nations have also persistently remained loyal and very kind to them. Meanwhile, corruption and mismanagement have continued to cost Africa $148 billion a year (Uneke:2009). According to the author, the cost of corruption becomes bigger when measured in terms of retarded development and increased inequalities, factors that are far more difficult to quantify. The author also notes that in 1996, it was estimated that about $30 billion of aid to Africa, ended up in foreign bank accounts (mostly in Western developed

countries while an estimated 70 per cent of Africa's privately owned wealth (excluding land) was held abroad in 1992. The role of the media in exposing corruption in Africa has been crucial and the cost to journalists has been equally gargantuan. Since 1989 when The Daily News of Zimbabwe exposed the Wallow Gate scandal involving senior members of President Robert Mugabe's government, including a cabinet minister, Morris Nyagumbo, who committed suicide, the media in Africa has exposed many cases and has faced vicious retaliation. In Mozambique, one of Africa's finest journalists, Carlos Cardosso, was shot dead by an assailant, in what turned out to be an assassination, motivated by a series of scandals he had exposed in which billions of dollars had been siphoned from public coffers by well connected individuals. In Kenya, the media has exposed a number of huge scams, including Goldenberg and Anglo Leasing where billions of shillings were siphoned into the pockets of politicians. In Uganda the media have exposed a number of corruption scams such as millions that were being channelled to fight the Northern war with rebels; millions that were meant to construct a dam but disappeared in thin air and aid money supposed to boost the health sector, which ended up in the pockets of politicians and some well connected members of the Ugandan elite. For the first time several cabinet ministers and other senior officials in Uganda have been arraigned in courts to answer charges of corruption. In Tanzania three cabinet ministers resigned during President Benjamin Mkapa's administration, after they were implicated in scandals exposed by the media. Likewise, in the current government of President Jakaya Kikwete, three cabinet ministers have resigned after they were implicated in scandals exposed, or investigated further, by the press. Currently, two cabinet ministers and a permanent secretary are in court charged with misuse of their positions following a series of investigative stories by the media.

Conclusion

In Africa the reintroduction of multiparty democracy has seen both positive developments and increased challenges for the mass media. Many countries on the continent have seen the increased exposure of scandals, diversity of opinions, more demand for accountability and a sustained call for respect for human rights. The increase in media exposure and call for transparency has also meant more public awareness about the level of corruption and abuses of human rights prompting citizens to begin questioning their leaders. This has not settled well with most government leaders who do not want their ill deeds to be scrutinized or exposed by the media. As a result, many countries in Africa are dragging their feet when it comes to reforming media laws to allow for more transparency and access to government information. In worst case scenarios governments are starting to take punitive measures against the media as well as journalists. However, despite a num-

ber of limitations and challenges in reforming Africa, the media have played a crucial role in exposing corruption, bad governance and the misuse of power. But this optimism is not without reservation and caution. Africa's ruling elite is slowly utilizing the free market environment and their hefty bank accounts in its own favour to control or own big and influential media outlets. If this trend is not checked, the media in Africa tomorrow will be characterized by the famous adage: see no evil, hear no evil, speak no evil. By then, democracy shall have gone to the dogs.

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Women and political participation in East Africa

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True and lasting democracy is only possible if women's representation, all the way from the grassroots to the parliament, is guaranteed. This is not just because women have the right to equality, but it is also about using women's resources and their potential to determine the political, developmental issues of their countries and indeed their countries' social and economic well-being. It goes without saying that women are the custodians of democracy for they vote en masse and they have an idea or two about the situation on the ground.

Until civil societies and inter-parliamentary unions agitated for the changes that saw the percentage of women in parliaments rise, the situation was that women's representation was almost non-existent. Times have changed. A cursory glance at the presence of women in the executive and legislative branches of government in January 2010, for example, shows that it has increased.

Professions that traditionally fell in the male domain, including politics, have now been taken up by women who have dared to try. There are now women MPs, engineers, doctors, managers and whatnot. Indeed, today there is not a single profession that women have not taken up.

The earliest stages of emancipation represented an awakening that was akin to self discovery. The Sixties saw women sexually emancipate themselves. The latest wave has been for women to politically emancipate themselves not just in one area of their lives but in almost all of them. Reports by the Inter-Parliamentary Union (IPU) and the United Nations Division for the Advancement of Women on the occasion of the 54th session of the United Nations Commission on the Status of Women, which reviewed progress made in the implementation of the Beijing Platform for Action, indicate as much. The increase includes the percentage of women in ministerial ranks, in parliaments, in the highest decision-making bodies (women presidents of states or governments, women presiding officers of parliamentary bodies). The reports also provide information on the ministerial portfolios held by women throughout the world.

The IPU Council adapted the Universal Declaration on Democracy and urged governments and parliaments throughout the world to be guided by its contents. The opening section of the Declaration, entitled „The Principles of Democracy", states that *„The achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences."*

Already in April 1992, in Yaoundé, the IPU Council had stated *„The concept of democracy will only assume true and dynamic significance when political policies and national legislation are decided upon jointly by men and women with equitable regard for the interests and aptitudes of both halves of the population."*

Again, when summarising in The New Delhi Declaration the outcome of IPU's Specialised Conference „Towards partnership between Men and Women in Politics" (New Delhi, February 1997), the conference president stated,
"As politics is deeply rooted in society and reflects dominant values, our discussions highlighted clearly that developing a partnership in politics necessarily depends on the degree of partnership as a social mode in general.
This is undoubtedly why the Inter-Parliamentary Union asserts that what has to be developed, in modern democratic societies, is nothing less than a new social contract in which men and women work in equality and complementarity, enriching each other mutually from their differences. (...) What is basically at stake is democracy itself."

It is in this light that we will be looking at milestones reached hitherto by women in East Africa.
East African disparities

In East Africa, IPU statistics show that such numbers are on the rise in the five countries but there are disparities from country to country. East African women have strongly and tentatively asserted themselves in all tenets of their lives including politics, with Rwanda topping not only the East African list but also the world list. The country boasts of 56.3 percent of women MPs, ahead of Sweden. The rankings are as follows; Uganda 31.5%, Burundi 31.4%, Tanzania 30.7% and Kenya 9.8%. In relation to women holding key positions in international bodies, Tanzania leads the pack.

The problem of double standards still exists, however, when it comes to voting in women legislators. For instance, the first woman from the Muslim majority island constituency of East Lamu to contest for a seat in the Kenyan parliament, Shakila Abdalla, was quoted by media as saying that petty issues such as the marital status of a female contestant matters in some societies while it does not matter had the candidate been a male.

While there is political will to empower women especially in Tanzania and Rwanda, in Kenya things are very different. The government of Kenya, whether consciously or unconsciously, has effectively shot down many efforts made by women to rise above the tide.

Why women should participate

Women must participate to be in a position to shape not only the destinies of other women but also those of children and men at policy level. For instance, UNDP (United Nations Development

Programme) reports indicate that women do an estimated 80% of the agricultural work yet they access only 5% of credit in loans.

Political campaigns, however, are really very expensive, and only the rich are able to afford them. How then can women get into parliament if they do not have the money to oil their campaign machinery? Good policies generated by women themselves would change all this.

Despite the large turnout of women at election venues, the number of women in key positions besides those in the corporate world is meagre. The sad state of affairs is that women are their own enemies. I recall an anti-women comment made recently by a woman I know in Nairobi. "I am a woman but I would not vote for so and so (woman) if she stood for presidency." Such attitudes are rife in Kenya. Women who should otherwise trigger the wave of change by casting their votes are easily manipulated by male contestants and end up voting for them. Even in connection with the constitutional referendum that took place on 5th August 2010, women in Kenya were not seen to be hitting the campaign trail to support or negate the issues affecting them.

Going by the statistics of the 2002-2003 parliamentary years, women parliamentarians in Kenya have found it hard to fulfill their objectives. Of the 17% of MPs who brought motions to the house,

18% were men as compared to 5.6% women. In terms of contribution to motions in parliament of the 90.8% MPs who contributed, 94.4% of women MPs contributed to motions as compared to 90.5% of males. This shows that the level of the women's contribution surpassed that of their male counterparts. In terms of points of order's raised by MPs, female MPs were almost on the same level with their male counterparts with 61.7% and 69.7% respectively. Despite their critically limited number in parliament, women parliamentarians have matched their male counterparts in activities in the house. It is reasonable to wonder why, when it has been demonstrated that women have the same ability as men, few women make it to the august house.

Women are marginalized at all levels of Kenyan society. Thirty percent of Kenyan women are illiterate, compared with 14% of men. Women make up just 23% of the judiciary and the civil service. Even in agriculture, just one in five extension workers — employed by the government to tell farmers about new seeds, crop rotation, and appropriate agricultural practices — are women. Hopefully, with the new constitution in Kenya, drastic changes will be witnessed after its eventual implementation.

The government of Tanzania has made tremendous efforts to take women on board in politics. In 1990 the government introduced a quota system guaranteeing 15 seats for women. However,

the government has been encouraging women to vie in their respective constituencies.

There have been several policy measures introduced by the government and international declarations to enhance the status of women in Tanzania.

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Women in leadership - a condition for democracy!

By Oliva Damas Kinabo
MS TCDC, Arusha

Introduction

A strong and actively engaged civil society is seen by many as the way to improving democratic leadership. While recognising that civic engagement is important, we would argue that a strong emphasis on promoting women's participation in politics is the real key to achieving democratic leadership and governance. There is a greater likelihood of seeing sustainable development and a reduction of poverty the day women hold positions of power at all levels.

The concept of democracy from a gender perspective

Democracy is a form of government where the power to govern is granted by the people. Equality and freedom have been fundamental principles of democracy since ancient times. This means that all citizens are equal before the law and they have equal access to power. In a representative democracy every vote has equal weight, no restrictions can apply to anyone wanting to become a representative and the freedom of its citizens is secured by legitimized rights and liberties which are protected by a constitution[1].

Democratic leadership implies that leaders promote the principles of shared responsibility, of delegation and the continual consultation of all people without discrimination. Democratic leadership also provides people with space to set agendas and decide on issues that affect their lives. Therefore both men and women must participate.

If a democracy is not carefully legislated and institutionalized to avoid an uneven distribution of power, then the result is harmful to democracy itself. The persistence of gender inequalities in many African societies, and in Tanzania in particular, hampers the development of democratic leadership, affecting democratic governance as a whole.

Democracy should transform unequal power relations between men and women by ensuring equal opportunities and equal influence for women and men in the setting of agendas and in the planning and implementation of development interventions at various levels. There can be no true democracy and no true people's participation in gover-

1 Democracy definitions – Wikipedia, accessed on 26th July 2010

nance and development without the equal participation of women and men in all spheres of life and at all levels of decisions making.

Importance of women's participation in politics

Women's participation in politics is changing the world in which we live by bringing new priorities and perspectives to the political process and the organization of society[2]. Research, and my own experience, shows that when women participate in politics not only do they consider the needs and interests of fellow women but also of all other members of society.

Status of women's participation in politics in Tanzania

Tanzania is one of the countries in the region which has made strides to consolidate a constitutional political order in which democracy, respect for human rights, the rule of law, the separation of powers and effective and responsive public service can be realized. There are institutions and mechanisms that protect civic rights and promote democratic leadership.

The Constitution states that all persons are born equal and are entitled to recognition and respect. The 13th Amendment of the Constitution, Article 13 (4) states that no person shall be discriminated against by any person or any authority acting under any law or in the discharge of the functions of the business of any state office[3].

Tanzania is signatory to the Convention on Elimination of All Forms of Discrimination against Women (CEDAW)[4]. The Convention provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life including the right to vote and to stand for election.

Tanzania has also adopted the Beijing Platform for Action. The declaration aims at accelerating the advancement of women and at removing all the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making[5]. This means that the principle of shared power and responsibility is a key to democratic leadership and should be established between women and men at various levels.

In 2000 the Government of Tanzania revised and approved its Gender Policy, providing guidelines to ensure that plans, strategies and operations in leadership and development activities in all sectors and institutions observe gender balance.

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2 Karl (995)

3 Article 13 (4) of the Constitution of the United Republic of Tanzania, 1977, as amended

4 Tanzania signed the 1979 UN, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), on July 17th 1980 and ratified the same on August 20th , 1985

5 Beijing Platform for Action (1995)

Affirmative Action in politics is another step taken by the United Republic of Tanzania because of the low number of women in representative bodies, particularly in the Parliament and Local Government Councils. According to Article 78 of the Constitution of the United Republic of Tanzania (1977), special seats for women in parliament are allocated to political parties in proportion to the number of votes secured in parliamentary elections. These special seats should be at least 30 percent of the total number of members of the Parliament. It is important to note that the law applies to only those political parties that have secured at least five percent (5%) of the vote in the national elections, the threshold for representation in parliament[6].

Despite the positive performance reported above, persistent gender inequalities perpetuated by both attitudinal and institutional barriers constrain women from exercising their constitutional rights of participating in democratic leadership.

Challenges faced by women politicians in Tanzania

The opposition parties hardly benefit from the affirmative action rules. This was demonstrated in 2005 where only three political parties were able to qualify for the special seats in 2005 after meeting the five percent threshold, thereby excluding a majority of the political parties[7].

On the other hand, political party leaders are still unwilling to nominate female candidates. Only 5 percent and 8 percent of all candidates were women in the 1995 and 2000 parliamentary elections respectively. In the 2005 elections, women constituted only 13 percent and 5.8 percent of all candidates for parliamentary and local government seats respectively (NEC Reports). It was noted that before women can campaign for election in the constituencies, they must often first campaign for recognition within their political parties.

Representation through special seats may not necessarily translate into the qualitative transformation of women's political status in society. It should be noted that promoting women for democratic leadership is not just about increasing the numbers of women in political decision making and in public/government institutions. It is also about making gender equality part of the political agenda at all levels. This cannot be sustained unless people (both women and men) understand this, challenge their values and address structural inequalities which constrain women from participating[8]. Failure to do so could result in having many women in parliament who may not get support from others considering that our parliament is male-dominated and patriarchal in nature.

6 APRM Report, July 2009

7 Ibid

8 Kinabo, O (2007) MA Thesis - Women's political participation through affirmative action in the Local Government Councils in Tanzania: Does it bring change? A case study of Women Councillors in Mkuranga District

When women enter politics they are judged according to their gender roles and status. Politics is still viewed by many people as a male sphere where women are not welcome. My own experience in the community development sector in Tanzania shows that girls are much less likely than boys to attend community meetings, and when they do attend, they are much less likely to speak. Unequal gender relations undermine the leadership qualities of women. Women are still considered as housewives responsible for domestic affairs. This mind-set is especially widespread in the rural areas where patriarchy is well entrenched.

A researcher from Kenya noted the following[9]:

If a woman candidate is married, she is likely to be accused of being an irresponsible wife and mother who is sacrificing her family life for politics. If she is divorced, then she is likely to be accused of being an immoral, unstable woman who could not even keep her husband and who is hence not fit for leadership. If she is a widow, she is likely to be accused of having contributed to her husband's death and hence better off in prison than political leadership. If she is single, the chances are that she is going to be viewed as an irresponsible upstart, of doubtful morals and hence she cannot possibly qualify for political leadership.

Another challenge regards the cumbersome electoral procedures which make women feel out of place. Testimonies given by women in the 2005 elections show the difficulties they experienced in influencing the leadership and policies of their own political parties before and during the elections. For instance, meetings were held at awkward hours and many women were not able to attend because of their domestic responsibilities.

Although Tanzania has embarked on gender budgeting processes, only a few ministries are part of this process. The implementation of the many good policies in place is constrained by inadequate financial resources. For instance, the Gender Policy calls for every ministry and development agency to establish gender focal points, but this requirement is hampered by inadequate resources – both financial and human.

Recommendations

Capacity building

Members of the general public must be made aware of the fact that they are entitled to make political decisions and that they are capable of doing so. Apart from campaigns for balanced gender representation in political decision-making, an integral part of the core strategies for women's participation in political decision-making should be building women's agendas for change as well as enhancing their capacity to implement those changes. Without such a capacity the women elected will not bring any change to the community. In most cases society expects the elected women to be

9 Nzomo (1993, p.9)

perfect. Any failure in performance by one female leader will be generalized to all women. These expectations may demoralize those in power as well as discourage others to contest for leadership by thinking that "why should I get myself in trouble?"

Election

There are several areas of action to bring about transformative changes in the culture of political elections, party structures, electoral systems, accountability institutions and also legislation and policies for gender equality. These include sensitizing the political parties to accept and support potential female candidates. Their political manifestoes should make very clear just how they intend to promote women's participation in democratic leadership. The law that guides the formation of political parties should also set conditions for the representation of women in the leadership of the party before a party is registered. This should go hand in hand with capacity building such as leadership training before and after their successful election, and training women as voters.

Role models

The success stories of women in the country should be documented and made known so as to demystify the myths associated with women in leadership. In Tanzania there are heroines who worked hand in hand with their male counterparts in the struggle for independence but today you can hardly trace their stories. Who still remembers and appreciates the good leadership qualities

of Sophia Kawawa, Lucy Lameck, Bibi Titi Mohamed and many others? These were great women who demonstrated high leadership qualities in politics and government during the time of TANU. For instance Mama Sophia Kawawa was involved in politics before her husband and she encouraged and supported him during independence. Her daughter said in an interview, *Mama yangu alijiunga na TANU kabla ya Baba kwa vile Baba alikuwa mfanyakazi wa serikali na hakuruhusiwa kuwa mwanachama wa chama cha siasa. Alishikiriki na wanawake wengine katika harakati za kugombea uhuru bega kwa bega. Hata kadi ya TANU ya Baba (Rashid Mfaume Kawawa) Mama ndiye alimchukulia na kuificha ili mkoloni asiione maana Baba angefukuzwa kazi"[10]. (My mother joined TANU before my dad. Since my dad was employed by the colonial government, he was not allowed to be involved in politics. My mother together with other women participated actively throughout the struggles for independence, she even got TANU membership card for my dad but she had to hide it so that he wouldn't be dismissed from his job).* These efforts of Mama Sophia Kawawa and many other women who struggled for independence and also participated in many leadership positions could be emulated by the young generation of today, if their stories are well documented and disseminated.

Strengthening accountability institutions and mechanisms

More needs to be done to strengthen accountability institutions and mecha-

10 Interview with Khadija Pallangyo Kawawa on 27th July 2010

nisms to protect women and their interests. Gender responsive budgeting (GRB) is one of the successful initiatives which could strengthen capacity of the government institutions to plan according to the needs of its people (both men and women). GRB ensures that government budgets and the underlying policies and programmes address both the practical and strategic needs of men and women, girls and boys in the country. The GRB looks at the biases that can arise on the basis of sex, gender roles or status.

Transforming culture

People must be sensitized so as to change the way they perceive the roles of men and women. Unless people realize that culture is dynamic and that it changes over time, women will continue lagging behind in leadership. This could be possible through including gender mainstreaming aspects in the school curriculum; where both girls and boys learn and change their negative attitudes and start to advocate for popular participation of women in leadership.

Women's political associations and wings

Existing women's political associations must be strengthened within the political parties or new ones established in order to give women a forum for sharing their concerns and also supporting each other. Lessons can be drawn from Umoja wa Wanawake Tanzania (UWT) of CCM where women (e.g. Anna Makinda, Anna Abdallah, Getrude Mongela

and Sophia Simba) built their leadership capacity, making them capable of vying for leadership positions in their respective constituencies.

Conclusion

The participation of women in political decision making at various levels is a prerequisite to achieving democratic leadership. The serious practical and structural constraints on women's civic engagement in political processes must be addressed. This includes not only transforming culture and providing education, but also ensuring progressive policies and the allocation of resources to address gender inequalities in the distribution of opportunities for participation.

Women can be a formidable force in ensuring democratic leadership as they bring energy, legitimacy and genuineness into politics by ensuring that the needs, priorities and interests of different groups in society are catered for.

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Increasing investment in Tanzania: does this imply increasing respect for international standards and workers' rights?

By Hezron Kaaya
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1.0 Introduction

Investments are necessary for social and economic development and Tanzania has promoted investment since the early days of independence. Even then, when the state played the leading role in owning, controlling and managing the economy, its priority was to invest strategically in various sectors of the economy, like agriculture, industry and commerce. It is therefore not surprising that investment remains the linchpin for growth in our new liberalised economy. The government strongly promotes private sector involvement and has encouraged both local and foreign investment since the early 1990s when a policy and legal framework for the promotion of investment in the various sectors of the economy, such as mining, agriculture, industry and commerce, was put in place.

The National Investments (Promotion and Protection) Act, 1990, was a clear indicator that Tanzania had realized the importance of prioritising areas for investment and incentives to attract private investment capital. This act also created the Investment Promotion Centre (IPC) to oversee investments in Tanzania. The act was repealed in 1997 and replaced by the Tanzania Investments Act and the new Tanzania Investment Centre (TIC) replaced the IPC. The greatest change was that the new centre was to have greater thrust and was to actually facilitate investment in the country.

The TIC is a one-stop investment facility while the act provides the legal framework which details investment opportunities and procedures for certification and registration of investments, establishment of enterprises, benefits available to the investors, guarantees relating to the transfer of capital and profits, guarantees against expropriation settlement of disputes, technology transfer and related issues, all of which are intended to boost the confidence of investors.

Labour issues, however, are only marginally touched on in the act. Investors are assured the right to employ the expatriate personnel required for enterprise development, particularly those with skills which are not locally available. Indeed the questions of workers' rights and the application of international standards are not included, neither in the investment policies nor in the investment act. Chris Maina Peter and S. J. Mwakaje (1) have aptly stated that "It would seem that under the 1997 investment law there are no taboo areas, the whole country is up for grabs without any inhibition. This is strange and does not happen even in countries where the investors come from."

2.0 The seriousness of the problem

Reports from the Tanzania Investment Centre show an impressive record of investment projects registered between 1996 and 2009. In those 14 years some 5,637 projects were registered and they had a total value of USD 31,092.76 millions. The jobs that were expected to be created was also impressive: 849,458 persons employed.

Of these projects, 3,907 were new and 1,731 were either expansions or rehabilitation of existing projects. Local people owned 2,727 (48.38%) of the projects, 1,405 (24.92%) were foreign owned and 1,506 (26.72%) of the projects were jointly owned by foreigners and locals.

The leading sectors - those with the highest number of registered projects - were manufacturing with 1,828 projects (32.43%), tourism with 1,402 projects (24.87%), communication, building/construction with 728 projects (12.91%), transportation with 533 projects (9.46%) and agriculture with 306 projects (5.43%). Petrol and mining had 91 projects (1.61%). This is the good part of the story.

Investment in Tanzania – some comments, some issues, FES, Dar es Salaam, 2004

There is no comprehensive study concerning the status of workers' rights and the application of international labour standards. What we know for sure is that the labour legislation is meant to take care of the situation. The new labour laws which include the Employment and Labour Relations Act (2004), the Labour Institution Act (2004), the Workers Compensation Act (2007), and their regulations have incorporated most aspects of the ILO Conventions. For example, ILO Convention No. 98 and 87 on collective bargaining and freedom of association have been fully incorporated in the Employment and Labour Relation Act and the Labour Institution Act. However, the problem is not the lack of legislation but it is non-compliance with the national legislation both by local and foreign investors, especially in the exclusive and specialized areas of investment like the mines and export processing zones (EP7s).

The booklet Gold mining Companies in Africa – workers Experience (2007), a product of the Africa Labour Research Network, has some revelations about the relations between the leading gold mining companies in Africa and the trade unions. There are revealing references to the relations between Anglo-Gold Ashanti and the Tanzania Mining and Construction Workers Union (TAMICO). It is stated that AngloGold Ashanti had refused to sign a recognition agreement with TAMICO, but instead, for example at the Geita Mine, Anglo-Gold had signed a code of conduct and an access agreement. The company had refused to negotiate wages and working conditions. The wages were determined unilaterally by the management, arguing that it had its own system to de-

termined wages and working conditions on international Labour markets. So the company defeated the principle of collective bargaining and discouraged workers from joining the trade union. Some workers were even dismissed for joining the union.

Surprisingly, however, it was reported that in Namibia and Zambia this same company met regularly with workers representatives to discuss health and safety issues, environmental concerns and other matters affecting workers.

No meetings took place in Tanzania and workers were not even allowed to carry out trade union activities at the work place. Management even insisted on approving any information that they wished to distribute. Still it had been reported that the case of long working hours was worst at AngloGold's Geita mine where workers were forced to agree on long hours of overtime which contradicts the legal protection of workers against forced overtime. The highly autocratic management had adopted a shift system with 12 hour shifts per worker, which essentially forced them to do overtime.

Furthermore, the workers were excluded from the health and safety committee and thus the workers had no say on how the company health and safety policy was implemented. The trade unions were not involved in the drafting of their health and safety policy either.

The accusations against AngloGold's Geita mine in Tanzania do not end there. The company was further accused of employing most of the staff as contract workers and the company took no responsibility for their working conditions. The company's hostile attitude towards trade unions also showed in its instructions to its subcontractors who were not allowed to enter into any agreements with trade unions without getting approval.

This is a tale from one mining company at Geita mine: The same story could be told about the other mines at Bulyanku-lu, in Kahama, or North Mara in Musoma. This story was confirmed by Anna Gondo, the Deputy General Secretary of TAMICO.

When contacted by the Director of Education, Salum Kuumba, to give their views, the Conservation, Hotels, Domestic and Allied Workers Union (CHO-DAWU) –reported that the employers in the sector, especially the tourist hotels were very reluctant to allow trade union organizers at their work places. They conceded only after being taken to the law authorities.

Even when union branches are established, the elected union branch leaders face having a very difficult relationship with the management and this sometimes discourages them. These employers do not allow collective bargaining. There is also observable discrimination in employment policies and remuneration. Those people who have been brought in by investors from outside the country, or those they have close relations with, like kinsmen, are openly favoured irrespective of their education, skills and job performance. There are also sever-

al reported cases of sexual harassment against female local employees by male supervisors. Discrimination is especially notable in enterprises owned by Asians and Arabs.

These generally do not observe the legislated employment and work standards concerning work hours, overtime, leave, etc. Furthermore, these employers don't care about social security, health and safety in the work place.

The story from the Tanzania Industry and Commercial Workers Union (TUICO) is not very different. For example, in the banking and financial sectors, some of the employers encourage the formation of staff associations which function in the place of trade unions. These associations are under the influence of the management. Chinese investors reportedly resist the establishment of trade unions and they tend to pay discriminatory wages, where the foreign Chinese, even if less qualified, tend to be paid better wages than the local workers. They also refrain from employing women. The stories are similar in the agricultural and transportation sectors.

In the traditional tea, coffee, sisal and sugar cane plantations the situation is not very bad. The presence of trade unions has long been accepted. The Tanzania Plantation and Agricultural Workers Union (TPAWU) has established branches in almost all the plantations and the employers are used to collective bargaining and they respect international standards. The problem lies in the wages paid in this sector as they are very low,

with a minimum of Tshs.80,000/= for a month.

This is not to say that local investors are better. Some of them are worse than the foreign ones. They tend to personalize their investments and consider the workers as intruders. For them the labour laws are a nuisance. Employment is casual and workers can be dismissed on the personal whim of the investors and members of their families. There are also reports that some enterprises are operated as quasi-religious institutions and therefore employment is based on the owner's religious orientation.

These investors act as if there is neither law nor governance in Tanzania. Certainly, this is a big challenge to the trade unions in Tanzania. There is much pressure on the government to deregulate and abdicate its role to maintain a nationwide system with national social and economic policies which create a degree of social justice and economic equity. The pressure is for a shift to a position where the role of national institutions is diminished but with no complementary international framework and institutions in place which can deal effectively with issues of justice and equity. The multi-national enterprises (MNE) hold a basket of carrots which even the government cannot resist in the name of investment promotion.

3.0 Is there any hope for the future?

It is one thing to establish a standard and quite another to observe it. It must be recognized that international competition has caused a failure to respect labour

standards, especially in poor developing countries like Tanzania, where even the government cannot resist the multi-national investors who can cajole, corrupt and even threaten the state actors. It is common knowledge that governments have often failed to force international operations to respect trade union rights. Very often even vociferous trade unions are feared by the state actors who see in the trade unions as threats and competitors to their often corrupt power bases. If national governments cannot support national trade unions, then who can? The answer is that the trade unions must join hands to develop international forums of social dialogue and industrial relations with the multi-national companies.

The trade unions must work together to convince multi-national organizations that it is necessary and also beneficial to themselves to adopt policies which lead to both social and economic progress. Institutions like the World Bank and the International Monetary Fund, global prime movers, have begun to accept this approach. They have begun listening to the international Trade Union movement, including the ICFTU.

The first move would be to make it a necessary condition that all investment agreements must include a social clause on workers' rights, which unfortunately is lacking in the Tanzania investment policies and investment legislation.

At the national level, the trade unions must not desist from carrying on a social dialogue between the government, employers and other representative bodies.

It is also necessary to build consensus on national socio-economic development goals. Indeed the trade unions must develop internal capacity to understand the changing world, and participate effectively in the change processes. Strong social cohesion built on education, training and sound industrial relations is a strength for trade unions in the future.

To conclude, it can be said, however, that many investors, both local and foreign, would not wish to have active trade unions in their enterprises. That is why some of them either keep on resisting or attempt to create their own "yellow" unions.

Furthermore, the forces behind the privatization of enterprises, the globalisation of the economy, the conditions imposed on governments by the World Bank and the International Monetary Fund and shifting patterns of world trade, provoke a growing number of violations of workers' rights.

Although workers' rights are often guaranteed on paper - in laws and international agreements - and in political speeches, which often insist on the respect of these rights, in reality these rights are often not at all fully respected by investors.

Investors should know that labour is the creator of wealth, therefore its contribution is to be honoured. Workers and their unions must stand firm to ensure social justice and respect of workers and other human rights at all times, in the

knowledge that rights do not just come of their own accord, but they have to be fought for.

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Industrial action as a democratic tool

By Alquin Senga
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Introduction

Trade unions all over the world work to improve their members' terms and conditions through collective bargaining and negotiation with employers. In the process they make us of a number of skills and techniques to overcome obstacles that may impede reaching a meaningful agreement. One of their strategies may be to begin with talks about talks and later on continue with the substantive issue for improvement in working conditions or labour relations.

When talks between employers and the trade union break down and an agreement cannot be reached, then industrial action is the last tool unions and employers have recourse to in order to encourage employers and/or the unions to come back to the negotiating table and reconsider their positions.

Although the concept of collective bargaining appears simple, it has many definitions. This is the reason for ILO's adoption of a new convention in 1981 which defines collective bargaining as: "all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations on the other, for--

(a) determining working conditions and terms of employment; and/or

(b) regulating relations between employers and workers; and/or

(c) regulating relations between employers or their organisations and a workers' organisation or workers' organisations."

What is industrial action?

Industrial action can easily be explained as action taken by either an employee or an employer which prevents the operation of the contract of employment.

Industrial action is regulated in Tanzania by the Employment and Labour

Relation Act No 6 of 2004 and the amendments made to the act in 2007, as published in the Government Notice No 42 of 16th February 2007. Tanzania has categorised industrial action in its enabling Act as:

(a) Strikes

A strike is the total or partial stoppage of work by employees for the purpose of compelling their employer or any other employer or an employers' association to which the employer belongs to accept, modify, or abandon any demand that may form the subject matter of a dispute of interest.

The types of action taken by employees to cause the partial or total stoppage of work may include staying away or going slow. Employees may hold solidarity, sympathetic strikes or secondary strikes. (These are normally held in opposition to lockouts or in support of lawful strikes.)

There are specific restrictions on the right to strike and lockout and certain conduct is prohibited in connection with strikes and lockouts. This has been outlined in the Code of Good Practice under the Employment and Labour Relations Act No 6 of 2004, Part VII.

(b) Protest action

Protest action is the total stoppage of work by employees for the purpose of promoting or defending the socio-economic interest of workers but not for the purpose referred to in the definition of a strike or a dispute in respect of which there is a legal remedy. This may include but not be limited to processions, petitions, lobbing and advocacy.

(c) Lockouts

A lockout is the total or partial refusal of one or more employers to allow their employees to work, if that refusal is to compel the employees to accept, modify, or abandon any demand that may form the subject matter of a dispute of interest.

Industrial action in the form of a strike, be it primary or secondary, and protest action or lockout as defined above, whether done by the employer or employees, constitute a breach of contract, but the law in this regard protects both the employer and employees in certain circumstances, normally referred to as 'lawful industrial actions'. The Employment and Labour Relations Act, Section 83 states:

(1) Not withstanding the provision of any law including the common law, a lawful strike or lawful lockout shall not be
(a) a breach of contract
(b) a tort,
(c) a criminal offence

(2) An employer shall not terminate the employment of an employee for
(a) participating in a lawful strike
(b) not acceding to an employer's demand in a lockout

(3) No civil or criminal proceedings shall be instituted against any person for participating in a lawful strike or lockout.

Industrial action is a tool acquired mutually and is lawfully sanctioned to exert economic pressure to resolve disputes of interest between labour and capital, its purpose being not to damage and ruin the organization which is the centre of livelihood.

The freedom of association and industrial action

Freedom of association is a democratic right and it must be provided in the constitution and rules of a trade union. The constitution must have provisions for conducting ballots within the membership on the issue of calling a strike or carrying out primary or secondary protest action. The same must apply to employers' organizations and federations on the issue of imposing a lockout. In the case of a federation of trade unions the constitution must provide conditions for the unions to vote on how the federation may engage in protest action.

The right of workers to vote and to leave their jobs is a test of freedom. The right of an individual to withdrawal his labour is a basic human right that distinguishes him or her from being a slave.

Effects of industrial action

Although industrial action is seen as democratic tool there are other sections of public than those immediately implicated who are affected when this tool is brought into play.

Misconduct such as violence or the malicious damage of property may constitute a breach of peace, and this can provide the organs of the state with reason to interfere in the freedom of employees and employers to exercise their democratic rights. Therefore those who carry out industrial action must be aware of the limitations, implications and risks.

Industrial action is a democratic tool only if the reasons for using it are just and if it is protected by a legal framework. This can only happen in a democratic country where the freedom of association and the freedom of expression are fully exercised.

The right to peaceful picketing is a necessity

The right to picket in Tanzania is curtailed by law but the law discriminates as far as what conduct associated with picketing is prohibited. Members of trade unions are denied their democratic and constitutionally protected right to meet peacefully in support of a strike or in opposition to a lawful lockout while, on other the hand, employers are permitted to use replacement labour in connection with a lockout or a lawful strike.

Conclusion

The decision as to whether strike action, protest action or lockout are democratic tools depends on the interpretation of those who choose to use their democratic right of freedom of expression in association with others. Each individual member of the trade unions and each member of the employers' unions must recognize and respect the rights of the other to exercise its lawful and democratic right without interference. In other words trade unions, once registered and recognized by employers, should be accepted as a partner without distinction on matters affecting its members particular and employees in general.

Since government and society at large also benefit from the outcomes of this democratic process, deliberate efforts to support the process should be made in terms of capacity building and institutional support. Government should discourage the undue interference in the management and administration of the affairs of trade union organizations by its officers and employers. As employers multinational corporations should refrain from driving a wedge between employees and their leaders by threatening to withdraw their investments and take them to other countries, if employees are not willing to accept a settlement. As it is the government that creates the enabling environment for investments in the country, it is the duty of the government to ensure that investors observe these rights.

Employees on their part should accept that conflict is inherent in relationships that exist between management and employees. Furthermore, with globalization there is bound to be a shift in relationships. Trade union and employers' organizations should carefully assess and nurture conditions that encourage social dialogue. Unions and employers should use collective bargaining, mediation and other conflict resolution machinery available to manage the expectations of employees and employers, failing which industrial action cannot be overruled as the last available civilized democratic tool.

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Towards a more democratic East African Community

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This article explores the extent to which democratic principles have informed the re-establishment of the East African Community, regarded to be the expression of efforts by the peoples of the East African region to consolidate their political and economic independence and enhance their social progress and economic prosperity. The article argues that so long as the measures to consolidate the re-established East Africa Community continue to draw inspiration from economic integration models that were not based on democratic principles it will have very little chance of surviving political changes in the individual East African states.

1. Introduction

The East African Community (EAC) is a re-established intergovernmental organization currently comprising of five East African countries: Burundi, Kenya, Rwanda, Tanzania, and Uganda. The total geographical surface area covered by the EAC, including water bodies, is approximately 1,817,700 square kilometres. The estimated total population of the EAC is 126.6 million as of mid- 2008. The EAC's current structure consists of the EAC Summit, the EAC Council of Ministers, the EAC Secretariat, the East African Legislative Assembly (EALA) and the East African Court of Appeal.

The EAC was originally founded in 1967 and had three members (Tanzania, Uganda and Kenya) 1967. However, it collapsed in 1977, only to be re-established by a treaty ratified by the original three EA countries in November 1999. It came into being on July 7, 2000.

The EAC is a potential precursor to the establishment of the East African Federation, a proposed federation of its five (Rwanda and Burundi having joined the EAC in 2007) members into a single state. Article Five of the Treaty that establishes the EAC sets the objective "to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit". The same article elaborates that the objective is also "to establish among themselves and in accordance with the provisions of this Treaty, a Customs Union, a Common Market, subsequently a Monetary Union and ultimately a Political Federation in order to strengthen and regulate the industrial, commercial, infrastructural, cultural, social, political and other relations of the Partner States to the end that there shall be accelerated, harmonious and balanced development and sustained expansion of economic activities, the benefit of which shall be equitably shared."

According to Article Five, the main principle to guide the re-establishment

of the Community is "good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, and gender equality." The EAC is also to be guided by "the recognition, promotion, and protection of human and people's rights, in accordance with the provisions of the African Charter on Human and Peoples' Rights."

To facilitate adherence to this noble principle, it was originally thought that the member states would have to fast track political integration, instead of viewing it as the ultimate stage of the integration measures. However, an opinion poll conducted in all the partner states seems to have provided the rational for indefinitely postponing political integration and focusing on implementing the economic integration measures first, presumably in the expectation that the successful implementation of these measures will lay the foundation for undertaking political integration in the future. It is the considered view of the author of this article that strengthening the democratic element in the integration process would have benefited from fast tracking political integration and that its postponement may complicate efforts aimed at furthering good governance and democratic principles in the EAC.

2. Historical origins

It is important to acknowledge that the historical origins of the EAC were not very democratic. The building blocks to what later evolved into the East Afri-can Community were laid by a succession of social and economic integration measures undertaken by the British colonial authorities and by the immediate post-colonial independent governments, with little consultation of the opinions of the majority of the indigenous inhabitants of the East African region. Three of the current five members of the EAC (Kenya, Tanzania and Uganda) have had a history of co-operation going back to the early 20th century. This specifically includes the customs union that was established between Kenya and Uganda in 1917. Tanganyika joined this union in 1927. From 1948 to 1961, the three British governors who ruled over the three East African states of Kenya, Uganda and Tanganyika imposed on the peoples of East Africa what was called the East African High Commission. The Zanzibar Sultanate, then under British colonial influence, also operated under the same arrangements. All these are examples of social and economic integration undemocratically imposed on the peoples of the region but operating under the umbrella of fast tracked political integration, albeit of the colonial kind. That may explain why indigenous African residents of some of the partner colonial states resisted such political integration. Even the economic integration was viewed as intended to benefit colonial interests (Mangachi 2008:175).

With the attainment of independence from British colonial rule by the East African states beginning from 1961 to 1963, the East African High Commission was re-constituted as the East

African Common Services Organization that took charge from 1961 to 1967 when the original East African Community replaced it. As summarized in the Preamble of the current 1999 Treaty for the Establishment of the East African Community (TEEAC), the social and economic integration measures that provide the historical antecedents of the current EAC include:

"the construction of the Kenya Uganda Railway 1897 - 1901, the establishment of the Customs Collection Centre 1900, the East African Currency Board 1905, the Postal Union 1905, the Court of Appeal for Eastern Africa 1909, the Customs Union 1919, the East African Governors Conference 1926, the East African Income Tax Board 1940 and the Joint Economic Council 1940; the East Africa (High Commission) Orders in Council 1947 - 1961, the East African Common Services Organization Agreements 1961 – 1966, (and) the Treaty for East African Cooperation 1967 for the establishment respectively, of the East Africa High Commission, the East African Common Services Organization and the East African Community as successive joint organizations of the said countries to control and administer certain matters of common interest and to regulate the commercial and industrial relations and transactions between the said countries and by means of a central legislature to enact on behalf of the said countries laws relevant to the purposes of the said joint organizations"

As the same Preamble of 1999 TEEAC states, the original 1967 "Treaty for East African Co-operation" that established the original "East African Community" was officially wound up in 1977. The 1999 TEEAC Preamble attributes "the main reasons contributing to the collapse" of the original East African Community to "lack of strong political will, lack of strong participation of the private sector and civil society in the co-operation activities". It was also due to "the continued disproportionate sharing of benefits of the Community among the Partner States due to their differences in their levels of development and lack of adequate policies to address this situation."

In summary, one may thus observe that the collapse of the original attempt to establish the East African Community was largely due to the neglect of the democratic element in the original social and economic integration measures implemented both by colonial and post-colonial states in the East African region. "The fights and disagreements over the distribution of the pains and benefits of cooperation" compounded the lack of wider democratic participation in the integration process (Mukandala & Killian 2004). This was particularly so in light of the fact that political co-operation between the newly independent states was taking place against the backdrop of "intensive battles for political domination and hegemony" by the ruling regimes in each partner state immediately after the attainment of independence (Mukandala & Killian 2004).

The unequal 'distribution of the pains and benefits of cooperation' was itself a result of what Tanzania's High Commissioner to Nigeria, Dr. Msuya Waldi Mangachi (2008:199) has characterized as "the structural dependency of the East African economy on the metropolitan countries and lack of a coherent development strategy to de-link from the vicious circle of this dependency."

Indeed, while the need to enhance democratic participation is recognized and renewed efforts are currently being sought to incorporate extensive consultation and participation of the widest possible range of private sector and civil society opinion, some paradoxes have been identified. Mukandala & Killian (2004:187) have pointed out that "the consolidation of nation states; non-interference in each other's internal affairs; respect for each other's sovereignty" may work towards "consolidating the status quo" and thus promote a situation that may be the opposite of the ultimate goal of political and economic cooperation, which is political federation and political union.

3. Working towards a more democratic EAC

Recognition of the democratic deficit in past regional integration efforts and the failures that dogged those efforts explains why current integration measures are to be guided by good governance and democratic principles. The widest possible consultations and the building of common consensus in all the partner states are supposed to precede the implementation of every stage in the integration effort. This has been the case with the establishment of the East African Common Customs Union in 2005. Although this was expected to have resulted in the establishment of such a Customs Union by end of 2009, it is noted that although a lot of success has been achieved in this area, many hurdles remain to be overcome.

The same spirit of accepting a slow process is presumably going to guide the implementation of the establishment of the East African Common Market whose commencement was launched in July 2010. Although this is meant to result in the establishment of a common market for goods, labour and capital within the region, only the naïve or uninformed expect its implementation to be smooth and its eventual benefits to be evenly shared in the short and intermediate terms. This will also apply to the next step that will follow the establishment of the common market, which is a common currency area. As currently conceived, success in implementing the above economic integration measures is expected to be slow, the better to lay a firmer foundation for the implementation of the political federation aspects of the integration process. This article, however, argues that the pace and success of all these economic integration efforts may crucially depend on the extent to which the East African Community project quickly and in earnest moves towards greater democratization within the member states as well as the adoption of markedly more democra-

tic approaches to the entire integration process itself. The author takes the view that past disruptive discontinuities and failures in EAC economic integration efforts may have been largely occasioned by too much reliance on relatively top-down and undemocratic approaches to the issue of regional integration, both within and across member states.

Mukandala & Killian (2004:189) have correctly identified, in the author's view, four ideological and institutional areas that need to be addressed in a comprehensive and democratic manner, if the ideal of a more democratic East African Community is to be realized. These four areas are:

- "The need to begin to develop the different scenarios that *[the ideal political federation]* may take so as to familiarize the leadership and population with the possible choices, their costs and benefits" (Mukandala & Killian loc cit.:)

- "The need to develop a vision for a political federation," in other words, there is need to explore the "ideal of building a future economic block in Africa, promoting the region's bargaining power in international fora, building a powerful regional political and military power" (Mukandala & Killian loc cit.:). The current Secretary General of the East African Community, Ambassador Dr. Juma Mwapachu (2002:8) argued that: "The African people want economic liberation and they cannot get it when Africa is economically

balkanised. African leaders owe it to the African people to be bold in acting on Africa's realities and confronting the negative perceptions about the continent…But, above all, let this boldness destroy zero-sum nationalism."

- "The need to explore processes that may bring about the envisaged closer cooperation and ultimately federation; to chart out strategies for coping with the consequences of political integration" (Mukandala & Killian loc cit.:).

- "The need to take a second look at institutions such as the East African Legislative Assembly (EALA) to see how they may be more "people-centred." Further, to 'assist the various civil society institutions to associate on an East African basis'; and, finally, 'to develop avenues for the participation of these civil society institutions in the policy making process in the cooperation' (Mukandala & Killian loc cit.:).

As Ambassador Dr. Juma Mwapachu (2002:8) wrote in that seminal article in University of Dar es Salaam Convocation Journal called *The Dar Graduate*:

"Today, Africa suffers from inadequate intersectoral factor integration (particularly in economic and trade-related infrastructure and services such as investment capital), which is absolutely essential in fostering industrial growth and competitiveness. Costs of infrastructure such as power, telecom and transportation are pre-

sently too high for some countries because of lack of such integration."

Ambassador Dr. Juma Mwapachu (2002:8) goes on to observe that "it could be that a fast track economic integration hinged on more accepting a different integration philosophy of *partial win, partial lose*." In Mwapachu (2002:8)'s view, it has to be recognized that a "Win-Win; it is not, after all, a means, it takes time to be realized."

4. Concluding observations

The study by Mangachi (2008) clearly shows that the original entity called the East African Community traces its beginnings to undemocratic efforts that were inspired by neo-liberal market-led political and economic models of development. The leadership of the partner states was initially in the hands of British colonial officials and British settler and private corporate interests in general. The leadership role was later passed on to selected African political elites many of whom shared models of political and economic development with the departing colonial officials as well as the British settler and corporate elite who remained behind even after the East African states became independent. The main objective of the integration efforts was the creation of a customs union, a common market, a monetary union, and a loose form of political cooperation that was ultimately meant to serve the interests of a small segment of East African residents. It was only Tanzania, at the time when it was under the leadership

of its first President Julius Nyerere, and to a lesser extent Uganda under its first republican head of state Milton Obote, which continued to demand and work for the greater democratization of the integration effort.

The author of this article is of the strong opinion that as long as measures to consolidate the re-established East Africa Community continue to draw inspiration from economic integration models that were not based on democratic principles, it will have very little chance of surviving the unfolding political changes in the relevant East African states. These political changes are inspired by the democratization wave that followed the collapse of the former global socialist block and the advent of the post-cold war era. Professor Severin Rugumamu (2005), in his book **Globalization Demystified: Toward Africa's Possible Development Futures**, characterizes these contemporary global developments as consisting of 'the rise of the USA as the sole military superpower and the emergency of various nebulous centers of economic power.' The world capitalist system is now identified as globalization and neo-liberalism has been given a new lease of life.

The neo-liberal political and economic vision has found expression in contradictory states of affairs in most developing countries: pervasiveness of state failures and the rise of structural militarism and impunity on the one end, and intensified struggles for greater democratization

on the other. The international climate is characterized by 'a multiple of external interests competing for geo-strategic dominance, strategic mineral resources and cultural imperialism'. These current integration efforts in the region are thus taking place against the backdrop of a 'struggle for economic influence and political control by the major European and North American capitalist powers. The struggle finds expression in persistent but subtle pressures on the partner states to be predisposed towards 'signing "blood-sucking" contracts with international mineral companies that originate from these very countries' as well as pressure to be disposed towards implementing 'conflict-prone, neo-liberal economic policies, institutions and ideologies' that are 'not particularly developmental'.

In order to counter-balance this external influence on the political elite in the partner states, it is of extreme importance that current efforts aimed at implementing the various aspects of the 1999 Treaty for the Establishment of the East African Community need to be oriented towards strengthening the democratic elements in the integration effort. Firstly, as all the Inter-Parliamentary Relations Seminars - popularly known as the Nanyuki Series - have repeatedly recommended, the parliamentarians in the East African Legislative Assembly, apart from ex-officios, need to be elected and the mandate of the EALA needs be broadened to give it greater fiscal and policy making clout. The institutional

and networking capacities of the EALA itself need to be given a boost (Rugumamau, 2010). Secondly, the EAC Secretariat needs to be given a greater executive brief, and its name be changed to that of an EAC Commission, to better enable it - with EALA's oversight together with close political supervision from a Council of Ministers team that is resident at the EAC Headquarters - to work more autonomously to effect the integration measures more efficiently. Thirdly, the East African Civil Society Organizations' Forum (EACSOF), which had its 4th Annual Forum in April 2010 in Arusha, needs to be raised to a status of a special interest observer constituency of the EALA, just as should be the East African Business Council (EABC). Fourthly, 'the operationalization of the East African Court of Justice (EACJ) ought to be extended to include the handling of human rights cases brought before it and to institute best practices in the selection of the judges to the court.' This was in fact a recommendation of the 3rd Annual Conference of the East African Civil Society Organizations' Forum (EACSOF) that was held in Kigali, Rwanda, in March 2009. Fourthly, efforts must be made to encourage greater cooperation and networking between all political parties in the member states (Baregu &Ally, 2010). Furthermore, like-minded political formations must be facilitated to form East African-wide networks, or even associations. In this regard, civil society organizations with external development partners have already taken pioneering initiatives in this

direction. These include the Friedrich Ebert Stiftung (FES) (Maina & Kopsieker, 2006) (Baregu, 2008), and they ought to be encouraged to continue facilitating the development of an East African Civil Society Mobilization Strategy as well as the establishment of an East African Political Vision Group.

The practical and philosophical challenges that the EAC faces and which require a greater democratization of its operations are best summarized in a speech made recently by its Secretary General (Mwapachu, 2010) where he pointed out, among other observations, that he was "totally sold to what the EAC Common Market can do to unlock the potential of our economies. The economic benefits will be huge, especially flowing from trade in services and shared human resource capacity. Equally, the free movement of capital would trigger incentives for private equity funds to step into our region and bringing down the cost of risk capital." Nevertheless, he cautioned "against constructing castles in the air like the Abu Nawas Fable." Mwapachu (2010) is of the view that *"realizing the full potential of the Common Market will take years, not months."* He pleaded with the media, as a component of civil society, to *"galvanise political will as well as the commitment of East African citizens around shared integration goals."* To emphasize the need for encouraging EAC citizens to eschew what he has often termed 'zero-sum nationalism' and take a 'partial win, partial lose' attitude to the pains and gains of econo-

mic integration, he poses the following rhetorical questions. *"Do you know that after 18 years of the single market in Europe only 2.3% of Europeans live in a member state different from that of their nationality? Do you know that freedom of movement of workers in the EU is the most contested and least used of the four freedoms in the EU single market? Do you also know that updating the regulations on co-ordination of social security systems in the EU required 11 years of negotiation?"*

As Hellsten and Lwaitama (2004) and Hellsten (2008) have correctly observed, political parties and non-governmental organizations, together with and through the mass media, constitute critical institutions that are bound to make a critical contribution in addressing East Africa's development ethics challenges. These challenges are tragically reflected in the "traumatic experiences" that characterized the genocide mayhem in Rwanda in April 1994 (Amnesty International, 2008), and more recently, the post- election violent civil unrest in Kenya in December 2007. Political parties and non-governmental organizations, as representatives of civil society, are well positioned to play a key role in **identifying and promoting shared values and the adoption of forward-looking solutions to contemporary social and economic injustices instead of preying on each ones fears and past mistrust.** These institutions, working with a rejuvenated EALA and through a strengthened EALA's Inter-Parliamentary Rela-

tions Seminar (the Nanyuki Series), are capable of helping East African citizens and permanent residents to engage in **"reflective civic education and training."** This may assist them in beginning to break out of the **"viscous circle that integrates ethnically and tribally based power politics and unfair resources distribution,"** within and across the EAC member states.

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The East African Community and Social Justice

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Introduction

The new regionalism in East Africa, and in Africa as a whole, includes a set of responses by regional states and the African Union to the pressures and challenges of African unity and globalization. The present attempt at regional integration is unfolding in a different context than the first failed attempt of creating a strong East African Community in the 1970s (Chris Peter Main). The end of the 20th century not only witnessed the crumbling of the Iron Curtain and demise of the communist system, but also the coming of globalization and the limitations and deficiencies of the international economic system dominated by international capitalism.

The rise of the neo-liberal agenda and the global triumph of liberal democracy and the market economy has been the main preoccupation of governments in developing countries in their reform and reconstruction efforts. The neo-liberal agenda has provided the most undisputed political and economic programmes, guaranteeing different kinds of freedoms. What is becoming clear, is that, for the minority, economic freedom means latitude for the owner to organize production and accumulate wealth while for the rest it is the freedom to sell their productive potential in the labour market and to exercise some personal choice in the consumer market. The minority is free to accumulate power over the labour of others and thereby power over their individuality. In contrast, the majority is structurally dependent on those who provide the jobs and the commodities available for consumption.

Multi-level governance: at regional, state and local levels

When we discuss social justice in the context of regional integration, the focus is on multi-level governance, in other words at regional, state and local levels. The nation state governments provide inputs into broader regional policies, which in turn are domesticated in legislation passed by the national parliaments.

The free movement of labour and capital, the ban on protectionism which provides opportunities for large scale profit, in addition to a customs union which reduces pressure on the exchange rate and cross-border corruption, are some of the benefits of the regional policies agreed on in the East African Community. These are expected to encourage increased inter-state trade and investment which in turn should lead to an increase in GNP. The spin-off effect should then be social benefits in the form of a better standard of living for the people living in the region.

Although regional integration presupposes that the nation-state must cede some of its powers to the regional institutions,

the nation-state remains, nonetheless, crucial for shaping policy at national, regional and international level. The state must guarantee that the rights of its citizens are upheld.

At the national level in Tanzania the main components of social justice are: the Constitution of the United Republic of Tanzania, the national development policies, the political policies protecting the rights of the employed and labouring masses, gender equality and poverty alleviation programmes.

The concept of social justice at nation-state and regional levels

The concept of social justice in the nation-state system has been mooted by state and non-state actors.

After the Second World War the nation-states of Western Europe were able to shape their own social systems, their own fiscal policies, and – within limits – their own economic policies. They were free to create welfare systems and impose high taxation on the rich.

In the encyclical Rerum Novarum, Pope Leo XIII declared that "the nation, as it were, of the rich is guarded by its own defences and is in less need of governmental protection, whereas the suffering multitude, without the means to protect itself, relies especially on the protection of the State." (Rerum Novarum 1891). (At the time industrial capitalism was at its height and finance capital was buoyed by the political empires. Regional

integration was non-existent and had not being thought about.)

It is obvious that nation-states acting individually as lone rangers in international development and trade cannot survive and attain sustainable development. The new regionalism does not only focus on the narrow economic aspects of inter-regional trade and regional development cooperation; issues such as protecting human rights, providing social protection, introducing anti-poverty measures and the fulfilment of basic human needs have become part and parcel of the new architecture of regional integration.

Social justice can be defined as a form of justice which impels society to respect and protect the dignity of man and to promote the common good and welfare of all. In modern constitutions, social justice has become a principle which defines the relationship between the state and society. Social justice has intrinsic moral value that is inviolable (John, Rawls. The Theory of Justice).

All the East African regional states (Tanzania, Kenya, Uganda, Rwanda and Burundi) which constitute the East African Community are poor. They are states in transition, grappling with problems of constitutionalism, national-building and conflict transformation. Each state has its own problems but they all need regional integration in order to reach the point of take-off towards sustainable development. The earlier EAC model

which crumbled in 1977 was crafted for mainly economic purposes. The political and economic system of each state was different, ranging from socialist-oriented regimes of Tanzania and Uganda under Obote - and later the military dictatorship under Gen. Iddi Amin - to Kenya's one party state dictatorship and state-controlled capitalism. The earlier EAC lacked an adequate material base and common political values. To-day the case is different. The regional states share the liberal democratic model of governance and the principle of free enterprise in the economy.

Kenya, Uganda and Tanzania were pressed by the International Monetary Fund to carry out economic and political reforms. They adopted the measures of the so-called "Washington consensus" policy:

1. An effective attack on inflation through drastic fiscal adjustment
2. Privatization of state-owned enterprises, both in the industrial and public utility sectors
3. Trade liberalization: decline in tariffs
4. The prevalence of market interest rates
5. Opening most sectors to foreign investment and substantially decreasing controls over the actions of foreign capital

The neo-liberal programmatic approach to reform negates the human rights approach to economic policies which in essence are meant to satisfy minimum essential levels of economic and social rights. They under-emphasise the formulation of public policy in support of social justice and instead institutionalise the distribution of costs and benefits in favour of the capitalist sector. The question of who benefits, who bears the risks and at what cost, is never asked.

The state's withdrawal from the main economic and social activities as demanded by the IMF created a vacuum which was difficult to fill because the private sector was in its infancy. Welfare policies were targeted in order to reduce costs and thereby government deficit.

Writing about the social impact of neo-liberal policies, Anna Margheritis had the following to say: "Macro-economic policies insisted upon by the IMF did not simply have a negative social impact; they were designed embodying a profound unjust social content, prioritizing the financial rights of creditors over human rights of the peoples of east Asia, with particularly low priority accorded to power women. This was not because there was no alterative sound macro-economic strategy available, but because the IMF chose to prioritize the interest of the creditors." (Anna Margheritis 2002).

It should be noted that in East Africa economic reforms preceded political reforms. When the East African Community was re-launched it promised to

operate on the basis of economies of scale by creating wealth, jobs, peace and security, management of benefits, enhancing inter-regional trade and dealing with development matters for establishing sustainable development.

Mandate of EAC and the problem of social justice

The mandate of EAC, like many other regional organizations, is to establish a supranational legal framework within which the wider regional economic, social and political policies may be coordinated and implemented. However, the EAC is in its infancy and it faces legal, political and structural impediments which hamper its implementation and the realization of its ideals.

The power structure is such that the Community lacks an independent power base to make decisions and exercise juridical powers. Accordingly, the Summit of Heads of State is the main body that decides on everything.

The Treaty of the East African Community is not used by municipal juridical authorities. The national governments reserve the right to accept whatever is decided by the regional institutions. Article 8(2) of the treaty obliges partner states to recognize the treaty as part of their law. However, an enabling law is yet to be effectuated. Community law has not been legally sanctioned and made binding for member states especially as far as the furtherance of human rights and the principles of social justice

is concerned. The East African Court of Justice is not supported by national legislations. It is the national legislations' own interpretation of the EAC Treaty that takes precedence over national courts on matters concerning human rights. The Summit and Council of Ministers have the right to defer any issue, including legal matters which fall under the legal competence of EACJ.

The other important issue is about political and economic domains. At the political level the national states are by and large in a period of transition as they struggle to establish a democratic political system and democratic governance. However, political patronage and the supremacy of the political elites are still the main features of political organisation in the region. The protection of human rights cannot be advanced until social partners are identified and brought on board to work alongside the governments and regional bodies.

Pressure from without, especially from donors, is forcing grafted models which have no indigenous basis and therefore lack authenticity. The result-oriented approach has produced gains which are aggregated at macro-level but without linkage to the micro-level. In other words, little heed is taken of how little the ordinary East Africans have benefitted from these economic reforms.

With regard to incorporating non-state actors into mainstream consultations and their working together with national

governments and the East African Community institutions some new developments have emerged. Presently, the East Africa Business Council, the East African Law Society and the East African Local Governments Association are trying to provide inputs for policy making, incorporating the popular aspirations of the East African people throughout the East African Community.

Perhaps what is being done by East African Local Governments Association (EALGA) should be seen as an eye opener to the nature of the community of nations and peoples of East Africa. In the preamble to its constitution the Association states, "Aware of the aims of the East African Community Treaty to generate benefits to uplift the standards of living and quality of life of the citizens in the Eastern Africa Partner States; Recognizing that the goals and objectives of the East African Community are achievable only in an environment of peace, security, stability, good governance, democracy, rule of law, social justice and the maintenance of human rights; noting that local governments have a role in the maintenance of a conducive environment for sustainability of the EAC, we are committed to strengthening the cooperation among the Partner States of the East African Community".

The vision of the organization is to build the East African Community on the principles of **"Good practices for local democracy and governance. There-fore, EALGA is determined to work for a society where local governments are united in building a strong regional political and economic integration and committed to providing quality services for sustainable livelihoods to their citizens"**.

From the above it is obvious that the strong views about social justice originate from without the state and regional institutions. Civil society organizations are supportive of a just regional society which is idealized in the treaty of the East African Community. However, the institutionalization of support for social justice in the East African Community has not yet taken shape because civil society in East Africa is still weak and only elite organizations can afford to raise their profile including support for community's ideals.

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EAC Common Market Protocol: "The Positioning of Civil Society Groups in Tanzania"

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Context

Fears about who is going to lose or benefit from the free movement of labour, capital, goods and services as a result of the East African Community's (EAC) Common Market Protocol are high in the EAC population, particularly amongst Tanzanians. What Tanzanians fear is a loss of jobs to Kenyan competitors, the takeover of land by investors from other partner states and that poor English language skills and the low level of education of the majority of the population might be a drawback as far as their ability to take advantage of the EAC Common Market.

There are those who say that compared with other counterparts in say Kenya or Rwanda, the private sector community in Tanzania has not been aggressive enough. Because of this, there is a likelihood of Tanzania, or rather its business community, being outsmarted by Kenya, Rwanda and Uganda in trade and business deals.

Some fear that locally produced goods in the country might not compete with those of other countries because of their low quality and their failure to comply with the set international standards. Some analysts suggest that these fears can be attributed to a number of factors, key among them being the lack of exposure the country's entrepreneurs have had to the outside world.

Maybe these fears are without grounds. Maybe they are a sign that people are unaware of the technicalities of the Pro-

tocol, but nevertheless they have the right to suspect, reason and pass judgment when they 'hear' that the country has made such a big commitment. Despite the efforts by EAC secretariat and EAC Partner States in playing down such worries, some Civil Society Organizations (CSOs) feel that the common market may have come at a time when the majority of the population is unaware of the implications of economic integration and is hence not prepared for it.

It is a high time now to clear up all the misconceptions about EAC Common Market Protocol, not only the misconceptions of those with high fears but also of those with high hopes that everything became 'free' the moment the protocol was signed. In reality, the implementation of the protocol is complex in terms of what is required to be undertaken at the levels of the partner states and also, in certain respects, at the level of the EAC secretariat.

July 1st, 2010 marked the beginning of the integration process of the EAC Common Market. The implementation of the Common Market Protocol, which is classified under the requirements of Article 76 and 104 of EAC Treaty, provides: the free movement of goods as governed by the Protocol on the Establishment of the EAC Custom Union; the free movement of persons, by ensuring non-discrimination against nationalities and the free movement of labour, by insuring non-discrimination of against workers of the other partner states,

based on their nationalities, regarding employment, remuneration, and other conditions of employment.

It also provides the free movement of services, capital through the elimination of restrictions relating to the current payment connected with the movement of goods, services, or capital between partner states; and the right of residence for any citizen of a partner state upon fulfilling conditions as determined by the host partner state.

Apart from this, the provisions of the Protocol do not allow the freedom a common man might imagine.

The EAC Common Market Protocol seen from the inside: selected provisions

The free movement of labour within the EAC Partner States
When a ordinary people hears that workers shall be able to work in any EAC country without any discrimination, then they will start imagining how professionals and may be more competitive experts will come and take their jobs. But alas! Things are not as easy as they sound: work permits were not removed in July 1st, and work permits regimes are still applicable in most Partner States. Under the protocol, application procedures for work permits will be harmonized, and applicants will now know how much time and effort is required to acquire a permit. However, Kenya and Rwanda have abolished work permits

between them, bilaterally. In Rwanda, the elimination of work permits is extended to all citizens of EAC Partner States. An important element in the process of elimination of work permits, wholly or partially, is the conclusion of the Mutual Recognition of Academic and Professional Qualifications. In the same vein, the EAC is working towards the harmonisation of social security benefits in order to support the free movement of labour.

There is general appreciation of the fact that the free movement of labour is a key factor in promoting human capacity development in the EAC region for social and economic transformation. However, the challenge remains on how the EAC Partner States will work out the modalities for enabling such freedom to take effect quickly.

The free movement of people within EAC Partner States
This is one of the areas that have been more misconceived by ordinary people. It is scary when an ordinary person here thinks that the doors are open for any EAC citizen to come in and out of their country! People start thinking of their land, security and their very limited social services.

It is true that EAC citizens are free to move within EAC, but they are required to hold a standard form of identification in order to cross borders. Also, national passports and the East African passport travel documents are still in use and ac-

cepted at border points without a visa. Six months' stay each time of entry in another EAC State is offered without hassle. Freedom of movement will be advanced when all the five Partner States put in place Third Generation (Machine Readable) identity cards. Only Rwanda has such an ID in use. Kenya is about to introduce one this year. Tanzania and Uganda are in the process of introducing such IDs as well. Burundi will follow.

However, the challenge remains; EAC states suffer from an inadequate infrastructure and a low level of education and these weaknesses might jeopardize the realization of this provision. On the other side of the coin, free movement of persons might not be that exciting, since citizens of the EAC region have enjoyed free movement across their borders for years. Thus the Partner States will have to offer elaborate explanations on what added value is brought by the Common Market Protocol.

The free movement of goods
EAC citizens have enjoyed the free movement of goods for years now with the exception of some sensitive products. Despite the provision in the EAC Custom Union, experience shows that that freedom has never been very smooth. The research done by ESRF and TANGO in 2010 shows that market access is still hindered by Non Tariff Barriers (NTBs). The most notorious identified in the study include customs and administrative documentation procedu-

res; immigration procedures; cumbersome inspection requirements; police road blocks; varying trade regulations among the three EAC countries; varying, cumbersome and costly transiting procedures in the EAC countries; duplicated functions of agencies involved in verifying quality, quantity and dutiable value of imports and exports; and business registration and licensing. As a result, corruption has been chosen as a way to get through and this was added to the NTBs' list.

These NTBs are believed to be the reason for the infamous, but widely practiced, informal trade activities within the region. Informal trade is seen to have occupied the greater share of regional trade; hence the EAC must find ways to harmonize the prevailing domestic tax systems, laws and procedures so as to reduce distortions and smuggling and it must also introduce some level of predictability in business transactions.

The free movement of s-Services
Trade in services is a complicated area and so is its liberalization. Trade in services can only be made 'free' through schedules of commitments, which have limitations: market access limitations and national treatment limitations.
The provisions for the free movement of services in the EAC Common Market Protocol will hopefully add momentum to the Partner States services sector, particularly to services that are still protected by national policies and regulation.

The challenges are still on how to bring down the cost of cargo transport and air transport which are currently too high for consumers of these services. Access to education is still limited since tuition fees, even in public universities, are yet to be harmonized in spite of decisions having been taken at the EAC level requiring the charging of similar rates.

The regulatory framework for cross-border television broadcasting is still stringent; it needs to be further liberalized to promote a wider range of programmes by competing regional networks. Another challenge is the removal of restrictions on capital flow to serve as a catalyst for capital market advancement and the provision of long term capital. Cross-border capital movement will also spur the growth of industrialization driven by an expanding productive agricultural sector which is essential for stimulating economic growth.

When you look from the inside, more needs to be done in order to actualize the Common Market Protocol. Hence there is a need for Partner States to inform citizens of the Community about the process of implementing the EAC Common Market; to amend relevant policies and laws to facilitate the operationalization of the protocol; and to establish requisite structures for implementing the free movement of labour, goods, services, capital and the right of establishment.

CSOs positioning

The East African Community operates through programmes and the implementation is being carried out at national levels on the basis of a five-year development strategy. The strategy focuses on the key pillars of East African integration. These are consolidating the implementation of the Customs Union and Common Market, laying the foundation for establishing a Monetary Union, and eventually the establishing a Political Federation. The strategy document spells out the policy guidelines, priority programmes and implementation schedules.

The EAC Common Market Protocol empowers the Council to confer powers and authority upon institutions as it may deem necessary to administer the Common Market.

However, EAC structure does not have a direct link to member state government structures. Each member state has established a ministry responsible for EAC issues and they are responsible for the coordination of the implementation of EAC programmes at national level. This means that EAC programmes are implemented through the relevant ministries and institutions at national level.

Thus, civil society needs to coordinate their lobbying activities at both national and EAC level. Looking at the EAC structure, most of the interventions need to be done at national levels since positions and decisions are made by EAC partner states. Civil society can join their efforts and positions when their lobbying targets EAC sub-regional level by identifying entry points relevant to their issues of interest.

The EAC governments cannot work out all the Common Market challenges in isolation. The success of the EAC Common Market depends therefore partly on the active interaction of all stakeholders. This is because interaction, lobbying and advocacy mechanisms enhance information and experience sharing, keep stakeholders aware of sector achievements, challenges and needs, facilitate knowledge of the sectors by the general public and provide mechanism for joint actions.

The main challenge is basically the inadequate participation of CSOs in the designing, implementation and review of the EAC programmes. One of the reasons is the inadequate formal consultation mechanism to involve stakeholders in the EAC structure despite the recognition and appreciation of their role in EAC.

When you look at the key principles of the strategies, participation of stakeholders in EAC affairs is mentioned but there is no clear mechanism for their involvement. The EAC only confers observer status to organizations that operate in all five EAC countries. This criterion is very limiting since most CSOs organizations operate at na-

tional level, and only some in at least three countries. Very few organizations have qualified to get observer status in the EAC consultative structure; some of the organizations with observer status include the EAC Business Council and the East Africa Law Society. One of the initiatives made by EAC civil society organizations was to form the East Africa Civil Society Organization Forum (EACSOF). However, there was an inadequate representation of a broad spectrum of stakeholders. Hence, CSOs need to lobby the EAC to change the criteria to allow interested CSOs with the capacity to participate in the EAC consultative structures in order to attain a broader inclusion of stakeholders in policy formulation and implementation of the EAC objectives.

Recommendations and conclusion

For optimists, the Common Market has created a market of 130 million, and it will increase efficiency in businesses and bring about cheaper prices for consumers. The region is expected to improve its competitiveness, penetrate global markets, and increase intra-regional trade. However, the results are not automatic; EAC Partner States have to put their houses in order if they hope to tap into this market.

Despite the optimism, the implementation of the common market could prove complicated and the efficiency of the common market could be crippled by the poor infrastructure such as poor roads and railway networks. The bloc

only recently began projects to link the member states by railway - in particular landlocked Burundi and Rwanda.

The provision of an adequate and reliable supporting infrastructure is a key area of intervention for deepening and accelerating integration through the sharing of the production, management, and operations of infrastructure facilities, hubs, and development corridors. Priority sectors include energy, roads and information and communication technology (ICTs) because they are fundamental in lowering the cost of doing business and facilitating efficiency in production, transportation and delivery of goods and services.

The participation of stakeholders in the implementation of the common market is fundamental for bringing peoples' voices to play in the EAC integration process. Therefore, in order to ensure that issues of interest to CSOs in the implementation of the common market, trade negotiations, policy processes, strategies, programmes and legislation, it requires the full participation of this interest group. It is equally important for CSOs to interact with intergovernmental institutions, different technical and non-technical audiences, governments, the private sector, business community, development partners, opinion shapers, general public and between and among themselves.

Civil society needs to position itself at centre stage of the EAC Common Mar-

ket implementation process. Apart from engaging in capacity building and awareness creation, particularly on opportunities and challenges of the common market and related issues, CSOs need to participate in the domestication of processes at national level. Areas of interest could be the harmonisation of social policies; the approximation and harmonisation of policies, laws and systems; and they could participate effectively in the monitoring and evaluation of the implementation of the common market.

Opportunities for civil society participation look promising. What is needed is that they are well organized and well informed so that CSOs can participate effectively.

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The EAC Common Market Protocol and the Harmonization of Labour Laws

By Carolyne Khamati Mugalla
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Introduction

The East African Community (EAC) brings together the five member countries of Burundi, Kenya, Rwanda, Tanzania and Uganda. The block is in the throes of creating a single East African market that will ease travel restrictions, harmonise tariffs, increase co-operation among security forces, improve communications, share electrical power and address Lake Victoria issues, among others. All this will be achieved through the establishment of a customs union as the entry point of the Community and its common market. The next proposal is the creation of a monetary union and, ultimately, a political federation of the East African states.

The establishment of the EAC Common Market is the most significant phase in the EAC integration process. The Common Market is considered to be of paramount and strategic importance as it is to form the foundation for a people-centred political federation. This is envisaged in the Treaty for the Establishment of the East African Community.

The signing of the EAC Common Market Protocol by the member countries'

heads of state took place on 20th November 2009 in Arusha, Tanzania. This has paved the way for the initiation of a common market in East Africa in July 2010. The borders between the member countries will be opened up and instead of thinking in terms of the population of each individual country, the market will now include the populations of all five countries. Major changes are expected and some may drastically transform the lives of the East Africans, for example, with relation to business competitiveness, economic opportunities, capital inflows, foreign direct investments and donor finance. The long-term impact on areas such as the price of land and labour and the size of government will be seen as the common market comes into effect.

Unfortunately, member states are yet to educate the vast majority of their citizens on the implications of the Common Market protocol on their lives. The signing of this document was intended to have caused more excitement among the citizens; however, it turned out that some citizens of member states were rather scared and opposed to the Common Market Protocol being signed. This means partner states need to redouble their efforts to educate and sensitise their peoples about the implications of having the Common Market in place.

What is the Common Market Protocol?

The EAC Common Market is the second stage of the integration process after the Customs Union, which came into being on 1st January 2005 for the three original EAC partner states of Kenya, Tanzania and Uganda. On 6th July 2007, Burundi and Rwanda also joined the East African Community. This brought to five the number of EAC member states. The Common Market is the most comprehensive stage of the integration process. The next stage is the creation of the Monetary Union that is still at the consultative stage of the process, but full negotiations are soon to kick off. The ultimate stage in this process is the Political Federation.

The Common Market Protocol is a legal and binding commitment to a deeper and stronger functional integration by member countries to remove all trade barriers on goods and services, and liberalise the movement of the elements used in production amongst themselves.

The Common Market Protocol provides for the following:
- the free movement of goods
- the free movement of persons
- the free movement of labour
- the right of establishment
- the right of residence
- the free movement of services
- the free movement of capital

It also includes a macro-economic policy on fiscal, monetary and other areas of co-operation.

Free movement of Goods (Article 6)

Goods may be sold across borders, without any trade barriers, such as tariffs and non-tariffs. In other words, goods will essentially be duty-free.

Free Movement of Persons (Article 7)

Partner state citizens will be able to move between states without restriction or discrimination in relation to their nationality. However, paragraph 5 states that the free movement of persons will be subject to limitations of the partner state on grounds of public policy, public security or public health. Furthermore, citizens shall still be required to carry a standard form of identification in order to cross borders.

Free movement of Labour (Article 10)

Workers shall be able to work in any of the partner states without any discrimination based on their nationality and enjoy the same working rights as the nationals. Article 10,paragraph 11, states that the free movement of workers shall be subject to limitations imposed by the host partner state on grounds of public policy, public security or public health. The movement of workers and professionals within the region will remain restricted with borders only being opened progressively and in phases, in Kenya and Uganda by end of 2010, and in Tanzania much later. Rwanda and Kenya currently stand out as the only two countries in the region to have scrapped work permit requirements for all EAC citizens.

Free movement of services (Articles 16-23)

Services and the supply of services will not be restricted by state boundaries, and services from one nation can be accessed by consumers in another. Services include all sectors except those supplied in the exercise of governmental authority. Article 21 provides a list of the general exceptions to trade in services; this means that there is a degree of ambiguity in the clause that would allow for a fair amount of regulation. The schedule for the liberalization of professional services has been annexed by the protocol.

Free movement of capital (Articles 24-28)

There will be no restrictions on the movement of capital belonging to member citizens. Article 26, paragraphs 1 and 2, discuss vague safeguards that nations can take if capital "disturbs" financial markets and distort conditions of competition. This means that capital movement will have to be implemented gradually, and restrictions and schedules for this have been stretched as far as 2015.

Right of establishment and residence (Articles 13-15)

Citizens will be allowed to settle in the territories of member states without restrictions and discrimination. They will be issued with residence permits and allowed to pursue economic activities (set up businesses and work). The right of establishment and residence shall be subject to limitations imposed by the host partner state on grounds of public

policy, public security or public health. A self-employed East African citizen will still be subject to restrictions regarding the business type he/she is engaged in and other protocol schedules that will be eventually eliminated by 2015. Furthermore, article 14, paragraph 7 states that matters relating to permanent residence shall be governed by the national policies and laws of the partner states. This will also be the case in matters of access to land.

The EAC Common Market Protocol and Harmonization of Labour Policies, laws and Programmes

Even with big business rejoicing about the opportunities that lie ahead with the free movement of services and goods, they have to remember that a true common market must have free movement of people, labour and capital. Consequently, the harmonisation of labour policies, laws and programmes is not only fundamental in promoting the free movement of persons and labour within the region, but it is also fundamental in addressing the mass unemployment and poverty levels within the region. It a great step towards strengthening the implementation of the regional and national decent work programmes.

East Africans will have to wait until all five partner states have domesticated the provisions of the common market protocol before they will be able to start enjoying the benefits. This requires legal reform and the harmonisation of the laws of the member states. Currently,

all partner states have fully attained the free movement of goods while all are still in the process of amending laws on the free movement of persons. Only Kenya and Rwanda have partial waivers on the free movement of labour. The remaining freedoms, the rights of establishment and residence, as well as free movement of services are yet to be amended.

The harmonisation of labour policies and laws in the East African Community is mentioned under Article 104 of the Treaty. Article 5 part 2 (c) talks about the scope of cooperation in the common market and the harmonisation of social policies, and Article 12 is on the harmonisation of national labour policies, laws and programmes and the harmonization of national social security policies, laws and systems to provide for social security for self employed persons. The articles clearly state that it is only through the harmonisation of the national labour policies, laws and programmes that EAC will achieve the free movement of workers.

The Role of Stakeholders in the Implementation of the Common Market Protocol

A treaty or a piece of legislation is not enough to ensure the implementation of the Common Market Protocol. All the key stakeholders have a role to play in taking steps to ensure that the benefits of the Common Market are filtered down to the correct places. The stakeholders need to have access to key facts and data on what is needed to realise a common

market on the ground with mechanisms to translate them into strong messages for policy-makers.

Stakeholders must be involved right from the stage when policies are formulated; they should participate in the decision making process and in the implementation stages of the policies.

The trade union movement in East Africa, EATUC, has been actively involved in the negotiations of the EAC Common Market Protocol and its annexes. EATUC has been organising a number of activities to debate and discuss the harmonisation of labour laws, employment and social security policies. This is due to that fact that effective regional integration cannot be realised if labour and employment issues are not coordinated or harmonized.

Therefore EATUC as workers' representative body at the regional level has been at the forefront of promoting and advocating the implementation of the above mentioned Article 12; and also Article 39 which among other things urges the Partner States to coordinate and harmonise their social policies in order to promote and protect decent work and improve the living conditions of the citizens of the partner states for the development of the Common Market.

Conclusion

It is important for us to understand that the positives that come with a Common Market can only be achieved and only depend on whether or not we can manage the transition process very well with all mechanism in place. This is a great change for the EAC and with every change comes challenges and the ever resistance to this change. Therefore all member states should be ready to extensively educate their citizens on this process of economic integration, the benefits and challenges that may as well come with the integration.

It is obvious that the harmonisation of labour laws, programmes and employment policies in the East African Community will be based upon the principle of national competence. This means that the EAC is setting standard goals and objectives for the policy areas and leave the implementation of the policies up to the individual partner states. However, harmonisation should produce an active coordination so that the policy arrangements reflect a coherent ideological position of the region.

It is against this background that the EAC partner states should move at a steady speed to harmonise their labour laws and programme for the effective implementation of the EAC Common Market Protocol.

Equally importantly, integration is not about governments; it should be people-centred. In this regard, EAC and its partner states should involve all key stakeholders and citizens in this process if the dream of integrating the region is to be achieved.

About FES

The Friedrich-Ebert-Stiftung (FES) was founded in 1925 as a political legacy of Germany's first democratically elected president, Friedrich Ebert.

Ebert, a Social Democrat from a humble craftsman background rose to hold the highest political office in his country. In response to his own painful experiences in overcoming social barriers of his time, he proposed the establishment of a foundation to pursue the following aims:

- furthering political and social education of individuals from all walks of life in the spirit of democracy and pluralism,
- facilitating access to university education and research for gifted young people by providing scholarships,
- contributing to international understanding and cooperation.

The Friedrich-Ebert-Stiftung, banned by the Nazis in 1933 and re-established in 1947, continues to pursue these aims in all its extensive activities. As an independent, non-profit, political foundation, it is committed to the ideas and basic values of social democracy.

Solidarity, Peace and Social Democracy

Global partner – the international work of the Friedrich-Ebert-Stiftung

The guiding principles of the international work of the Friedrich-Ebert-Stiftung (FES) are to promote democracy and development worldwide, contribute to peace and security, help shape globalization in a socially just way and support the widening and deepening of the European Union. Through projects in over 100 countries the FES has been actively involved in the development and consolidation of civil society and state structures for promoting democracy and social justice, strong and free trade unions, human rights and gender equality.

In addition to its core endeavor of promoting democracy in individual countries, the Friedrich-Ebert-Stiftung is increasingly working on global and regional issues. Its focus areas are the widening and deepening of the European integration process, further developing the transatlantic relationship and reforming systems of global governance.

The dialogue between different societal actors, between different cultures and social models, between North and South, EU countries and candidate countries and international institutions is indispensable, especially for stabilizing fragile social and state structures and for finding solutions to cross-cutting regional and global issues. With its worldwide network of offices and partners the Friedrich-Ebert-Stiftung has a range of instruments at its disposal that allow it to make a substantial contribution to these debates and to organize and propel this dialogue process at various levels.

The global network of the political partners of the FES provides a forum for sharing and learning. The partners include traditional parties and trade unions, non-governmental organizations, academic and policy think tanks as well as governmental institutions (such as parliaments and ministries).

North-South Dialogue: Julius Nyerere, former President of the United Republic of Tanzania and Willy Brandt, former Chancellor of the Federal Republic of Germany

WILLY BRANDT:

"International co-operation is far too important to be left to governments alone."