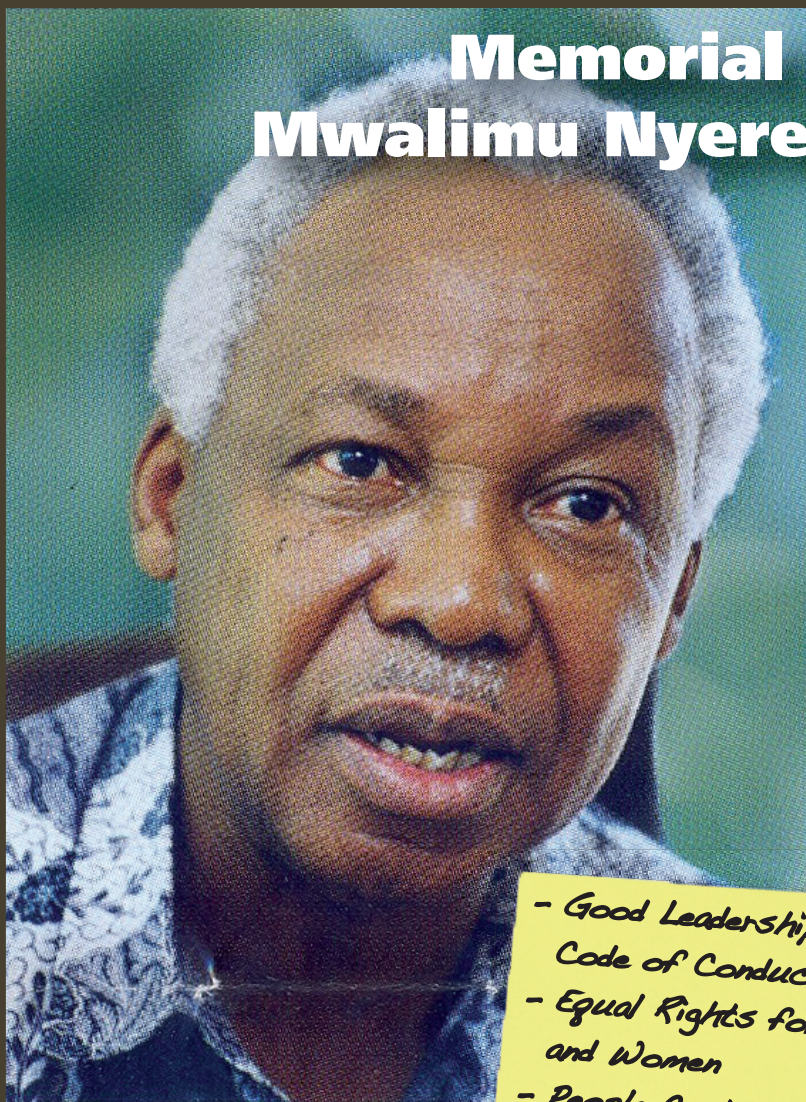


Political Handbook & NGO Calendar 2009

Memorial of Mwalimu Nyerere

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- Good Leadership & Code of Conduct
- Equal Rights for Men and Women
- People Centred Development
- Right to Education
"Haki Elimu"

FRIEDRICH
EBERT 
STIFTUNG

Dear Partners, Friends and interested Readers,

Karibu 2009! Welcome to the year 2009!

We've chosen to dedicate this edition of our "Political Handbook and NGO Calendar" to the most colourful Tanzanian figure and political leader: **Mwalimu Julius K. Nyerere**.

Julius K. Nyerere was the first President of Tanganyika and the United Republic of Tanzania, who died on 14th October 1999 – 10 years ago. He was the one who lead the country through its long struggle of Independence until 1961. He served and contributed with numerous political concepts, programmes and declarations toward development, peace and stability in Tanzania. The most imposing perhaps – even though controversial – vision was the Arusha Declaration from 1967 which synthesised the important rules for leadership. Nyerere handed over the presidency in 1985 and abdicated as party chairperson of Chama Cha Mapinduzi (CCM) in 1990.

The "Arusha Declaration" and the "Leadership Code" are widely recognized and still play a crucial role in Tanzania's contemporary politics. Even President Jakaya Kikwete in his endeavours to fight corruption has pledged for a reprint of the leadership code, as a "Code of Conduct" for political leadership. He urges high-level politicians to strictly separate politics and business.

Another topic which is being covered by this year's handbook is **education**. Julius K. Nyerere was respectfully addressed as "Mwalimu", as teacher. One of the dogmas of the great teacher was that education serves as the fountain of development. He was a sedulous apologist of education for all the people. That almost every village in Tanzania now has a secondary school affiliates to this principle. We hope that the state will meet its duty to provide sufficient properly qualified school teachers in the institutions.

In this issue the audience will also enjoy the opportunity to read an interview with a contemporary witness of Julius Nyerere. Our interview-partner was not only a personal assistant of Nyerere, but is someone who even today plays a grand role in CCM party and in society. The Minister for "Lands Housing and Human Settlements Development", Hon. John Z. Chiligati (MP), who is also in charge of information, education and training for party members and young leaders, has given us the honor to answer a few questions.

On the other hand this special edition is to be seen as a continuation of the previous political handbook, now in its 11th edition. Its aim is to inform its readers and contribute toward a further constructive discourse in society on relevant and current topics.

I would like to thank our contributors to this 2009 issue for their work, with particular thanks to our longstanding coordinator Mama Angela Ishengoma.

The staff of FES-Tanzania wishes you and your family a healthy, peaceful and educative 2009.

Peter Haeussler, Resident Director FES-Tanzania

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Calendar 2009

Overview 2009

January 2009						
M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
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February 2009						
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March 2009						
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April 2009						
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June 2009						
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July 2009						
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27	28	29	30	31		

August 2009						
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31					1	2
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September 2009						
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October 2009						
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November 2009						
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December 2009						
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Overview 2010

January 2009						
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February 2009						
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March 2009						
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April 2009						
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May 2009						
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June 2009						
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July 2009						
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August 2009						
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
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September 2009						
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6	7	8	9	10	11	12
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October 2009						
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November 2009						
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December 2009						
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December

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January

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February

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9	10	11	12	13	14	15
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23	24	25	26	27	28	

week

52

Dec. 2008

22nd - 28th

Monday 22	Tuesday 23	Wednesday 24
8	8	8
10	10	10
12	12	12
14	14	14
16	16	16
18	18	18
20	20	20
Thursday 25	Friday 26	Saturday 27
8	8	12
10	10	16
12	12	20
14	14	Sunday 28
16	16	12
18	18	16
20	20	20

week

01

Dec. 08 - Jan. 09

29th - 4th

December

January

February

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
1	2	3	4	5	6	7				1	2	3	4							1
8	9	10	11	12	13	14	5	6	7	8	9	10	11	2	3	4	5	6	7	8
15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15
22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22
29	30	31					26	27	28	29	30	31		23	24	25	26	27	28	

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December

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January

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February

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week

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Jan. 2009

5th - 11th

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week

03

Jan. 2009

12th - 18th

December

January

February

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
1	2	3	4	5	6	7				1	2	3	4							1
8	9	10	11	12	13	14		5	6	7	8	9	10	11	2	3	4	5	6	7
15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15
22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22
29	30	31					26	27	28	29	30	31		23	24	25	26	27	28	

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December

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1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

January

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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February

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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

week

04

Jan. 2009

19th - 25th

Monday 19	Tuesday 20	Wednesday 21
8	8	8
10	10	10
12	12	12
14	14	14
16	16	16
18	18	18
20	20	20
Thursday 22	Friday 23	Saturday 24
8	8	12
10	10	16
12	12	20
14	14	Sunday 25
16	16	12
18	18	16
20	20	20

week

05

Jan. - Feb. 09

26th - 1st

January							February							March								
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S		
				1	2	3							1	30	31					1		
5	6	7	8	9	10	11		2	3	4	5	6	7	8		2	3	4	5	6	7	8
12	13	14	15	16	17	18		9	10	11	12	13	14	15		9	10	11	12	13	14	15
19	20	21	22	23	24	25		16	17	18	19	20	21	22		16	17	18	19	20	21	22
26	27	28	29	30	31			23	24	25	26	27	28		23	24	25	26	27	28	29	

Monday 26

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Wednesday 28

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January

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19	20	21	22	23	24	25
26	27	28	29	30	31	

February

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16	17	18	19	20	21	22
23	24	25	26	27	28	

March

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30	31					1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

week

06

Feb. 2009

2nd - 8th

Monday 2	Tuesday 3	Wednesday 4
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8	8	8
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12	12	12
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14	14	14
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16	16	16
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18	18	18
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20	20	20
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Thursday 5	Friday 6	Saturday 7
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8	8	12
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10	10	16
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12	12	20
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14	14	Sunday 8
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16	16	12
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18	18	16
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20	20	20

week

07

Feb. 2009

9th - 15th

January							February							March								
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S		
				1	2	3							1	30	31					1		
5	6	7	8	9	10	11		2	3	4	5	6	7	8		2	3	4	5	6	7	8
12	13	14	15	16	17	18		9	10	11	12	13	14	15		9	10	11	12	13	14	15
19	20	21	22	23	24	25		16	17	18	19	20	21	22		16	17	18	19	20	21	22
26	27	28	29	30	31			23	24	25	26	27	28		23	24	25	26	27	28	29	

Monday 9

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Friday 13

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Sunday 15

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week

08

Feb. 2009

16th - 22nd

Monday 16	Tuesday 17	Wednesday 18
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8	8	8
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10	10	10
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12	12	12
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14	14	14
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16	16	16
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18	18	18
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Thursday 19	Friday 20	Saturday 21
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8	8	12
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10	10	16
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12	12	20
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14	14	Sunday 22
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16	16	12
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18	18	16
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20	20	20

week

09

Feb. - Mar. 09

23rd - 1st

February

March

April

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
						1	30	31					1							
2	3	4	5	6	7	8	2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28		23	24	25	26	27	28	29	27	28	29	30			

Monday 23

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Wednesday 25

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February

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9	10	11	12	13	14	15
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23	24	25	26	27	28	

March

M	T	W	T	F	S	S
30	31					1
2	3	4	5	6	7	8
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16	17	18	19	20	21	22
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April

M	T	W	T	F	S	S
		1	2	3	4	5
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

week

10

Mar. 2009

2nd - 8th

Monday 2	Tuesday 3	Wednesday 4
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8	8	8
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10	10	10
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12	12	12
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14	14	14
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16	16	16
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18	18	18
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20	20	20
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Thursday 5	Friday 6	Saturday 7
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8	8	12
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10	10	16
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12	12	20
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14	14	Sunday 8
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16	16	12
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18	18	16
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20	20	20

week

11

Mar. 2009

9th - 15th

February

March

April

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
					1	2	30	31				1	2							
2	3	4	5	6	7	8	2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28		23	24	25	26	27	28	29	27	28	29	30			

Monday 9

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Tuesday 10

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Wednesday 11

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Thursday 12

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Friday 13

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Saturday 14

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Sunday 15

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February

M	T	W	T	F	S	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March

M	T	W	T	F	S	S
30	31					1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

April

M	T	W	T	F	S	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

week

12

Mar. 2009

16th - 22nd

Monday 16	Tuesday 17	Wednesday 18
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8	8	8
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10	10	10
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12	12	12
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14	14	14
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16	16	16
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18	18	18
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20	20	20
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Thursday 19	Friday 20	Saturday 21
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8	8	12
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10	10	16
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12	12	20
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14	14	Sunday 22
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16	16	12
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18	18	16
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20	20	20

week

13

Mar. 2009

23rd - 29th

February

March

April

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
					1	2	30	31				1	2						1	2
2	3	4	5	6	7	8	2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28		23	24	25	26	27	28	29	27	28	29	30			

Monday 23

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Tuesday 24

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Wednesday 25

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Thursday 26

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Friday 27

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Saturday 28

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Sunday 29

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March

M	T	W	T	F	S	S
30	31				1	
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

April

M	T	W	T	F	S	S
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May

M	T	W	T	F	S	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

week

14

Mar. - Apr. 09

30th - 5th

Monday 30

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Tuesday 31

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Wednesday 1

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Thursday 2

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Friday 3

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Saturday 4

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Sunday 5

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week

15

Apr. 2009

6th - 12th

March

April

May

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
30	31				1			1	2	3	4	5			1	2	3			
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31

Monday 6

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Tuesday 7

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Wednesday 8

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Friday 10

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Saturday 11

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Sunday 12

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March

M	T	W	T	F	S	S
30	31				1	
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

April

M	T	W	T	F	S	S
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May

M	T	W	T	F	S	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

week

16

Apr. 2009

13th - 19th

Monday 13	Tuesday 14	Wednesday 15
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8	8	8
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10	10	10
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12	12	12
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14	14	14
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16	16	16
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18	18	18
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20	20	20
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Thursday 16	Friday 17	Saturday 18
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8	8	12
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10	10	16
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12	12	20
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14	14	Sunday 19
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16	16	12
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18	18	16
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20	20	20

week

17

Apr. 2009

20th - 26th

March

April

May

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
30	31				1			1	2	3	4	5			1	2	3			
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31

Monday 20

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Wednesday 22

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Friday 24

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18

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Saturday 25

12

16

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Sunday 26

12

16

20

week

19

May 2009

4th - 10th

April

May

June

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
		1	2	3	4	5				1	2	3		1	2	3	4	5	6	7
6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14
13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21
20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28
27	28	29	30				25	26	27	28	29	30	31	29	30					

Monday 4

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Wednesday 6

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Friday 8

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10

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18

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Saturday 9

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Sunday 10

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week

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May 2009

11th - 17th

Monday 11	Tuesday 12	Wednesday 13
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8	8	8
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10	10	10
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12	12	12
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14	14	14
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16	16	16
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18	18	18
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20	20	20
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Thursday 14	Friday 15	Saturday 16
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8	8	12
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10	10	16
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12	12	20
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14	14	Sunday 17
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16	16	12
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18	18	16
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20	20	20

week

21

May 2009

18th - 24th

April

May

June

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
		1	2	3	4	5				1	2	3		1	2	3	4	5	6	7
6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14
13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21
20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28
27	28	29	30				25	26	27	28	29	30	31	29	30					

Monday 18

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Saturday 23

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Sunday 24

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week

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May 09

25th - 31st

Monday 25

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Tuesday 26

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Wednesday 27

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Friday 29

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Saturday 30

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16

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Sunday 31

12

16

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week

23

June 09

1st - 7th

May

June

July

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31		

Monday 1

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Friday 5

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10

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Saturday 6

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Sunday 7

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16

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week

24

June 2009

8th - 14th

Monday 8	Tuesday 9	Wednesday 10
8	8	8
10	10	10
12	12	12
14	14	14
16	16	16
18	18	18
20	20	20
Thursday 11	Friday 12	Saturday 13
8	8	12
10	10	16
12	12	20
14	14	Sunday 14
16	16	12
18	18	16
20	20	20

week

25

June 2009

15th - 21st

May							June							July						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
				1	2	3	1	2	3	4	5	6	7		1	2	3	4	5	
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31		

Monday 15

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Tuesday 16

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Wednesday 17

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Thursday 18

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Friday 19

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10

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Saturday 20

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Sunday 21

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week

26

June 2009

22nd - 28th

Monday 22	Tuesday 23	Wednesday 24
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8	8	8
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10	10	10
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12	12	12
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14	14	14
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16	16	16
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18	18	18
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20	20	20
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Thursday 25	Friday 26	Saturday 27
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8	8	12
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10	10	16
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12	12	20
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14	14	Sunday 28
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16	16	12
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18	18	16
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20	20	20

week

27

June - July 09

29th - 5th

June							July							August						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
1	2	3	4	5	6	7				1	2	3	4	5	31				1	2
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23
29	30						27	28	29	30	31			24	25	26	27	28	29	30

Monday 29

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Tuesday 30

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Wednesday 1

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Thursday 2

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Friday 3

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Saturday 4

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16

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Sunday 5

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week

28

July 2009

6th - 12th

Monday 6	Tuesday 7	Wednesday 8
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8	8	8
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10	10	10
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12	12	12
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14	14	14
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16	16	16
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18	18	18
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20	20	20
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Thursday 9	Friday 10	Saturday 11
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8	8	12
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10	10	16
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12	12	20
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14	14	Sunday 12
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16	16	12
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18	18	16
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20	20	20

week

29

July 2009

13th - 19th

June							July							August						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
1	2	3	4	5	6	7				1	2	3	4	5	6	7	8	9	10	11
8	9	10	11	12	13	14	6	7	8	9	10	11	12	13	14	15	16	17	18	19
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23
29	30						27	28	29	30	31			24	25	26	27	28	29	30

Monday 13

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Wednesday 15

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Friday 17

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Saturday 18

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Sunday 19

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week

30

July 2009

20th - 26th

Monday 20

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Tuesday 21

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Wednesday 22

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Friday 24

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Saturday 25

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Sunday 26

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week

31

July - Aug. 09

27th - 2nd

July							August							September						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
			1	2	3	4	31				1	2		1	2	3	4	5	6	
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27
27	28	29	30	31			24	25	26	27	28	29	30	28	29	30				

Monday 27

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Wednesday 29

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Friday 31

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Saturday 1

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Sunday 2

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July

M	T	W	T	F	S	S
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August

M	T	W	T	F	S	S
31				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

September

M	T	W	T	F	S	S
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

week 32

Aug. 2009

3rd - 9th

Monday 3	Tuesday 4	Wednesday 5
8	8	8
10	10	10
12	12	12
14	14	14
16	16	16
18	18	18
20	20	20
Thursday 6	Friday 7	Saturday 8
8	8	12
10	10	16
12	12	20
14	14	Sunday 9
16	16	12
18	18	16
20	20	20

week

33

Aug. 2009

10th - 16th

July							August							September						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
			1	2	3	4	31				1	2		1	2	3	4	5	6	
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27
27	28	29	30	31			24	25	26	27	28	29	30	28	29	30				

Monday 10

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Friday 14

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Saturday 15

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Sunday 16

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Monday 17	Tuesday 18	Wednesday 19
8	8	8
10	10	10
12	12	12
14	14	14
16	16	16
18	18	18
20	20	20
Thursday 20	Friday 21	Saturday 22
8	8	12
10	10	16
12	12	20
14	14	Sunday 23
16	16	12
18	18	16
20	20	20

week

35

Aug. 2009

24th - 30th

July							August							September						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
			1	2	3	4	31				1	2		1	2	3	4	5	6	
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27
27	28	29	30	31			24	25	26	27	28	29	30	28	29	30				

Monday 24

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Tuesday 25

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Wednesday 26

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Friday 28

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14

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Saturday 29

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Sunday 30

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week

36

Aug. - Sept. 2009

31st - 6th

Monday 31	Tuesday 1	Wednesday 2
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8	8	8
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10	10	10
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18	18	18
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10	10	16
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12	12	20
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14	14	Sunday 6
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16	16	12
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18	18	16
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20	20	20

week
37
Sept. 2009
7th - 13th

August							September							October							
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	
31					1	2		1	2	3	4	5	6					1	2	3	4
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11	
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18	
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25	
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31		

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Friday 11

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August							September							October							week 38		Sept. 2009		14th - 20th	
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S						
31				1	2		1	2	3	4	5	6			1	2	3	4								
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11						
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18						
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25						
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31							

SEPTEMBER

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Saturday 19

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Sunday 20

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week
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Sept. 2009
21st - 27th

August							September							October							
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	
31					1	2		1	2	3	4	5	6					1	2	3	4
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11	
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18	
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25	
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31		

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September

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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October

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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November

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30						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

week

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Sept. - Oct. 09

28th - 4th

Monday 28

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Oct. 2009

5th - 11th

September

October

November

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
1	2	3	4	5	6				1	2	3	4		30						1
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22
28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29

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September							October							November							week 42		Oct. 2009		12th - 18th	
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S						
1	2	3	4	5	6				1	2	3	4		30						1						
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8						
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15						
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22						
28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29						

Monday 12

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Sunday 18

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week

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Oct. 2009

19th - 25th

September

October

November

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
1	2	3	4	5	6				1	2	3	4		30						1
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22
28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29

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October

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			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November

M	T	W	T	F	S	S
30						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

December

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1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

week

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Oct. - Nov. 09

26th - 1st

Monday 26

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week

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Nov. 2009

2nd - 8th

October

November

December

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
				1	2	3	30					1			1	2	3	4	5	6
5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13
12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20
19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27
26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31			

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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November

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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

December

M	T	W	T	F	S	S
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

week

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Nov. 2009

9th - 15th

Monday 9	Tuesday 10	Wednesday 11
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8	8	8
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18	18	18
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Thursday 12	Friday 13	Saturday 14
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12	12	20
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14	14	Sunday 15
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16	16	12
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18	18	16
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20	20	20

week
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Nov. 2009

16th - 22nd

October							November							December						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
				1	2	3	30					1		1	2	3	4	5	6	
5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13
12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20
19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27
26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31			

Monday 16

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October

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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November

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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

December

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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

week

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Nov. 2009

23rd - 29th

Monday 23	Tuesday 24	Wednesday 25
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8	8	8
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Thursday 26	Friday 27	Saturday 28
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14	14	Sunday 29
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week

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Nov. - Dec. 09

30th - 6th

November

December

January

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
30					1			1	2	3	4	5	6					1	2	3
2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10
9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17
16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24
23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	31

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week

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Dec. 2009

14th - 20th

November

December

January

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
30					1			1	2	3	4	5	6					1	2	3
2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10
9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17
16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24
23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	31

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Friday 18

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Saturday 19

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week

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Dec. 2009

21st - 27th

Monday 21	Tuesday 22	Wednesday 23
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Thursday 24	Friday 25	Saturday 26
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14	14	Sunday 27
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20	20	20

week

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Dec. 09 - Jan. 10

28th - 3rd

November

December

January

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
30					1			1	2	3	4	5	6					1	2	3
2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10
9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17
16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24
23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	31

Monday 28

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1 Overview

BASIC FACTS AND FIGURES

Demography

Total population	38,5 mio. 2005
Annual population growth rate	1,85% 2005
Rural population	75,8% 2005
Population under age 15	44,4% 2005
Population aged 65 and older	3% 2005

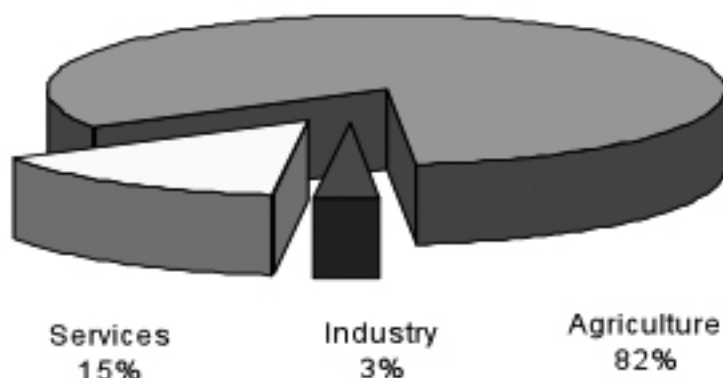
Source: UNESCO, Institute for Statistics, <http://www.uis.unesco.org/>

Education

Net primary enrolment rate	91% 2005
Children reaching grade 5 (of grade 1 students)	84% 2004
Adult literacy rate, total	72% 2007
Adult literacy rate, female	66% 2007
Adult literacy rate, male	79% 2007
Pupil - teacher ratio: primary	53p/t 2007
Public expenditure on education (of GDP)	2,4% 2002 - 2005 ^a
Public expenditure on education (of government budget)	11,4% 2002 - 2005 ^a
Source: UNCTAD, Human Development Report 2007 / 2008	

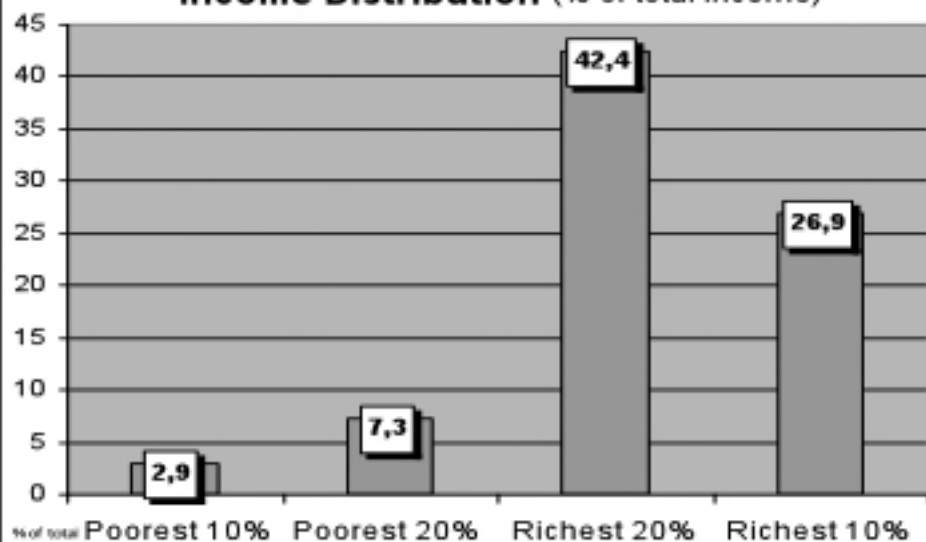
Health	
Physicians (per 100,000 people)	2 per s. 2002 - 2004 ^a
Life expectancy at birth	46 years 2005
HIV rate (%) in adults (15 - 49 years)	6,5% 2005
Births attended by skilled personnel	43% 1997 - 2005 ^a
Infant mortality rate	7,6% 2005
Maternal mortality ratio, adjusted (per life birth)	0,95% 2000 ^b
Children under age of 5 using insecticide-treated bednets	16% 1999 - 2005 ^a
Children under age 5 with fever treated with antimalarial drugs	58% 1999 - 2005 ^a
Tuberculosis cases, prevalence %	0,5% 2005 ^c
^a Data refer to the most recent year available during the period specified. ^b Data adjusted to account for well-documented problems of underreporting and misclassifications in reviews published by UNICEF, WHO and UNFPA. ^c Data refer to all forms of tuberculosis.	
Income & Employment	
Population living below the national poverty line	35,7% 1990 - 2004 ^a
Employment, total	16.914 th. 2000 ^b
Employment, male	8.351 th. 2000 ^b
Employment, female	8.563 th. 2000 ^b
Employment in non-agricultural informal sector, both sexes	7,7% 1990 - 2004 ^a
^a Data refer to the most recent year available during the period specified. Source: UNCTAD, Human Development Report 2007 / 2008 ^b Source: ILO, SEGREDAT Database, http://laborsta.ilo.org/	

Employment by Sector



Source: UNCTAD, Human Development Report 2007/2008

Income Distribution (% of total income)



Source: UNCTAD, Human Development Report 2007/2008

Economy & Public Finances	
GDP (Bill. US\$, current prices, 2006) ^a	12.8
CPI (average, Jan. - July 2008) ^b	9.1%
a) Source: World Bank, Data & Statistics	
b) Source: National Bureau of Statistics, Tanzania	
Current Account (% of GDP)	2007 ^e
Trade balance	-15.8
Exports of goods (free on board)	12.2
Imports of goods (free on board)	28
Services	1.6
Factor income	-0.2
Current transfers	3.8
Current account balance	-10.7
e) estimates	
Source: AfDB, African Economic Outlook 2008	
Public Finances (% of GDP)	2006/07 ^e
Total revenue and grants a	19.6
Tax revenue	12.6
Grants	5.9
Total expenditure and net lending a	24.1
Current expenditure	17.5
Excluding interest	16.3
Wages and salaries	4.5
Interest	1.2
Capital expenditure	6.6
Primary balance	-3.2
Overall balance	-4.5
a) only major items are reported	
e) estimates	
Source: AfDB, African Economic Outlook 2008	

2. GOVERNANCE

GOOD LEADERSHIP - 10 YEARS REMEMBRANCE OF MWALIMU NYERERE

Extracts from: Julius K. Nyerere, Freedom and Socialism. A selection from Writings and Speeches 1965-1967. Dar es Salaam, Oxford University Press, Nairobi, London, New York 1968

26

The Arusha Declaration: Socialism and Self-Reliance

“.....the whole document accepted by the National Executive Committee of TANU in Arusha on 26 January 1967,...”

“Part One: The TANU Creed

- a. That all human beings are equal;
- b. That every individual has a right to dignity and respect;
- c. That every citizen is an integral part of the nation and has the right to take an equal part in Government at local, regional and national level;
- d. That every citizen has the right to freedom of expression, of movement, of religion belief and of association within the context of the law;
- e. That every individual has the right to receive from society protection of his life and property held according to law;
- f. That every individual has the

right to receive a just return for his labour;

- g. That all citizens together possess all the natural resources of the country in trust for their descendants;
- h. That in order to ensure economic justice the state must have effective control over the principal means of production; and
- i. That it is the responsibility of the state to intervene actively in economic life of the nation so as to ensure the wellbeing of all citizens, and so as to prevent the exploitation of one person by another or one group by another, and so as to prevent the accumulation of wealth to an extent which is inconsistent with the existence of classless society”.

“Part Three: (d) Good Leadership

TANU recognizes the urgency and importance of good leadership. But we have not yet produced systematic training for our leaders; it is necessary that TANU Headquarters should now prepare a programme of training for all leaders-from the national level to the ten-house cell level-so that every

one of them understands our political and economic policies. Leaders must set a good example to the rest of the people in their lives and in all their activities”.

“Part Five: The Arusha Resolution

(a) The Leadership

1. Every TANU and Government leader must be either a peasant or a worker, and should in no way be associated with the practices of capitalism or feudalism.
2. No TANU or Government leader should hold shares in any company.
3. No TANU or Government leader should hold directorships in any private owned enterprise.
4. No TANU or Government leader should receive two or more salaries.
5. No TANU or Government leader should own houses which he rents to others.
6. For the purposes of this Resolution the term ‘leader’ should comprise the following: Members of the TANU National Executive Committee; Ministers; Members of Parliament; senior officials of Organizations affiliated to TANU; senior officials of para-statal organizations; all those appointed or elected under any clause of the TANU Constitution; councilors; and civil servants in the high and middle cadres. (In this context ‘leader’ means a man, or a man and his wife, or a woman and her husband”).

Interview between FES-Tanzania and Mwalimu Nyerere’s former Personal Assistant Hon. John Chiligati (MP)

Q: *What attributes of Mwl. Julius Nyerere as a leader have until now remained in your memory?*

A: (...) Mwl. Nyerere as a leader is his simplicity and selflessness. He was the President of this country for 23 years, one would expect him to build a heavy personality cult and, conduct his personal life in pompacity and self aggrandizement. To the contrary, throughout his term as President of the United Republic and Party Leader, he led very simple life and very self-

less. He respected all people regardless of their social status, to him all human beings were equal and deserved to be treated with respect and dignity.

There is one small incident that I always remember. My appointment as the Personal Assistant to the CCM National Chairman (Mwl. Nyerere) was communicated to me by Hon. Rashid Kawawa who by then was the CCM Secretary General. One day, around February 1986, he called me in his

office and told me that I had been appointed by the Party Chairman to be his Personal Assistant, and that I was to report for duty the next day morning at his residence at Msasani (DSM). (...) I was invited by one of his Attendants into the dinning room (not in the office as I anticipated). At the dining table, was Mwl. Nyerere, I hesitated to join him at the table, but Mwl. Nyerere was jovial, he insisted on me to join him and he pulled a chair for me to sit near him. (...) What shocked me was when he lifted the cup in front of me and asked if I needed coffee or tea; I said tea and he started serving me! Just imagine a great man with immense international reputation serving tea to a small humble person like me! (...) This small incidence explains a lot on Mwl. Nyerere's attributes as a leader of the people and for the people; later on I came to learn that this treatment was being accorded to all his private visitors regardless of their social status. Mwl. Nyerere was indeed a leader of the people in words and deeds.

Other attributes of Mwl. Nyerere as a leader were numerous, let me mention a few: **Care for peoples problems; Integrity and High moral Standards; Principled and compatriot.**

Q: *What would you say does it mean to be a good leader?*

A: What makes good leadership may differ from one country to another depending on the history, culture and perceptions of each country. In Tanzania, Mwl. Nyerere (...) is the role model of a good leader. In the context of Tanzania culture and ethics, a good leader is one whom his personal life

displays simplicity and not arrogance, has to be selfless, and servant of the people and not selfish and greedy, has to have a sound moral character, and not corrupt; above all a good leader in Tanzania has to be a **patriot**, and **committed** to the course of liberating our people and our country from poverty to prosperity. (...)

Q: The current President Kikwete in his endeavours to fight corruption has pledged for high level politicians (such as parliamentarians) to strictly separate politics and business. Meaning that a politician should not at the same time be a businessman. This is to prevent peoples/state interests colliding with private, personal and commercial interests.

What is your personal stand on that?

A: My personal view on the issue of separating politics and business is that it is the right step to be taken; and by the way, the CCM National Executive Committee (NEC) during its meeting in March 2008 at Butiama Village (the birth place of Mwl. Nyerere) endorsed the President's proposal on this issue. So my stand on this issue is the same as that of the ruling party, that is to separate politics and business. Why? Our leadership code under the Arusha Declaration had a strict separation between politics and business. A Business person could not be elected to any Party position and also Party leaders, were prohibited to engage into business ventures. However in 1991 the party reviewed the Arusha Declaration leadership code, and opened the way for politicians to engage into business. The intention was good, that is to make politicians con-

tribute to the growth of our economy through owning businessman ventures.

But the experience we have had in these 17 years of liberalizing polities, show that there is a lot of conflict of interest. We have witnessed some leaders use their positions to acquire and promote their personal business. Others are just busy with their personal commercial interests and spend less time to listen and solve peoples problems; others are even using their business and financial might to buy out voters to win elections, etc. Our party is slowly but steadily shifting from its original image as a party belonging to the common people, and now it is being perceived as having being overtaken by rich businessmen. This perception is not healthy to our party and government. In order to redress the situation, hence the call to separate politics and business. The government has been urged by CCM to work out a legislation that will accommodate this decision. Under the said law, a businessman who want to be in politics has to surrender his/her business to a board of trustees to run that business and not directly one self. This system is used in many countries and we think we also need it in Tanzania.

Q: *What do you think are the biggest challenges leaders in Tanzania are confronted with at the present time?*

A: The biggest challenge facing the leadership in Tanzania at the present time is to fight against poverty. Tanzania is endowed with an abundant of natural resources. We have almost all the natural resources needed to turn round this country from poverty

into prosperity: fertile land, minerals, Rivers/Lakes/Ocean, tourism attractions like Game Reserves, beautiful beaches, etc. The biggest challenge is to transform these natural resources from being **dead capital** as there are now, into **working capital**. The transformation vehicles are: education and skills training, infrastructure like roads, harbours, airports, electricity, and water. Also committed leadership to this crusade.

With committed and dedicated leadership we can transform Tanzania from poverty to a middle income country within one decade, only if we put in place the missing links that include: educated and skilled labour develop the necessary infrastructures, and also put in place a strong leadership code to sort out none dedicated people from leadership echelons. (...)

Q: *In your opinion, what is left of the Tanzania socialist model with the idea of "self reliance" and people centred development?*

A: There is presently in Tanzania a big debate as to whether socialism (Ujamaa) is still relevant while we are now in the era of a market led economy! Some people are even challenging the logic of having the word "socialism or ujamaa" in our national constitution and in the ruling party constitution. (...)

The philosophy of developing our society through a social justice system (Ujamaa) remains unchanged. What has changed is the strategy towards implementation our socialist oriented policies. (...)

However in the implementation this strategy there was gross mismanagement that resulted into the collapse of

almost all parastatal organizations, factories went bankrupt and thousands of workers were laid off, there was an acute shortage of all basic consumer goods and the economic growth figures were below 2%.

It was under such circumstances that in the late 1980s Tanzania embarked on economic and social reforms. Under these reforms the strategy of placing the major means of production under the ownership of the government was abandoned and doors were opened to the Private Sector; that is, Investors from within and outside the country were called in to invest. The change of policy from government owned economy, to the Private Sector owned economy has began paying dividends. It has stimulated the economy in almost all sectors including industries, mining, tourism, trade etc. The economy is now growing at an average rate of 7% annually, and the shortage of consumer goods that was common in the 1980s has long been not only forgotten but unimaginable.

Under these new circumstances, we in CCM still hold the idea that let the Private Sector produce, let the government collect revenue from the rich, and use that money to uplift the lives of the poor. Our socialist stance is now directed to make sure there is social and economic justice, that is, the basic social services like education, health, employment, etc. are accessible to all citizens. That the people are empowered through training and access to soft loans to propel themselves towards prosperity. We want to bring about decent life to every citizen. Hence policies like free primary education, subsidized Secondary and higher education, social security cov-

erage to all, etc. are all geared towards creating social justice, and is part of our **Ujamaa** aspirations. This is what the Social Democrats in Europe call "the creation of the welfare state". (...)

Our party also advocate for fair pay in the labour market, we are against employers who exploit their workers through the payment of unfair and starvation salaries. (...) we advocate for the farmers to organize into voluntary **cooperatives** in order to have collective bargaining power in the crop markets within the country and outside.

What we want to achieve is to create people centred development. The purpose of development is to serve the people and not to serve the market/capital nor institutions. (...) Whatever political party that comes to power, it is prohibited by law to discard or abandon our policy on social and economic justice (Ujamaa), since the policy is entrenched into our national constitution. (...)

Q: CCM as a socialist or social-democratic party feels strongly affiliated to the social and economic development of the country. The goal is therefore to achieve more social justice among the Tanzania people.

What is CCM going to undertake to reach that goal? Could you give a few examples on: education, Health care, employment, Land question, gender etc.?

A: Education - Our policy is to make sure that access to education is available to all. Our ultimate goal is to make education accessible and affordable to all students regardless of their social status from primary to University

levels; yet our present level and size of the economy cannot shoulder or support this ultimate goal.

However as a first stage we have made primary education compulsory and free to all, Secondary School education in public schools is significantly subsidized, day students pay 20\$ per year; and about 70\$ for boarding students. Students from poor families don't pay and the state covers their fees. At the University level student loans are provided by the state through a "means test systems", where by students coming from poor families get 100% loan, and those in the middle income group get loans ranging from 10% to 80% depending on their capability to pay; and those coming from rich families don't get loans. These are interim measures. As our economy grows in size, there is a time when it will be able to support free and compulsory Secondary School education; and also will be able to provide 100% loans to all higher education students.

Health care - This is one of the basic social service, that CCM would want to be accessible and affordable to all people (...). At the moment we have put in place a mechanism through the Social Health Fund to make health care both accessible and affordable to all. Through this fund which has been established in all District Councils, a family need to contribute to the fund a mere 5,000 Tsh. (about 5\$) per year; and through government subsidy the entire family gets medical services by using the fund membership card. Our challenge is to extend membership of the fund to cover all people especially in rural areas.

Under our health delivery system the old (Senior Citizens) and children

under 5 are entitled for free medical care. (...)

Land - Being one of the major resources, is by law communally owned, and the President is the Chief guardian. Through this policy the people has the right to use land through a lease system. In the rural areas, the Land law provides that the villagers are to be provided with **customary right of occupancy** which is perpetual. Our land policy is so socialistic that we can proudly say in Tanzania there is equitable land distribution to the extent that we don't have a landless class. Land is available and accessible to every Tanzanian who wants to own a piece of land.

Gender - On the issue of equal rights for women, our party policy is that of taking affirmative actions to assist women to get equal opportunities to access education, land, employment, etc, and to hold top positions in the government and in the decision making bodies. In order to increase the number of women councilors in the local governments and in the National Assembly, the party initiated the "special seats" systems, through which 30% of women are presently in parliament, and 33% are councilors in the local government.

As we are making this interview, CCM has established a special committee to work out a formula that will increase the number of woman in parliament and local government from the present 30% to 50% in the coming general elections in 2010. (...)

Employment - One of the basic human rights entrenched in our national constitution is the right of establishment, and also in the AU youth charter, to which Tanzania we are signatories, it

is stipulated that employment is one of the basic rights of our youth.

Employment under our policy means **to be employed** by some one, or to engage **into self employment** ventures.

In the first category CCM and its government are promoting and expanding

education and vocational training facilities to all youth so that they get the necessary education and skills to make them **employable** in the labour market. (...)

For those youth who want to undertake self employment ventures, our policy is to give them training on entrepreneurship skills and also access them to soft loans as

capital to establish their ventures. In 2006/07 a total of Tshs. 33bn/= was given out as loans to small entrepre-

neurs individually and through Youth Economic Groups, through the National Empowerment Fund. This is a revolving fund to cater for the youth who venture into self employment activities. (...)

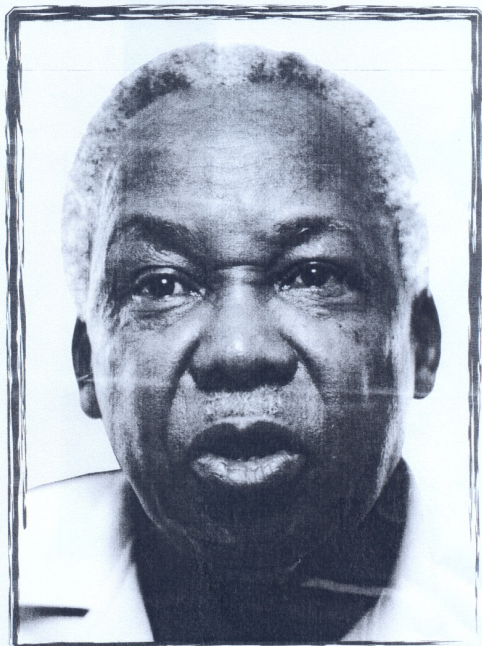
END

Thank you (FES) for this interview, and also thank you for the different programmes you are undertaking in Tanzania including youth leadership Training, and many others.

The Campaign against Death Penalty is going on in 2009

"Mimi Napinga Adhabu ya Kifo..."
WEWE JE? - Julius Nyerere

"I am Against Capital Punishment..."
WHAT ABOUT YOU? - Julius Nyerere



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Web: www.humanrights.or.tz

SOLIDARITY FOR EVER!!

The Interviewer Peter Haeussler, November 2008

EDUCATION FOR ALL

Excerpts from:

1. AFRICA TODAY AND TOMORROW
by MWALIMU JULIUS NYERERE,
The Mwalimu Nyerere Foundation
(2000)

From Julius Nyerere's Second Michael Scott Memorial Lecture on 4th June 1996 (p. 40-45)

(...)

"I give the example of Tanzania only because it is the country of which I have direct personal knowledge; but deterioration in education is the experience of almost all African countries. There was a post-independence expansion in the proportion of the national budget devoted to education, in the numbers at schools and colleges, and in the staff – student ratio. All those and other significant education indicators began to worsen at some time in the 1980s, and have continued to fall since then.

The basic education problem of African states since 1980 has been that the resources available to African governments have declined dramatically. And when something like 40% of the national budget has to be allocated to debt servicing even while arrears continued to make that debt larger (and the annual interest high-

er) – there is not much left for the governments' other responsibilities.

Yet the questions still remain: What kind of education should the governments provide from their limited resources? For whom should it be provided, and with what objective? Or to put it differently, is education to be provided by the state mechanisms, or left to a combination of commercial and charitable activities? And are such decisions to be made by central or local governments – or in practice left to 'the market'?"

(...)

"I issued a policy paper 'Education for Self-reliance'."

(...)

"Its definition of the universal purpose of education (...) I think: to transmit from one generation to the next the accumulated wisdom and knowledge of the society, and to prepare the young people for their future membership of the society and their active participation in its maintenance or development."

(...)

"That is what is happening now in very many African countries today. Where it previously existed, Universal Primary Education theoretically continues to be the policy of the government and all opposition political parties. In practice, however, only the most brilliant children learn anything

at all in a class of 60 and more (which is almost becoming a minimum in Tanzania), the more especially when there are virtually no books or papers, and sometimes not even black-board chalk for the class.

The rich respond to such situations by setting up private schools, or paying for private tuition; in addition, charities may establish 'Bush Schools'. It is politically difficult to disallow such actions; indeed, it could be judged to be morally wrong to do so. Yet the basis is thereby laid for the growth of class society, with all that this implies for mutual respect, and equality – (even quality of opportunity) among all citizens in the future.

I have no answer to this problem. Tanzania, for example, cannot go back to the 1930s when going to school was a matter of luck – and the agreement of parents who could see little point in it. Now the majority of our mothers and fathers are at least literate – thanks mostly to the literacy divers of the 1970s and early 80s. The parents today besiege a new school or new class, demanding entrance for their child. On what basis does a headteacher choose among them? Should that responsibility be left on their shoulders?

For it can be argued that, when available public resources are scant, it is absurd for a government to continue wasting money on a pretence of education everyone and thus being unable to give a good education to anyone – even to a critical mass of youngsters. The argument continues: What the society needs most is not Universal Primary Education, but a core of very well trained teachers for what you hope will be a better future.

Also, good quality technicians and scientists are clearly going to be needed if an organized and peaceful society is to survive – much less proper in the 21st Century.”

2. JULIUS KAMBARAGE NYERER: ADULT EDUCATION AND DEVELOPMENT, in: Institute for International Cooperation of the German Adult Education Association (IIZ DVV), 67/2006, Germany-Bonn, p. 77-88.

(...)

“For development has a purpose; that purpose is the liberation of Man. (...) But Man can only liberate himself or develop himself. He cannot be liberated or developed by another. For Man makes himself. It is his ability to act deliberately for a self-determined purpose, which distinguishes him from the other animals. The expansion of his own consciousness, and therefore of his power over himself, his environment, and his society, must therefore ultimately be what we mean by development.

So development is for Man, by Man, and of Man. The same is true of education. Its purpose is the liberation of Man from the restraints and limitations of ignorance and dependency. Education has to increase men's physical and mental freedom – to increase their control over themselves, their own lives, and the environment in which they live. The idea imparted by education, or released in the mind through education, should therefore be liberating ideas; the skills acquired by education should be liberating skills. Nothing else can properly be called education. Teaching which induces a slave mentality or a sense of impotence is not education at all; it

is attack on the minds of men. This means that adult education has to be directed at helping men to develop themselves. It has to contribute to an enlargement of Man's ability in every way. In particular it has to help men to decide for themselves – in cooperation – what development is.”

(...)

“it must enable them to examine the possible alternative courses of action; to make a choice between those alternative (...) and it must equip them with the ability to translate their decisions into reality.”

(...)

But doing things means cooperating with others, for in isolation Man is virtually helpless physically, and stultified mentally. Education for liberation is therefore also education for cooperation among men, because it is in cooperation with others that Man liberates himself from the constraints of nature, and also those imposed upon him by his fellow men.”

(...)

“The same thing is true of what I would call the second stage of adult education. That is, helping people to work out what kind of change they want, and how to create it. For example: it is not enough that the people in a village should come to recognize that something can be done about their endemic malaria, that it is not an evil which has to be endured. They also have to learn that malaria can be treated with drugs, or prevented by controlling mosquitos, or that malaria can be dealt with by a combination of curative and preventive action. And all this must be followed up with action. Thus we have whole series of educational activities all of

which involve a learning process – an expansion of consciousness. The combination of them all is required if the development – of men and the environment – is to be life-enhancing. And all of them can be assisted by the activities of an educator.”

(...)

“There is a second very fundamental determinant of adult education method. It is that every adult knows something about the subject he is interested in, even if he is not aware that he knows it.”

(...)

“He has built up the self-confidence of the man who wants to learn by showing him that he is capable of contributing. He has demonstrated the relevance of experience and observation as a method of learning when combined with thought and analysis. And he has shown what I might call the ‘mutuality’ of learning; that is, that by sharing our knowledge we extend the totality of our understanding and our control over our lives.

For this is very important. The teacher of adults is a teacher, a guide along a path which all will travel together. The organizers and teachers in an adult education programme can be no more than that; to be effective therefore they have consciously to identify themselves with those who are participating in it primarily as learners. Only on this basis of equality, and of sharing a task which is of mutual benefit, is it possible to make full use of the existing human resources in the development of a community, a village, or a nation. It is within this context of sharing knowledge that all the different techniques of teaching can be used.”

ABUSE OF PUBLIC OFFICE AND EFFECTIVE DETERRENCE

By: Max Mmuya, University of Dar es Salaam

Background

The post 2005 election period in Tanzania, especially from November 2007 to May 2008, has witnessed an awakening that is unparalleled in the history of Tanzania. Such has been its magnitude and force that individuals, as well as groups of individuals, from various significant constituencies have written headlines such as:

- “The nation is in turmoil” (“Nchi sasa Inayumba”), Raia Mwema, April 16-22, 2008
- “CCM has lost its bearings” (“CCM imepoteza dira”)
- “Members of Parliament Torment the Government” (“Wabunge waicharukia serikali”), Tanzania Daima, February 4, 2008
- “The Roman Catholic Church lands of the Government” (“Kanisa Katoliki laishukia serikali”), Tanzania Daima, Monday, January 21, 2008

These comments have been accompanied by calls such as:

- “The affinity between the Government and the Parliament should be severed” (“Ndoa ya Serikali na Bunge Ivunjwe”), Raia Mwema, February 13-19, 2008

The captions forming the headlines in the media illustrate the emergence of

a new vocabulary and nomenclature to describe the issues of the time.

Ufisadi - “over-eating”, like that associated with “fisi”, the hyena’s gluttonous habit of eating/accumulating everything on his way. This concept is preferred to the original Swahili word “rushwa” = corruption.

Ujasiri wa Kifisadi - “the bravery/fearlessness of the corrupt”, an expression of the mix of awe and anger of the public at the revelations regarding the alleged abuse of public office by the leadership in government and the CCM.

Vijisenti - “loose change”, depicting the arrogance of a former minister who described the billions of shillings he was holding in his external account as “vijisenti” - loose change.

The development that took place over those seven or so months implicated senior and strategically placed officers and officials, including cabinet ministers and CCM party officials. Although they seemed to be separate episodes, they were interrelated in a number of ways. Firstly, the key players played multiple roles in the party in office, in the government and in business. Secondly, the episodes themselves were more than bureaucratic flaws. Whether it was

the power generation failure under Richmond LLC¹ or the misuse of the funds under the External Payment Arrears (EPA)², a line could be drawn linking political, governmental and business interests.

As a result of the immediately corroborated cases, two cabinet ministers and eventually the Prime Minister of the United Republic of Tanzania resigned from office leading to the subsequent dissolution of the entire government and the formation of a new one. Other closely related cases, such as the mining contract and the purchase of radar, were pending or under review, before those found in error were held to account.

After the resignation of the two ministers and the prime minister, the public was concerned that, considering the nature of the issues that had led to the dissolution of the government barely two and half years after it had been formed, the “penalty” received by the officials – their mere resignation – was not commensurate with their crime. The public demanded that the officials be prosecuted before the courts and more stringent legal action be imposed on them. There was, however, the expectation that, given the record of the administration of justice in Tanzania, particularly in cases involving significant political players, even if the government

instituted court action against the officials, it was likely that the legal process would get bogged down in long, winding procedures and wrangles. So, even if the process ever were to reach a conclusion, the case would have already become stale, and the public would never feel that the officials had been properly punished. These concerns raise at least one fundamental question: what is effective deterrence and what sort of long term framework against the abuse of public office can be instituted in order to plug the holes that could lead to similar developments in future?

Deterrence efforts against abuse of public office in Tanzania

Observers of reform processes in Tanzania acknowledge that 1992 is a significant landmark in contemporary times. This is when multipartyism was reintroduced. Multipartyism provides a broad competitive framework that has the potential to deter the abuse of office which leads to developments such as the Richmond and EPA scams. The change in the political set-up was accompanied by a number of rules and legal instruments to deter corrupt behaviour through the recreation of the ethics codes, asset declaration laws and procurement laws. Provisions were made in the information laws, giving citizens the right to information about government activities.

All this rekindled expectations and hopes that it would be a long time before daring officials would find ways of circumventing these instruments and “put the clock back” to re-enacting cases such as the Richmond LLC or the external payment accounts scam.

¹ Richmond Development Company, LLC. was contracted to supply additional units of electricity to the National Electric Power Supply Company, Tanzania Electric Supply Company, TANESCO. The contract was fictitiously awarded, the company was legally unknown and Richmond was found to not have the capacity to supply the additional electricity

² Relates to embezzlement of more than 133bn/- from the Bank of Tanzania's external payment arrears (EPA) account, which was systematically carried out during 2005/06.

This paper argues that in spite of efforts to reform the political and administrative systems, a process that began in 1992 and intensified in later years, Tanzania has only created a facade of an accountable system capable of restraining abuse of public office and with the incentive to do so. The result of the reforms has been the creation of a mutant and distorted regime with obstructive outgrowths to deter officials from abusing the mandates that have been entrusted on them.

The emerging mutant regime bears most of the trappings of an accountable system ideal for the proper execution of public duties: political parties that compete for political office implying that such competition increases the likelihood that alternative candidates and parties will seek to expose corruption in government or hold politicians accountable for the poor performance associated with high levels of corruption and other abuses of office; civil society groups that have the potential to stand up for their rights thereby challenging the impunity of those in office; a legal system that can take action against proven cases.

However, contrary to these overt aspects of the regime, the actual basic features of the mutant include: one party dominance, fragmented civil society and a porous legal framework.

a) One party dominance

Since the inception of the competitive political system in 1992, only one party has been in office with a continuous increase in the share of seats it occupies in the parliament. While this

dominance may be scaled down in the next elections, it is doubtful that the opposition parties can take a lead. The adverse side of one party dominance in the framework of competitive politics is that in reality, instead of serving as mechanism for regulation, it quietly stifles competition and disallows dissent in the party itself. Party dominance stifles the possibility of viable alternatives to what exists.

The disallowance of dissent is exercised through excessive imposition of party discipline on members that seek to raise alternative views to the party line: members are subjected to toe the party line. Criticism is either not tolerated or it is made behind strictly closed doors and tinted louver glasses so that no one can hear or see the dissent. As far as the alternative parties are concerned, because of their insignificant size, they are quizzed up in an arena of both institutional and individual restraints. In such a context, there is hardly any incentive to raise questions.

In fact the risks to dissenters or members standing up for their rights may be so high as to make such a move non-palatable. The way the Richmond scam was handled was characteristic of this line. There was a concerted effort to take the debate away from the public sphere. It was only through concerted pressure that these attempts and those aimed at imposing party discipline failed and gave way to open debate in a non-partisan framework.

b) Fragmented and weak civil society sites and groups

Alongside a competitive regime is the role of civil society groups. In a system

with weak political competition, and especially under one party dominance, one might hope that civil society would assist in assuring vertical accountability through reproach and a demand for civic rights and justice. In the case of Tanzania, civil society is weak. It is fragmented and it lacks the capacity to organise and act collectively.

In contrast to the state, civil society in Tanzania has neither the human nor the financial resources needed for articulating its demands and paying for the services they want to deliver. Civil society may well have been captured by powerful constituencies in the dominant party regime for immediately after the elections in 2005, a number of faith-based organisations (FBOs) from both the Church and the Mosque assembled in the wet Jangwani Grounds in Dar es Salaam and stayed overnight in vigil and prayer for the then emerging regime.

The events surrounding the Richmond and EPA scams have considerably moderated this stance, especially in respect of a large segment of the media organs. Still, due to the factors listed above, civil society organisations, like the new parties, are unlikely to sustain their newly won roles within a framework where they are seen as opponents to be crushed.

c) A weak economic regime

Another feature is related to the nature and status of the economic system and the extent to which competition and the demand for accountability can take place. By all accounts Tanzania's economic regime is weak. With a large rural and poor peasantry, political entrepreneurs

with the shrewdness of a Fisadi can easily manipulate – and they do - the electorate into voting for a candidate they would otherwise not elect into office. It cannot support and sustain the proper operations of a competitive political system.

d) A porous legal framework

The legal process in Tanzania is porous. The adjudication of justice is prone to corruption and is therefore easily manipulated. The legal regime does not have the ability to hold wrong-doers to account because the officials are easy to corrupt.

The project for effective deterrence against abuse of public office

An accountability project must be derived from issues that lend themselves to the abuse of public office. Accountability has been understood in various ways. For our purposes we will explain political accountability as follows:

“...constraints placed on the behavior of public officials by organizations and constituencies with the power to apply sanctions on them. As political accountability increases, the costs to public officials of taking decisions that benefit their private interests at the expense of the broader public interest also increase, thus working as a deterrent/disincentive to impunity, arbitrariness and deceit. Accountability rests largely on the effectiveness of the sanctions and the capacity of accountability institutions to monitor the actions, decisions, and private interests of public officials...”³

³ Found at: <http://go.worldbank.org/BV5KJHKG40>

A project for instituting an effective deterrence regime is a tall agenda. In the case of Tanzania one has to look at a much longer term framework that should involve at least the following agendas: enhancement of competition, freeing the House (parliament), judiciary reform, complementary sourcing of bills, building of an articulate and resourceful civil society.

Enhancement of competition

The skewed representation that impairs balanced competition is embedded in long term legacies, institutional designs and interconnections which are unlikely to be altered in the immediate or even medium term. But while recognising this reality, Tanzania cannot afford to continue with such a regime because it risks compromising the common goal of realising improved life conditions for its people. It is unlikely that the current situation can be altered in the immediate future. Therefore a deliberate programme for enhancing competition beyond party representation must be instituted. The following actions should be considered:

- The allocation of a proportion of seats in parliament and lower level organs of representation, the local authority assemblies, that are derived from competition amongst the parties
- The allocation of another proportion of seats to identified constituencies (civil society groups) through competition within the constituency

- The abolition of preferred (appointed) and specially designated seats

This formula will deter one political party from exercising dominance in the house(s). And as a corollary, such enhanced competition, when it is channelled through organisations that provide broad constituencies, such as political parties and interest groups, the opportunity to express their collective demands can be most effective in promoting accountability and the deterrence of the abuse of office.

Freeing the House (parliament)

Enhancing competition must go hand in hand with ensuring the independence of the House(s) by insulating it from executive influence. This is to suggest that the executive organ of the state should be formed from outside members of the House(s). However, members of the House(s) should ultimately decide which individuals can form the executive branch of the state through endorsement procedures.

Judiciary reform

As far as the judicial system is concerned an important project would be to involve the establishment of a strong body of individuals and representatives of institutions to oversee the judicial system with the aim of the proper dispensing of justice. This should be accompanied by periodic judicial reviews that should come up with recommendations on the viability of the existing laws and the tenability of the judicial process.

Additionally, there is the need to set up an authoritative and independent court to address issues of integrity in dispensation of justice.

Complementary sourcing of bills

The current situation in Tanzania lends itself to executive dominance, notably in the legislation process. Although there is a provision for members of the Houses to be the source of bills, often it is the executive that monopolises this process. Such an institutional design limits the resourcefulness of the House in its legislative role especially when it comes to the need to deter public officials from abusing their offices. Besides, the potential for more individual legislators submitting bills for deliberation in the House, and “affirmative” procedure being instituted where government originated bills be complemented with at least some individual members bills within the annual length of parliamentary sessions. This will serve as an incentive for parliamentarians to enhance their legislative and associated oversight roles.

Building of an articulate and resourceful civil society

While the previous prevailing attitude among Tanzanians was that political parties, through organs of representation such as parliament and local assemblies, were the only vehicles for deterring the abuse of public office by public officials, the Richmond and EPA scams have brought to light the importance of civil society as an important oversight agent. Civil society is a broadened public sphere. Taking

critical issues to the public sphere is to bring the issues to a brighter, more illuminated forum where corruption and impunity is difficult to exercise. This is to suggest that more calendar provisions be made where public debates on bills, public debates on policy and access to information are scheduled. In the case of Tanzania, following the Richmond and EPA scams it has dawned on Tanzanians that several positive developments arise out of taking issues into the public sphere. Firstly, public debates increase awareness; secondly, public debates create a meeting of minds; thirdly, public debates enhance clout among members with a common mind; fourthly, public debates serve as a training ground for various civil society initiatives.

Conclusion

In conclusion we would like to suggest that any project without actors is meaningless just as it is meaningless to have actors without a focused project. The Richmond and EPA scams have given some clues regarding the behaviour of the different constituencies which led to the dissolution of the government and its aftermath. As a foundation for the project, a broad view suggests that taking issues to the public sphere is important particularly in a constrained environment such as one that is underlined by dominance. Another lesson learned is the importance of information generation and dissemination in order to buttress one's position. But above all, the Richmond and EPA scams have raised the need for the organised shrewdness of various constituencies

to pursue the project to its conclusion. Apparently a non-partisan coalition is possible as is the resourcefulness of the most articulate members from the coalition. Around the debates in the

Houses, in workshops and seminars these individuals serve as a leading force to carry the above agenda through.

Notes

FROM A POLITICAL STALEMATE TO A NEGOTIATION IMPASSE: MUAFAKA BETWEEN CUF AND CCM IN ZANZIBAR

By: Richard Mbunda, University of Dar es Salaam

Background to the political settlement in Zanzibar

After the 2000 general elections, CUF staged a nationwide demonstration to protest against the rigged elections of 2000. Across mainland Tanzania, demonstrations passed off without major problems but in Zanzibar 31 people died, including a policeman, according to the report of the Presidential Commission of Enquiry led by Brigadier Hashim Mbita. Many others, particularly CUF supporters, fled to Kenya. Following international condemnation and outcry on mainland Tanzania, CCM and CUF opened a direct unmediated dialogue, and in October 2001 signed what they considered to be an historic agreement, called Muafaka II. In the second accord, the two parties (CCM and CUF) pledged to implement the Agreed Memorandum of 9 June, 1999. The implementation of the 1999 Muafaka entailed, among others, the establishment of an independent commission (ZEC) in accordance with accepted practice within the Commonwealth, the establishment of a permanent voters' register, and a review of the Zanzibar Constitution and Electoral Laws. Prospects for the successful implementation of the accord were good. Obvious indicators were the legal

backing of the accord and the home-grown nature of the agreement.

However, only a few items under Muafaka II were actually implemented. The voters' register was established, but a CUF member was appointed to only one of the 10 posts that are under the presidential power of appointment.¹ CCM continues to claim that almost 60 percent of the Muafaka II agreement has been implemented, but this is not acknowledged by CUF. According to CUF, the Fund that was supposed to be established to compensate CUF members who were affected or died in the 2001 violence and whose property was destroyed has not yet been established. It is also alleged that the permanent voters' register was thrown together: people have been registered more than once, yet no legal action has been taken against them.² Most importantly, ZEC has not yet been reformed and is therefore not able to conduct free and fair elections. Relations between the two parties deteriorated as the 2005 elections drew near. Zanzibar fell back into the earlier political deadlock and the situation remained more fragile than it was before.

The 2005 general election was supposed to show how Zanzibar was able

¹ Said by CUF secretary general in an interview with the author on 26 February 2008

² Ibid.

to conduct free and fair elections as was anticipated by the terms of Muafaka II. However, the elections did not go undisputed. The major issues observed by TEMCO³, were incidences of double voting in polling stations such as Skuli ya Mkwauni, Jang'ombe secondary, Mwanakerekwe, Skuli ya Mtoni and Bububu. According to TEMCO, some voters were also seen being ferried from one place to another to vote. These included military and security personnel. It was no surprise, therefore, when Karume was declared victor by ZEC with 53 percent of the vote, CUF refused to accept the results. They claimed that ZEC had doctored the election results in favour of the CCM presidential candidate. According to CUF their candidate won the presidency by 50.7 percent and the CCM candidate had got only 49.3 percent of the vote.

Back to the negotiation table

At the conclusion of the disputed 2005 general elections, the CCM leadership, under the new chairman, President Jakaya Kikwete, raised the issue and requested the two parties to go back to the negotiating table. According to the CUF chairperson, Professor Ibrahim Haruna Lipumba, CUF reached an informal agreement with President Jakaya Kikwete in which CUF would drop its claim for the re-run of the 2005 presidential election, and in return CUF would be given the post of chief minister and some ministries which were still to be agreed on.⁴

However, CUF was sceptical, doubting that such arrangements would be acceptable to President Karume and other CCM hardliners in Zanzibar. But President Kikwete assured them that he would handle the situation inside CCM. Formal talks began on February 1, 2007 in Dodoma. The parties agreed on the agenda for the negotiations:

1. The October 2005 general elections and its aftermath
2. Equality among the parties in running the political business in Zanzibar
3. Administrative issues of the Revolutionary Government of Zanzibar
4. Strengthening the environment for inter-party reconciliation and future free and fair elections in Zanzibar
5. A strategy for the implementation of the agreement.⁵

It is said that, the negotiating teams met 21 times in the 14 months from January 2007 to February 2008.⁶ In August 2007, CUF threatened to withdraw from the talks, alleging that CCM did not have the will to end the impasse in Zanzibar. On 7 August 2007, the CUF chairman called for the international community to rescue the talks. President Jakaya Kikwete requested CUF to go back to the negotiating table so that they could finalise the talks and settle the conflict. CUF

³ TEMCO (2006) Report of the Tanzania Election Monitoring Committee on the 2005 General Elections in Zanzibar, Dar es Salaam: University of Dar es Salaam

⁴ See speech of CUF Chairman Prof. Ibrahim Haruna Lipumba on MUAFAKA delivered on 6 April, 2008 at Diamond Jubilee

⁵ This is an English version of the agenda as translated by the author from speech of CUF Chairman and press conference of CCM Members of the negotiation team/committee

⁶ See the speech of CUF chairperson op cit

accepted the request and went back to the negotiating table.

Talks continued secretly until 17 March 2008, when CUF's Secretary-General Maalim Seif Sharif Hamad announced in a public meeting in Zanzibar that CUF and CCM had agreed to a power sharing deal. In the power sharing arrangement, the party that trailed in the presidential votes would get the post of Chief Minister. That arrangement was supposed to be put into effect immediately. CCM was silent until its National Executive Committee (NEC) met at Butiama. After the Butiama meeting CCM claimed that CUF had presented distorted information about what had been negotiated and agreed upon.⁷

One of the areas that CCM earmarked as distorted information was the post of Chief Minister which CUF claimed should go to their party immediately. CCM, therefore, came up with a proposal for a power sharing agreement which read:

- The president who wins the elections should be an executive president
- The trailing party in the presidential votes shall acquire the post of First Vice Presidency
- The Second Vice Presidency will be appointed by the President from his party, and shall be the leader of the government business in the House of Representatives, and will succeed the president in case he dies
- The President shall appoint ministers in a ratio through consul-

tation with leaders of the parties concerned

- Political parties shall acquire a ministerial post if they get 5 percent of the presidential votes
- There will be a Reconciliatory Board when differences arise between the President and the First Vice President
- A coalition government will be formed as a result of a free and fair election to ensure that leaders are democratically legitimate
- A national coalition government shall begin immediately after the results of the 2010 general elections

The Butiama verdict

CCM-NEC came up with a resolution that addressed changes in the issues that the conflicting parties had previously agreed on. Firstly, they wanted the negotiation teams to reconsider and elucidate the aspect of 5 percent of the presidential votes that a party should get to be represented by a minister. In the existing system, a minister is picked from the House of Representatives. It is possible for a party to get 5 percent of the presidential votes but without having a member in the House of Representatives. CCM-NEC requested the teams to talk about this scenario and unravel the difficulties therein. Secondly, CCM-NEC advised that the reconciliatory board should be composed of members of the coalition government. It should not be formed by prominent people as was agreed, but by people who have authority over the quarrelling leaders (i.e. President and First Vice President). The third and most thorny issue, as seen by CCM-NEC,

⁷ CCM (2008) "Ukweli Juu ya Mwenendo wa Mazungumzo kati ya CCM na CUF", press conference of the CCM Negotiation Team 11 May, 2008

was that the proposed power sharing deal would change the current system of governance of winner takes all to a coalition government. Therefore, CCM-NEC wanted citizens to participate in a referendum to decide whether these major changes should be effectuated.⁸ CUF highly disapproved of CCM National Executive Committee's proposals and called the strategy "usanii wa kisiasa" meaning political artistry. CCM called a press conference to justify the decision of NEC. Both parties are now engaged in a tug of war trying to throw the blame to each other for the collapse of the talks. Even worse, they try to demonise each other in the eyes of the public and the international community.

A negotiation impasse

CCM and CUF have been engaged in negotiations for quite some time now -since the conclusion of the disputed general elections in 2005. Unlike the negotiations that paved the way for Muafaka II and which were concluded within the same year, the current negotiations have stalled and have been abandoned by the parties and have brought about what I consider to be a negotiation impasse. It should be noted, however, negotiation is an attempt to manage an ongoing relationship between conflicting parties⁹, a relationship which is inherently conflictual. It involves establishing the parameters of future interaction. Even so, managing a conflictual relationship is not a smooth endeavour. Sometimes the negotiations can stack and develop a negotiation gridlock.

The parties must then understand the factors that explain or produce the impasse if at all they are to move forward.

A negotiation impasse can be explained in many ways but paramount is recognition of the existence of the problem itself. Although the parties are engaged in negotiations one of them does not recognise the existence of the conflict. It is evident that CCM Zanzibar has been consistently denying the existence of the conflict since 1995¹⁰. All CCM leaders in Zanzibar who were interviewed by the author of this article parroted the notion of a non-existent the conflict. They argued that the elections were guided by rules. And that the rules of democratic elections spelt out competition between the parties so that a winner could emerge. In spite of the trivial irregularities, these rules were followed to the letter and CCM won the majority of seats and the presidency in all three general elections. Given that this was the case, the winner was entitled to form a government and that was why the CCM government was in control.

Now, this notion brings complexity into the negotiation process itself. According to Schellenberg, the dynamics of negotiation or bargaining can be said to occur when two parties face each other in a mixed motive situation (that is with significant potential for common interests as well as conflicts of interests)¹¹. Both parties consider it possible that some agreement or understanding might be reached, which

8 See Uhuru, Monday 12 May, 2008, p 18

9 Jackson, R (2000) "Successful Negotiation in International Violent Conflict" *Journal of Peace Research*, Vol. 37, No. 3

10 See Anglin op cit, Bakari, M (2001) "The Democratization Process in Zanzibar: A retarded Transition", PhD Thesis Humburg African Studies

11 Schellenberg, J., (1982) *The Science of Conflicts* Oxford: Oxford University Press

would leave them better off than if such an agreement is not reached. This is to say that parties must enter into negotiations on the understanding that, firstly, they recognise the existence of the conflict and, secondly, they want to find a solution because they are not content with the prevailing situation. This perception of the negotiation process does not seem pertinent to the Zanzibar context. Although, the parties have engaged in the negotiation process, it is hard to see that they have entered into negotiation with a common interest in reaching an agreement. Not only did CCM Zanzibar hardliners persistently deny the existence of the conflict, but they had no reference points to present at the negotiation table. They adopted those that were presented by CUF as the points for the agenda instead¹².

When asked in an interview with the author, why they had entered into negotiations, CCM leaders in Zanzibar said they just wanted to hear if CUF had an argument to make as they could not keep silence while the other party was complaining. They argued further that their 2005 manifesto stated that they were committed to national unity and to maintain peace and tranquillity in the isles and that was why they entered into the negotiations¹³. It is, therefore, reckless to suggest that it is in the interest of both parties to enter into an agreement that will leave both parties better off than if such an agreement is not reached. If one of the conflicting parties does not recognise the existence

of the conflict and does not have any agenda, it will be reluctant to concede to the terms of its adversary. Equally, even if an agreement is reached, we cannot expect the party to implement the terms in good faith.

Observation

The Zanzibar conflict is characterised by its low intensity and this is probably the reason for the unnecessary delays and stalling of the negotiations. It is argued that a high intensity conflict is more likely to pressurise the parties into seeking a solution to a dispute. The assumption is that a high intensity conflict will produce a state of ungovernability, which was exactly what happened in Kenya after the disputed 2007 general elections where the parties were forced to act timely to prevent the further escalation of the dispute. The advantage of the Zanzibar conflict being of low intensity is that it gives the parties the opportunity to sit down and talk until they find a durable solution to the conflict. If the conflict were to escalate to unmanageable levels it would not only hinder nation-building efforts but also the development of the isles in general.

Now, despite it being a low intensity conflict, the grievances of the loser in the conflict continue to boil below the surface and this may endanger durable peace and future initiatives for national reconciliation. Therefore, to avoid this risk, the current situation in Zanzibar calls for third-party intervention to help the parties when they can no longer sit and negotiate constructively to settle the dispute. A third party is required to help the parties to build trust and a good working

¹² See speech of CUF Chairperson, op cit p 32

¹³ See CCM Manifesto of the 2005 General Elections, p 124

environment even before the power sharing deal is reached. And finally, a third party is needed to assist the parties implement the terms of agree-

ment. Unlike the Commonwealth, the third-party must have powers (beyond moral powers) to 'coerce' the parties to abide by the terms of agreement.

Notes

REFLECTIONS ON ELECTION MANAGEMENT IN TANZANIA 2010:

A lesson learnt from the Kenyan 2007 election.

By: Gaudens P. Mpangala, University of Dar es Salaam

1. Introduction

Multiparty elections are one of important features of the democratisation process that took off around 1990. The democratisation movement was received by the African people with high hopes that Africa was entering a new era of building peace and democracy. It would be an era of rapid development with focus on eradicating poverty. Economic crisis would be a thing of the past and the continent would be devoid of endemic conflicts. The democratisation movement came to be regarded as the second wind of change to blow all over Africa¹ Others viewed it as the second liberation and revolution.²

The adoption of multiparty politics has transformed most African countries from authoritarian, dictatorial one party or military states into states which are run by the winners of competitive multiparty elections. The democratisation process is also characterised by the growth of civil society and the media due to the (relative) freedom of association, the

freedom of speech and the observance of rights, including human rights.³ It has to be noted, however, that although some level of success has been registered in a number of countries in terms of multiparty elections, this has been the most problematic feature of the democratisation process in Africa, and it has posed obstacles to the success of other aspects of the process and indeed to the democratisation process as a whole. The crisis of December 2007 multiparty elections in Kenya and the March 2008 elections in Zimbabwe provide us with typical examples. This paper will examine the 2007 election crisis in Kenya in terms of its management and how it reflects on the Tanzania 2010 elections.

2. Management of the 2007 Elections in Kenya

Before we examine the crisis in the management of the Kenya 2007 elections we must have a clear understanding of the background to the situation there. Despite the resistance of the ruling party, KANU, and its government, the multiparty political system was officially adopted in 1991⁴. This resulted in heated

1 Sithole, M., 1993, "The Democratization Process in Africa: Is the Second Wind of Change Any Different from the First?" Research Proposal for CODESRIA.

2 Essack. K., 1994, "The Second Liberation of Africa", Dar es Salaam: Thakers. Publishers Limited.

3 Mpangala, G. P., 2000, Ethnic Conflicts in the Region of the Great Lakes: Origins and Prospects for Change, Dar es Salaam: Institute of Kiswahili Research.

4 Throup, D., et alia, 1998, "Multi-Party Politics in Kenya. Oxford, Nairobi and Athens", pp. 1-7,

campaigns between the ruling party and opposition parties and violent ethnic conflict up to the 29 December 1992 multiparty elections.

The violence took place mainly in the Rift Valley where there were many politicians who resisted the move towards multiparty politics. Using the principle of “majimboism” (regionalism) as a pretext, they instigated the Kallenjin ethnic group to drive ethnic groups such as the Kikuyu, the Luo and the Luhya out of the area even though they had been settled there since the colonial period. By mid-1992 more than 1500 people had been killed and many more internally displaced⁵. Similar violent conflicts also occurred just before the second multiparty elections of December 1997 also in the Rift Valley and in the Coast Region.

In both 1992 and 1997 the incumbent party, KANU, won the elections. However, it has been alleged that KANU won because the elections were not free and fair. In the 1992 elections, for example, there was malpractice at all stages carried out by the election management organs, the police and security forces and various levels of election administrators who favoured the ruling party. We emphasise that it was substantial electoral malpractice that ensured the outright victory of KANU⁶. The third multiparty elections in 2002 were markedly different: a number of opposition parties formed a strong coalition, NARC, and the

KANU presidential candidate was weak: NARC won the elections.

What happened during the fourth multiparty elections (held on 27 December 2007) was tainted by the legacy of previous elections as described above. The elections were characterised by serious irregularities.

A number of political parties decided to take part in the elections, but the most close and most fierce competition was between the ruling party of the incumbent president, the Party of National Unity (PNU) and the strongest opposition party, Raila Odinga’s Orange Democratic Movement (ODM). Even in terms of presidential candidates competition was tightest between Mwai Kibaki of PNU and Raila Odinga of ODM. Later developments indicated that Mwai Kibaki used his position as incumbent president to rig the elections in order to ensure his narrow victory, and this led to a serious crisis and bloodshed.

Among irregularities reported on polling day was the exclusion of names from the voters’ register to bar opposition supporters from voting. Even the name of Raila Odinga himself was missing from the register until he complained to the Electoral Commission of Kenya (ECK) and his name was restored.⁷ Another irregularity was the delayed arrival of members of the ECK at polling stations and the lack of important voting facilities. In many polling stations voting had not begun before 9.00 am. Pictures of opposition candidates,, particularly ODM candidates, were labelled as PNU candidates. The

Currey, E.A.E.P., Ohio University Press., 1998.

5 Ayot, T.O., 1995, “Civil Society and Cultural Expressions: Implications of Ethnic Conflicts in Kenya”, CODESRIA Conference Paper, Arusha.

6 Throup, D., et alia, 1998, op.cit.

7 Mwananchi Newspaper, 28December 2007, p.2.

number of votes counted in the Othaya constituency where Mwai Kibaki won as MP were greater than the number of registered voters.⁸

The most serious problem – and this caused the crisis – was a delay in announcing the election results. There were rapid changes in the number of votes recorded for the presidential election candidates Mwai Kibaki and Raila Odinga. Instead of being announced on 28 or even 29 December, the results were announced in the evening of 30 December 2007.

However, partial results began to be announced by the ECK on 29 December. The presidential results were such that Raila Odinga of ODM was leading by 3,880,053 while Mwai Kibaki followed by 3,842,051 votes. Kalonzo Musyoka of ODM Kenya came third and scored 452,952 votes. The difference between Odinga and Kibaki was 990,261 votes, a difference of nearly a million votes. Even in terms of results of members of parliament candidates on that date ODM won 77 seats while PNU won only 19 seats.⁹

What shocked Raila Odinga and his supporters was that when the ECK announced the final results of the presidential candidates at 5.00 pm on 30 December, 2007, it was Mwai Kibaki who had won the elections. He had scored 4,584,721 votes, followed by Raila Odinga who had scored 4,352,993 votes. Kibaki had won by a different margin of 231,728 votes. Raila Odinga and his supporters believed that Mwai Kibaki and his party PNU had manipulated the results to rob Odinga of his presidential

victory.¹⁰ This belief was confirmed by the unusual events which came soon after the announcement.

First, the Chief Justice of Kenya was already present at the Kenya International Conference Centre where Samwel Kivuitu, the chairman of the ECK announced the results, ready to swear in Mwai Kibaki.

Second, the swearing-in ceremony was carried out just half an hour after the results were announced.

Third, the normal procedures of swearing in an elected president which includes a guard of honour by the armed and security forces and the attendance of heads of state from other countries and members of the diplomatic corps were not carried out.

Worse still, Mr. Samwel Kivuitu, the chairman of the ECK admitted on 2 January, 2008, that he was not sure whether Mwai Kibaki had won the elections and that he had announced the results because he was pressed to do so by politicians from both PNU and ODM parties.

As noted earlier, as soon as the announcement of results was made there were riots and demonstrations by supporters of Raila Odinga all over Kenya. Major riots and demonstrations were carried out in Nairobi, Kisumu, Kakamega, Eldoret, Korogocho, Busia and Kericho.

In an effort to crush the demonstrations the police, later joined by the armed forces, killed many people. Within the short time of the clashes on 30 December 2007, 20 people had been killed. By 1 January 2008 more than 124 people were dead and by 3

⁸ Mwananchi Newspaper, 30 December 2007 p.2.

⁹ The Sunday Citizen Newspaper, 30 December 2007 pp. 1 and 8.

¹⁰ Mwananchi of 31 December 2007, pp. 1 – 2.

January the number rose to more than 560 people. By 9 January violence had begun to take the form of clashes not only between the armed forces and the people but also between different ethnic groups, particularly the ones that supported Raila Odinga and Mwai Kibaki.¹¹

The wave of killings continued up to the end of January when more than 1,000 people had been killed, 500,000 people internally displaced and more than 6,000 had fled to Uganda as refugees. Among those killed included one Roman Catholic Priest in the Naivasha¹² area and an ODM opposition member of parliament in Nairobi. In addition to killings and human displacements another consequence was the serious destruction of property including houses and various types of infrastructure.

The violent conflicts which were brought about by the general elections of 27 December 2007 were eventually resolved and managed through mediation. The first mediation effort by the then chairman of the African Union and other initiatives from within East Africa and the Great Lakes Region ended up in deadlock. The successful mediation process, though it was not without its difficulties, was carried out by a team of mediators led by the former UN Secretary General, Kofi Annan. Kofi Annan arrived in Kenya on 23 January 2008 and after studying the situation he began the process of mediation on 29 January 2008. The negotiations were mainly between Mwai Kibaki and Raila

Odinga and their parties. The end result was the establishment of a coalition government in which Kibaki continued as President and Raila Odinga became the Prime Minister.

3. Reflections on the experience of Kenya in the face of the 2010 General Elections in Tanzania

The first observation we can make is the fact that there are a number of similarities between Kenya and Tanzania in relation to their multiparty politics since the beginning of the democratisation process. Both countries adopted the multiparty political system early 1990s having come from a one party political system. Under the one party political system both countries enjoyed a relative state of peace compared to other African nations. Since the adoption of the multiparty political system Kenya has had already four multiparty elections.

The 2010 elections will also be the fourth for Tanzania. In both countries the multiparty elections have been characterised by the eruption of conflicts be they violent or latent. For Kenya during the third elections of 2002 the situation was somehow better as no violent conflicts erupted. For Tanzania the conflicts have mainly been experienced in Zanzibar. In Tanzania mainland the situation has been relatively peaceful. Given these comparative similarities one can foresee the possibility of the Tanzania 2010 elections also being characterised by conflict, particularly in Zanzibar.

This possibility becomes more obvious when one examines the serious problems which arose in Kenya

11 Tanzania Daima Newspaper, 3 January 2008 pp. 1 – 2.

12 Mtanzania Newspaper, 29 January 2008, pp. 1 and 4.

during and after the December 2007 elections as discussed above. The centre of the problem during those elections appears to be reluctance on the part of the incumbent presidential candidates to accept defeat in the elections. The situation in Kenya is comparable to the March 2008 elections in Zimbabwe where the incumbent candidate Robert Mugabe would not accept defeat and thus engaged in a good deal of manipulation.

In Zanzibar, the conflicts that arose out of the three multiparty elections of 1995, 2000 and 2005 were also to a large extent due to the reluctance of the incumbent party to accept defeat. The complaints of the Civic United Front (CUF) have always been that the incumbent party, CCM, have robbed it of its victory.¹³ This means that if precautionary steps are not taken the chances of a worse conflict erupting during the 2010 elections are obvious, not only in Zanzibar but also on the Mainland.

In order to ensure peaceful, free and fair elections in Tanzania the following measures need to be taken. First and foremost is to improve the management of the elections. This requires the transformation and improvement of electoral laws,

electoral institutions and organs and in particular the electoral commissions. Given the experience of the ECK the most important aspect is to make sure that Tanzania's electoral commissions are transformed into independent commissions. The second measure is to strengthen the provision of civic education to all groups in society, including the political and administrative leadership, so that multiparty democracy is clearly understood.

Specifically for Zanzibar, there is a great need to sign the third peace agreement or "Muafaka III". Zanzibar had already signed two peace agreements arising out of peace negotiations, one in June 1999 and the second in October, 2001. These are commonly known as "Muafaka I" and "Muafaka II" respectively.

The implementation of "Muafaka II" greatly facilitated improvements in the management of the 2005 general elections. It is our hope that the signing of the "Muafaka III" will bring about greater management improvements for the 2010 general elections in Zanzibar. The advantage of "Muafaka III" is that it includes the aspect of establishing a coalition government.

Although this is the aspect that has brought about a controversy between the conflicting parties, (CCM and CUF), thus delaying the signing of "Muafaka III", this is the most possible solution. The crisis in Kenya was resolved through a coalition government between PNU and ODM. The political crisis in Zimbabwe is likely to be resolved using the same approach negotiations are still going on. This appears to becoming an

¹³ See the following elections reports:

a) Report of the Zanzibar Electoral Monitoring Group (ZEMOG), on the Zanzibar Elections, 1995.
b) The United Republic of Tanzania (URT), the National Electoral Commission (NEC), 2001, the Report of the National Electoral Commission on the 2000 Presidential, Parliamentary and Councilors' Elections, Dar es Salaam.
c) The Tanzania Elections Monitoring Committee (TEMCO), 2002, the 2000 General Elections in Tanzania. Report of the Tanzania Election Monitoring Committee, Dar es Salaam.
d) TEMCO, 2005, Report on Preparation of a Permanent Voters' Register for Tanzania Mainland; Dar es Salaam.

increasingly accepted approach in solving multiparty election problems in Africa. Nonetheless, establishing coalition governments to resolve conflicts which arise from election rigging is an undemocratic trend.¹⁴

4. Conclusion

It is a matter of vital importance for Tanzania to manage peaceful free and fair elections in 2010. This is important not only for Tanzania, but also for East Africa, the Great Lakes Region and Africa as a whole. In order to move beyond the conflicts

that are associated with multiparty competitive politics Africa needs to go beyond the liberal model of democracy and develop a people centered type of democracy. This is only possible if it goes hand in hand with fast and equitable socio-economic development and the eradication of poverty. This entails fighting for the construction of democratic developmental states.¹⁵ Development and democratic transformation should be two sides of the same coin.

14 Sumaye, F., in *The African Newspaper*, 1 August, 2008.

15 Mkandawire, T., 1995, "Beyond Crisis; Towards Democratic Developmental States in Africa", Dakar, CODESRIA

Notes

BUSINESS OR POLITICS:

A new dimension in Tanzanian Politics

By: Tumaini-Mungu Peter, University of Dar es Salaam

Introduction

This paper covers the current debate on the separation of business and politics in Tanzania. We will look at the background for the debate and at the present context. We present the ethical argument which lies at the heart of the debate. Finally, we propose a practical way forward.

Background and context for the debate

The ongoing public debate calling for the separation of business and politics in Tanzania is not a new one. Immediately after Tanzania's independence, the separation of business and politics was an issue people felt strongly about and it was given priority by the new political leadership at the time. The regime which governed Tanzania in the post-independence era realised that there would always be a potential for misconduct: some leaders might use their position in public office for their private benefit. Amassing illegal wealth by misusing a leadership position for furthering business interests was considered to be one of the most serious examples of misconduct.

The ruling party at the time, Tanganyika African National Union (TANU), introduced a leadership code to prevent malpractices in political and public leadership in Tanzania. The first president of the independent Re-

public of Tanzania, fondly known as Mwalimu Nyerere, writes about the nature of the Leadership Code:

In 1967 TANU introduced a 'Leadership Code' for all its leaders; various supporting subsidiary regulations (e.g. the requirement that ministers report regularly to the president on their wealth and income), were made by the TANU/ASP Government. The Code was very strict and restrictive. It was designed to prevent leaders (either directly or through their spouses) from using their position to amass private wealth, property or privilege. In other words, it required that leaders chose between being leaders or making money for themselves or their families (Nyerere, 1995:15 - our emphasis).

The question of how effective such a leadership code was when it came to separating politics and business is indeed very relevant. However, our present focus is to respond to a more succinct and pertinent question: why is the debate to separate politics and business so critical and dominant today although it is not new in Tanzania's politics?

There may not be a single answer to this question, but current allegations in cases of grand political corruption and scandals involving various high-profile political leaders may provide a clear and obvious answer to our

question. Prevailing public opinion has brought forward a number of complaints¹:

- Grand-scale corruption has turned political parties into business corporations
- High-profile corruption in politics is now the latest and most devastating example of moral decay
- Wealth is now considered to be the greatest quality in political leadership
- Anti-corruption agencies are legally autonomous but in practice they are heavily influenced by executives

As a result of the many scandals related to entrenched, grand-scale political corruption, the public demands a re-examination of the integrity of public leadership, especially political leadership.

We consider the above points, however, to be only symptoms of the problem and not the root cause of the existing leadership crisis which has led to the public demand for divorce between business and politics.

In our view the root cause is to be found deeply embedded in the vacuum in leadership ethics that has come about as a result of moral decadence among public leaders. There is an ethical vacuum in leadership and this has provided a loophole for misconduct and bad governance in public offices.

Unfortunately, this vacuum was deliberately created as an official, political move in the formulation of the notorious Zanzibar Resolution which was adopted as part of the existing neo-liberal political reforms.

Mwalimu Nyerere himself sharply criticised this resolution, (we take the liberty of paraphrasing what he said):

In 1991, however, the requirements of the Code (TANU Leadership Code) were heavily watered down by an N.E.C. meeting in Zanzibar on the grounds that it was so restrictive as to be out of tune with the needs of the time. The changes meant, for example, an end to the prohibition on leaders' participation in the ownership and running of private businesses; spouses were exempted from any rules at all; and the rules against landlordism were relaxed as well as those which originally restricted the employment of other human beings for private profit. In practice, virtually all other rules regulating the conduct of leaders have since also fallen into disuse – including the requirement that ministers report regularly to the President on their assets, wealth and non-salary incomes.

In our view, the Zanzibar Resolution and its aftermath are the root cause of the current political and public leadership crisis in Tanzania. It created the vacuum in leadership ethics, leaving a loophole for moral decadence, grand political corruption and hence bad governance.

No wonder then that, unlike the Arusha Declaration, the Zanzibar Resolution became very unpopular with the public. This perception is vividly illustrated by the following comment:

¹ These comments were made recently by the renowned judge and former Prime Minister of Tanzania, Joseph Warioba. He was addressing a regional workshop on strengthening public accountability in East Africa organized by the Legal Centre. For more details see front page of the Guardian newspaper in Tanzania, Friday, August 22, 2008.

Not surprisingly, Mwinyi² will perhaps be remembered for the Zanzibar Resolution, positively by the party-state bureaucracy and negatively by the broad masses, who had, unlike the Arusha Declaration, no stake in the Zanzibar Resolution. There was hardly any enthusiasm for it. No waving of placards, and no demonstrations, not even orchestrated ones (Shivji, 2006: 230).

But why do we need to separate business and politics? This is the subject of the next section.

Divorcing business and politics: an ethical argument

Moral reasoning lies at the heart of the debate on separating business and politics. It emphasizes the need to do the right thing by the right means in order to achieve a specific end.

We would argue that the central problem in mixing business and politics emerges when unethical individuals intentionally become involved in politics as a means of furthering their business interests and vice versa. Either way, the resulting problem is a conflict of interests.

The phrase 'conflict of interest' here simply describes a situation where the personal interests of the subject are at odds with his/her duties and responsibilities (Hellsten & Lwaitama, 2004:46).

In such situations, the rights of other people are suppressed to further the selfish interests of unethical individuals. It is evident that the mixing of business and politics creates conflicts of interest.

A conflict of interest can lead to the

misconduct of the individuals involved. Such misconduct includes³:

- Entry into politics and pursuit of leadership posts for selfish rather than patriotic motives.
- Use of politics as a cover and an opportunity for personal enrichment instead of for achieving public common good.
- True patriots become infected with a 'looting' mentality and they strive to enter politics in order to get their share of the illegal cake.
- Potentially good politicians keep away from the substantially poisoned sector to avoid being branded as 'looters'. Their would-be valuable contributions are consequently forfeited.
- Worse still, politics become 'commercialised' to be used for personal gain and not for achieving public good. In this context money becomes central in politics. The commonly perceived view of politics in Africa becomes reality: those with money in Africa are able to buy themselves into power; African leaders enrich themselves through corruption and through that wealth are able to perpetuate their stay in power (Nyerere, 2000:83).

Having briefly observed the adverse effects of mixing business and politics, we will discuss whether it is realistic to divorce the two in the Tanzanian context and if so, how.

² Mwinyi, whose full name is Ali Hassan Mwinyi, was the Second President of the United Republic of Tanzania. The Zanzibar Resolution was passed under his regime.

³ See comments from <http://www.ippmedia.com/ipp/guardian/20008/08/24/12115.html>.

Business or politics in Tanzania: the way forward

The central question remains: is it possible to separate business and politics in Tanzania?

Some claim that this is unrealistic and impractical. A common argument is that participation in political leadership is the right of every legally qualified Tanzanian, regardless of that person's profession. Business people should not be disqualified from that right simply because of their occupation.

However, our response to this argument is that the purpose of separating business and politics is not to exclude business people or prohibit entrepreneurship amongst potential political and public leaders. Focus should be on designing a way for them to enter politics without this conflicting with their business interests. So, what is important here is to find the means of achieving such an option by providing effective and excellent alternatives for all.

Once again it is Nyerere who provides us with guidance on a practical and effective means of addressing the challenge of divorcing business and politics in our political context:

There is a clear need for a new 'Leadership Code' ⁴to be worked out, adopted and enforced. Such a Code is necessary in any reputable Government, anywhere. In some countries this code is a matter of convention, not a written

document. In our case, however, it is clear that we do need a written document, the requirements of which need to be public so that people can help to ensure that its provisions are respected (Nyerere, 1995:15).

We should perceive the process of divorcing business from politics as a challenge that is the result of our history, from the time when we embarked on bringing about political and social change. The missing link which made Tanzania go astray as a nation was the lack of a relevant and appropriate code of ethics to properly guide the changes.

An ethical leadership code that divorces business from politics should set a rule, in line with other legislation, requiring all political and public leaders to stop involving themselves in their commercial businesses directly or indirectly during their whole period of tenure in public office. It must be designed in a way that makes it both proper and effective. Most important, there must be provisions for the legal enforcement of the leadership code so that it will be adhered to and respected.

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4 In his Bunge Address in Dodoma on 21st August, the President of the United Republic of Tanzania, Jakaya Mrisho Kikwete, talked of a similar decision that his Government is in the process of launching a legislative move to put the issue of divorcing business from politics to debate.

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Divorcing Politics, business a “must”. (Editorial)

The Guardian Newspaper in Tanzania, Friday, August 22, 2008, page 3.

Notes

3. WOMEN

THE PLIGHT OF WOMEN IN THEIR ECONOMIC STRUGGLE: The Tanzania perspective

By: Lucy P. Nambuo, M&N Law Associates, Dar es Salaam

Introduction

In Africa, and in Tanzania in particular, women have been subjected to the worst forms of patrilineal customs and systems. These have perpetuated gender-based discrimination, putting women in a disadvantaged position. Long existing laws and policies have discriminated against women and have consequently made them vulnerable.

In most African countries, men have always been considered to be the bread winners for their families and therefore they are shown great respect. They have always been given many opportunities, amongst them education. In the old days women, on the other hand, never entered a classroom: their place was the kitchen.

Consequently men found their way up the social ladder and became heads of families and leaders in society religious, political or economical. Thus men were the ones to make decisions on all aspects of life in society. All the property was vested in their names or in the name of their clans, while women had usufruct right only. This has had a negative impact on women's lives from time immemorial up

to the present day. It has contributed strongly to a low level of self-confidence as well as social, political and economic disempowerment among women compared to men.

The struggle to liberate themselves economically has been a long and tiresome one for Tanzanian women. It is well known that in order to expand a business or conduct any economic activity you need to have capital and a certain degree of knowledge. Most women in Tanzania have neither had the necessary capital nor the necessary knowledge and thus theirs has been a very difficult economic struggle.

This situation forced women to come up with schemes, (with no legal back-up) to assist themselves and raise funds. One such scheme is known as "upatu" where a group of women contribute the little money they have and give it to a member of the group. After a period of say a month they contribute again and give that month's money to another member of the group, rotating in this way until everyone in the group has received the same sum of money. Such schemes have their limitations: they cannot

lead to big economic activities as the available resources are meagre. One could say that this way the women merely share their poverty.

In more recent times, with the economic reforms and the introduction of micro-finance institutions such as African Pride and SERO, women have started to enjoy loan taking facilities without being subjected to the traditional formal banking requirements such as collaterals. Thanks to these reforms women can now contribute to the economy development of the country. Some women have now access to and own property, including land, which is the back-bone of our economy. They now qualify for bank loans.

Women in the rural areas are more disadvantaged than their counterparts in the urban areas as they lack exposure and their life styles suffer from an environment dominated by the practice of male chauvinism. They labour under discriminatory practices such as domestic violence, harassment and the denial of their right to own property. Life in the rural areas has become so difficult that some men have moved to urban areas in search for jobs and greener pastures, leaving their families behind. Once in town the men become established there. They forget their families at home and form new families in town. This has a major impact on the women who are left with kids to care for with no assistance from their husbands.

The impact of development

The development of science and technology and the rise of groups and individual movements that work to help the vulnerable has brought greater

consciousness to Africa, and particularly to our nation. This has promoted the rights and responsibilities of every individual in society. Today, women have access to education, they can work and earn wages and engage in additional income-generating activities. They use their independent income to maintain their families. Men, on the other hand, have abandoned their primary duty of taking care of their families and have left this burden to women, exposing them to great and almost unbearable hardship.

We should not lose sight of the impact of globalisation on women in rural areas and the vulnerability of their economies as a result of an unstable world financial market. The economic downturns in almost all the regions have adversely affected the ability to earn a livelihood, especially for women.

National strategies and actions for the advancement of women have led to a significant increase in women's participation in all areas of life in Tanzania. Equal access to education for both men and women has contributed in a large part to that increase. Research shows that when women are included in decision-making, particularly at the local level, governments are more responsive to household needs and community development.

Recently, several states which are party to the Convention on the Elimination of All Forms of Discrimination against Women have adopted a significant number of comprehensive laws on gender equality, equal treatment and domestic violence, and have suggested that an increase in women's political empowerment is highly needed.

Something must be done to stop violence and discrimination against women: their human rights must be protected; more resources must be allocated specifically to help vulnerable women; and the awareness of government and civil society organisations must be raised about their plight. This is to ensure that there is full and effective participation of women in the implementation of measures to resolve the problems that they face daily. The government must assist them instead of chasing them away whenever they try to do something.

Causes of their plight in Tanzania

The existence of discriminatory laws

In Tanzania there are a number of laws which are obstacles for women's development and empowerment. There are loopholes in the laws, especially in the customary laws, and many men use this situation to escape from their traditional obligations. It is important to note that many of the statutes which the court is required to refer to and apply together with the customary laws when dealing with certain types of cases are not in favour of women. Needless to say, we can find that the victims of these legal permutations are often women and children, while those who benefit from them are men. These discriminatory laws deny women their right to own property in the changing social economic conditions.

Lack of education

Women are less likely to obtain academic knowledge than men due to the

social structure and division of labour which has existed from time immemorial. For example, many men do not allow their wives to access family planning, and so women end up giving birth to many children whom they cannot support in terms of health and education, thereby continuing the vicious cycle of poverty. The situation is alarming and the government must come up with a proposal to resolve the situation after consulting the people.

What must be done

Improving the rights of women throughout the world has required innovation in both national and international law. Breaking discriminatory practices and protecting women's rights has called for fundamental transformation. To overcome the overwhelming difficulties still faced by many women, governments and civil society need to scrutinize their own societies and form partnerships for applying new codes of conduct and behaviour that will safeguard the rights of women. There should also be investment in women's development through education, health and nutritional programmes. Women should be empowered through promoting their participation in rural institutions and at all levels of decision-making. Strategies incorporating a gender perspective and a focus on creating jobs should be included in national development and poverty alleviation programmes. There should also be awareness raising and the promotion of reproductive health programmes which will ensure that women are lifted to the next level of development.

Women must be empowered to find their voice in all socio-economic, political and decision-making, and they must have access to education and financial resources which will enable them to make better decisions for the health and welfare of their households.

In the effort to promote women economically, the economic sector of the country must work closely with bodies that oversee women's affairs on capacity-building activities. Therefore Tanzania must first and foremost revise all laws and do away with customs and traditions that discriminate

against women; for instance, those permitting female genital mutilation, those regarding the maintenance of and custody of children, succession, property rights in case of divorce and the age of marriage, under the LAW OF MARRIAGE ACT CAP 29 RE (2002) to mention a few. A gender just law should be enacted in line with the Tanzanian Constitution which complies with the UN Convention on the Elimination of All Forms of Discrimination against Women and matters relating to inheritance and succession under the AFFILIATION ACT CAP 278(RE 2002).

Notes

WOMEN AND LEADERSHIP ETHICS

By: Marie Memouna Shaba, Bagamoyo

A lot has been said about women, leadership and ethics, and in this article I will give *my* understanding of women, leadership and ethics and how they link. I will start with leadership: what does it mean?; what are the qualities of a leader?; what are the leadership styles and their power base?; how do people become leaders?; and is there a difference in the way women and men lead? What do we mean by ethics? Where do leadership ethics apply?; and what is my understanding of women and leadership ethics in general?

It is said leadership is DOING THE RIGHT THING, and management is DOING THE THING RIGHT. That means leadership is an intellectual activity for it involves the capacity, capability and the gift to think ahead of everyone else in their best interests. Therefore a leader should bear the torch and show the way to salvation through others who will manage and interpret the vision correctly. Therefore the essence of leadership is “followership”. People should willingly follow their leader and their behaviour and attitudes should be directed without coercion towards the attainment of a given goal.

Leadership

Five ways of becoming a leader

There are different ways in which people become leaders: experts say there are five major ways. There are those who are *appointed* to a position by an authority and they will usually be accountable to that authority. Most men fall into this group. Others assume leadership through an *election* and they will be answerable to the electorate. Here again you find that the majority of such leaders are men. We also know individuals who are neither appointed nor elected but emerge as the unofficial spokesperson of a group as a result of their personal qualities and drive or of a certain *situation*. Since this is voluntary and is not formally recognised you will find a good number of women here and they end up being “king” or “queen” makers. They cook, sing and dance and when the dust is settled they leave the place empty-handed.

We have people who *inherit* leadership positions, but this is limited to traditional rulers like chiefs, clans, kings and queens and this system is answerable to its constituencies. And finally there are those who have a natural gift, *charisma*, which gives them power to influence the actions of others without formal authority. In the patriarchal system women fall

under this category, as they are not supposed to be seen or heard in public, but leaders, experts or researchers will come to them to milk them for new ideas or information without even acknowledging their oral contribution.

Essential qualities

Now it does not really matter how you reach a leadership position, there are essential qualities which people recognise in a leader. A leader must have *drive*, vitality, energy and enthusiasm and a leader, must be pro-active, trusted and self-disciplined. If this is the case, the followers will also have the drive to do their very best. Most women who are leaders have these qualities because they have to prove that they can do the job and that they deserve the position. On top of that the leader must be *intelligent*, that is he or she must be a quick thinker, must be able to judge accurately and must have common sense. Because of their reproductive and productive roles, women have natural intelligence and have been solving many different kinds of problems since time immemorial.

It is not enough to have the drive or to be intelligent, a leader must have exceptional listening, questioning, interrogating, communication and counselling skills. These are known as *interpersonal skills*. Again women naturally excel here. In order to achieve a set goal a leader must have the *technical know-how* and the ability to implement the set tasks using the human, material and financial resources available. If you look at a typical home where a woman manages the resources of the home, this is a

family that never goes to bed hungry! Followers look upon the leader for guidance so the leader must be capable of originating ideas and turning them into simple, measurable, achievable, reachable, time-bound, observable objectives which can be implemented. Some experts call these *conceptual skills*. The *character* of a leader reflects the values and ethics of a particular community of human beings. A leader must be honest, trustworthy, fair, firm, open and reliable, amongst other things.

Therefore a good leader, male or female, young or old, rich or poor, must always put the people they lead at the centre, must make calculated decisions and defend them in the interests of those she/he leads. On top of that, every leader has to be tolerant and blessed with the understanding that it is possible to forgive others even if she/he will never forget. Another sign of a good leader is when a person is able to motivate others: she/he recognises the competencies of others and has the ability to identify their talents and use this insight to encourage them to develop their potential.

Leadership styles

In order to see the link between women and leadership ethics we also need to see how leadership styles impact on women. Experts identify mainly autocratic, free-reign and democratic leadership styles. The most common traits of *autocratic leadership* include dictatorship and authoritarianism which are rigid and demanding. An autocratic leader insists on being the boss and being obeyed and feared. So the followers only do the minimum amount of work to avoid

rebuke or punishment, and they only work when the boss is present. As a result nothing is done since no one is willing to make decisions or mistakes. This is a very masculine way of doing things and sometimes it hides incompetence.

Then you have the free-reign type of leadership, popularly known as laissez-faire, where the leader gives followers complete freedom to make decisions after telling them what is expected of each one of them. Very little is accomplished in this style of leadership because it encourages slackness and this can lead to a structural breakdown in terms of teamwork even if the team is knowledgeable and competent. In most cases the leader will be doing many other things and does not put his/her spirit into the task entrusted to him/her.

In the democratic leadership style there is a team under a leader, and each team member takes part in determining the goals and objectives and how to achieve the best results. Tasks and responsibilities are discussed collectively so that each person feels responsible and team members encourage one another to do their bit even if the leader is not there. This is a typically feminine style of leadership and it is a style every leader is supposed to have: it breeds maturity, competence and motivation. If you observe a typical mama with her children, you will see how she combines all the good qualities of a good leader using a combination of leadership styles depending on the situation.

Leadership and gender

Gender experts have analysed situations where gender differences have

been observed in leadership. Socially, a man is seen as the head of the family and the breadwinner, whereas the woman is the nurturer and caretaker. *Politically*, men are involved in national and higher political levels while women are at the local level and they are linked to their domestic roles. *Economically*, they differ in access to lucrative careers and control of financial and other productive resources like credit and loans or land ownership.

The seven bases of power

To conclude this section on leadership we have to answer the question: is leadership possible without power? Everyone has some degree of power, even a child: can you ignore the loud cries of a baby who is wet or hungry? There are many women in civil society organisations: do they have power? And what kind of power do they have? We shall quickly look at the seven bases of power as developed by CEDPA.

There is what is called *legitimate power* which is based on a person's position and title; if you lose your position and title, you lose power. The people you lead know that non-compliance leads to sanctions, such as losing the job.

Another is *coercive power* which is based on the fear of retribution, punishment or appearing inadequate. *Reward power* provides the possibility of granting rewards like promotion or a compliment. This influences the behaviour of those you lead.

If you are admired because of your personal qualities or charisma to the extent that others want to identify with you, then you have *referent power*. If

you are an expert in a certain area and this expertise is necessary for another person to do her/his job well, then you have *expert power*. If your ability to influence others is based on the information you possess or have access to, then you have *information power*. Finally, you may not be able to grant rewards, sanctions, information or expertise but you have contact with influential people, and this gives you *connection power*.

Ethics

Now that we have had a look at leadership issues, before we discuss ethics, let us see if women and men differ. Men and women are equal but not identical. The female body, mind, emotions and spirit were programmed to nurture life and not destroy it. In fact, all human beings have the instinct to nurture before negative socialisation sets in as we grow up - somewhere along the way things normally fall apart.

Do men and women have different perceptions?

Let us now see if males and females differ in the way they perceive leadership and ethics.

Ethics according to the Macmillan dictionary is the study of rules of behaviour. A society or community develops its own rules for how people should behave in different circumstances. It develops the value base which guides the standard of behaviour expected from everyone in general, and the behaviour expected according to sex, age, education, class, race, ethnicity, education, religion or position in society. If people do not comply with the agreed rules and values, they are

punished and stigmatised.

As a human race we also have a set of basic rules and values which are agreed nationally, regionally and globally. These rules and values normally guide us on how we should relate to each other and other inhabitants on planet earth. They distinguish us from other species and make us feel more civilised than other species. The irony is that sometimes we learn these values from animals, insects or birds. One big lesson we learn from animals is that they normally do not kill their own kind, and when they do kill others it is for food or self defence but not as a sport! When it comes to that we are the beasts not them!

I now want to look at ethics in a broader perspective and how they influence or inhibit women's performance in leadership and why we still have very few women in policy and decision-making positions. I remember in 1990 asking an old schoolmate who had always been in high positions, if it did not bother him that there were still so few women at top level where policy decisions were made?

He simply said, "*it will be almost impossible to make tough decisions like to go to war, or murder a traitor if you have many women. You know better how a woman would oppose and remind us of morals and ethics when we don't need that kind of crap at that moment. However so that we do not seem to be discriminating women we often have one or two who will always a minority when it comes to voting...*" So femininity is regarded as weakness and unprofitable instead of being a virtue.

Actually that gave me an insight into the whole issue of women and leadership ethics! The Arusha Declaration of 1967, which opened a new chapter

in the political economy of Tanzania and possibly of Africa as a whole, had a mission to pursue a culture of human rights, equitable growth and the equitable distribution of resources. Most important, the Arusha Declaration recognised the weakness of human nature and introduced the Leadership Code which obliged would-be leaders to choose between leadership or business in order to serve people. This means that a leader's first allegiance is to the people: a leader must serve the people, even if it means sacrificing him or herself.

So if we had continued following the path laid out in the Arusha Declaration maybe today we would have reached 50-50 percent in decision making positions and we would have ensured that millions of Tanzanians were aware of their rights and responsibilities. However, today we have a new type of global economic and industrial policy and the combination of enforced liberalisation and power imbalances are at the root of world impoverishment and the breakdown of ethical behaviour.

Ethical problems begin when a national leadership embraces policies which are people unfriendly, because they create impoverishment and more impoverished people. Would it have made a difference, if we had more conscious and deserving female leaders at all decision making levels? Today there is resistance in Africa and the whole global South: people want a decent life, fair trade not trade aid, and social justice. But how many times have our leaders sat down to reflect on and analyse the root causes of our problems?

When Mwalimu resisted structural

adjustment programmes in the 1980s under the tutelage of the IMF and the WB he saw what most African and other Tanzanian leaders did not want to see. It was very clear to him that the mission of the IMF and WB was to teach us capitalism and its rule of the game through borrowing and aid. Today the IMF and the WB can sit back satisfied that their mission has been accomplished.

It was very clear to Mwalimu that the IMF and the WB are the new imperialist forces under a new name we call corporate-led globalisation. We recognise today that, during colonial times the deadly imperialist forces used the five "g"s - gun, gold, germs, government and God - to control our lives, exploit our resources and dominate our souls. It is much the same today, the only difference being that, instead of coming themselves directly, they use our governments, international organisations like the UN and debt/capital as tools for control, exploitation and domination.

Tanzania has been paying its debts faithfully and despite debt reduction, cancellation, forgiveness, postponement or conversion, nothing much has changed. As a nation we are very rich, but as individuals there are more impoverished people today than in 1967! The IMF and the WB are still at our heels, forcing us to liberalise even beyond the WTO. In this situation how can we talk about ethics?

Through structural adjustment programmes under any name, the IMF and the WB made it easy for Africa, and Tanzania in particular, to be exploited by rules. One of the conditions for loans and aid was to remove subsidies from social services and agri-

culture. According to the pimps of corporate globalisation, Ujamaa was failing because the government had invested in people instead of capital: that was why we were not making tangible profits and were not accumulating wealth.

Mwalimu believed Ujamaa and Self Reliance was an ethical policy. He had a feminine approach to development and that is why other leaders and the world could not grasp what leaders like him were trying to do. Mwalimu taught us that, ultimately, the wealth of the people is not in their land, it is in their minds. Look at Japan, Europe, US: their wealth is in their minds, in their consciousness. They send their children to schools so that they will know how to survive on what is not theirs through policies and force if necessary.

So, if we are poverty stricken with all this material wealth and all these learned leaders, then it must be because our consciousness as a people is impoverished: we are suffering from the impoverishment of our minds and there are few women of substance in the leadership. Women sacrifice their own advancement and happiness for the sake of their families and communities: as carers of the sick and invalids women and girls volunteer their time, strength and intellect for others.

Women cannot enter the competitive world because they do not have access to institutions that give loans: they are too far down the social hierarchy and they have no collaterals. So without their own sources of funding in political and social life, women cannot easily overcome gender bias in all its manifestations. This has resulted

in widespread impoverishment, corruption, unfair trade, inequality, unethical behaviour and damage to the environment.

Behind the scenes everybody complains that there is an increase in obscene, unethical activities that violate the integrity of Africans in general and youth in particular. But which African government has raised a voice at an African Union summit to call for the abolition of shows like BIG BROTHER AFRICA! So what ethics are we talking about? We cannot criticise capitalist games because there is an imperialist/capitalist framework guiding our behaviour.

Why do we wonder at an increase in drug abuse amongst women in Tanzania today when they are involved in violent crime, use shotguns and create independent gangs? In the movies women are portrayed as murderers and they are beaten mercilessly by men! What are we teaching our kids? There are no morals and no ethics in the entertainment industry.

In fact women are to be feared today because they are new and have something to prove. That innocent look, gentle and nurturing nature – the belief in the weaker gender has gone! As the ancestral saying goes “if they come and get your men at night, they will come in the morning for your women.” The abnormal and insane is today taken as the normal and sane.

Imagine a world where for every dollar spent on education for every child of school age whose job it is to learn, 25 dollars is spent on one soldier whose job it is to kill. Which woman leader would want to be part of such a system? Others have entered politics to try and change the system from

within but in vain because of the many structural problems. Since these few women and men of conscious cannot change or beat the majority, they join them!

Our societies have been programmed to devote most of their time, energy and currency to devices and ideas that are specifically designed to hurt or kill others! Is this ethical leadership? Is it a coincidence that more and more kids are battering or murdering their parents or each other? What leadership role do the media play when they put violence and pornography on TV in broad daylight? Viewers are forced to enjoy “killing” and regard such shows as sport. Pornography is a demonstration of how you can get easy money by becoming a sex maniac. It is strange that we should worship these guys and call them role models!

These institutions are preparing tomorrow’s leadership, the ‘Do Me Generation’ which only thinks of money, sex and guns! Maybe we need to give new meaning to leadership ethics and do some research to see if there are

differences between male and female leadership in corporate-led globalisation. We can take all the districts or institutions which are led by women and compare them with those led by men to determine whether there is something to learn.

My conclusion is that ethical leadership begins at home and in our community. When you are developing the vision, mission, development plans and the spiritual well-being of your nation and race vis à vis other nations and races you are also shaping the values and ethics of your people. So we need leaders with the right consciousness in all leadership positions, leaders who will question the moral and ethical side of all the political, economical and social decisions they make. Until we decide whether it is democratic and ethical for our governments to pay USD 250.000, (and \$100,000 for every additional vote), in order to have a voting right as a member in the IMF/WB, for me talking about ethics is just an illusion meant to divert our attention from the real unethical practices.

Notes

4. TRADE UNION

TRADE UNION STRATEGIES FOR DECENT WORK

By: Magreth Mandago, Trade Union Congress of Tanzania (TUCTA)

Introduction

The Decent Work Agenda of the International Labour Organisation (ILO) is an important instrument to achieve the objective of full and productive employment and decent work for all. It also strongly supports fair globalisation and resolves to make the goals of full and productive employment and decent work for a central objective of national and international policies, national development and poverty reduction strategies.

This paper discusses the Decent Work Agenda from a trade union point of view. By way of background it defines the term “decent work” and describes the objectives and pillars of the agenda. The paper briefly highlights the efforts being made to implement the Decent Work Agenda at global level and it presents the trade union strategies which are included in the Decent Work Country Programme (DWCP) for Tanzania. It concludes with an assessment of the achievements made by the trade unions and considers what can be done in the future to overcome the challenges which the Decent Work Agenda presents.

Work is central to people’s well-being.

As well as providing income, work can pave the way for social and economic advancement. Work can strengthen individuals, their families and communities. However, such progress is only gained if the work is decent. Decent work sums up the aspirations of people in their working lives. It is defined as opportunities for women and men to obtain productive work in conditions of freedom, equity, security and human dignity.

The Decent Work Agenda provides opportunities for work that is in the workplace; social protection for workers and their families; better prospects for personal development and social integration; freedom for people to express their concerns, organise and participate in decisions that affect their lives; and equality of opportunity and treatment for all. These objectives hold for all workers: women and men; those employed in the formal and informal sectors; salaried workers and the self-employed; those who work in the field, factories, offices, at home and in the community.

Decent Work offers opportunities for employment that is productive and provides a fair income. It builds on

entrepreneurship and enterprise and an enabling environment for investment.

Social dialogue in the tripartite structure of ILO is the means to achieve the goals. It enables governments, employers and workers' organisations to manage changes and achieve both economic and social goals at all levels. The Decent Work Agenda integrates different aspects of the work of the ILO and promotes coherence in the design and delivery of policy advice and technical cooperation.

We need decent work

Growth is not enough. International trade and economic growth cannot eradicate poverty. In many countries wealth is concentrated amongst the few. Inequality is growing in all societies, in developing and industrialised societies alike. Decent work is a key mechanism for redistributing wealth and eliminating poverty. Billions of working people still live on less than US\$ 2 a day. Many have no job and many work under atrocious conditions. While it is clearly the case that employment is central to poverty reduction, only decent work fulfils people's right to a decent life. Decent work is the key to poverty eradication. Men and women around the world expect globalisation to meet their aspirations for sustainable and dignified livelihoods and a better future for their children. This can only happen if greater emphasis is placed on decent work. Records show that every year 2.2 million people die as a result of work-related accidents and diseases. Hundreds of workers lose their jobs merely for attempting to organise a trade union or for carrying out trade

union activities at their workplace.

More than 2 million children aged 5-14 go to work instead of school. Some 12.3 million people are trapped in forced labour. 66 million young people are unemployed. The informal sector accounts for up to 93% of all jobs available to young people. Wages in the informal economy are 44% lower than in the formal economy. Protection and benefits are non-existent. Women on average earn two thirds of what men earn. Women are the majority of the world's part-time workers: between 60% and 90% of working women in the European Union work part-time and they make up 83% of part-time workers.

Global approach

Decent work is a strategy to achieve sustainable development that is centred on people. It is the key to building fair, equitable and inclusive societies because it is based on the principles of employment creation, workers rights, equality between women and men, social protection and social dialogue. In a decent work situation the following conditions prevail: equal access to employment without discrimination; a living wage that allows workers and their families to live in dignity; social protection; social security; social dialogue allowing people to organise and present their interests collectively through trade unions and engage in genuine dialogue as citizens and workers. Decent work captures the correlation between sustainable development, social economic development, the environment and social justice.

The ILO has declared 2006 - 2009 to be the period for establishing Decent

Work Country Programmes. The programmes aim at addressing poverty reduction and accomplishing the millennium development goals.

The DWCP being implemented by Tanzania is one of eight pilot country programmes. The eight countries are to come up with strategies to create employment and alleviate poverty in Africa (Tanzania), placing employment creation for poverty reduction as an explicit and central objective of economic and social policies. This is one of the resolutions made at the Ouagadougou Summit in 2004. At the same meeting it was decided to generate employment for youth. Other resolutions include intensifying poverty reduction measures by improving communication infrastructure (road, rail, air, port and telecommunication); enterprise development; and creating an enabling environment which respects workers' rights. SMEs must generate employment. Trade unions can support the informal sector workers by organising them, creating macroeconomic stability, respecting workers' rights, good governance and the role of MSMEs and women's participation in SMEs and the generation of employment.

Trade unions and youth unemployment

The trade unions realise that most young workers are unemployed, uneducated, and unskilled. They lack job opportunities, experience and vocational education skills for vocational work and continuing education. This is clearly indicated in the National Employment Report which shows that between 2005 and 2006 the number of people employed in the age group

10 – 17 years was 2,861,937, 18 -24 years was 3,689,752, 25 - 34 years was 4,944,217, and above 35 years was 8,182,353. They are encouraged to get together and form pressure groups to demand vocational skills, employment, better wages, and ICT. Youth can be employed in the informal sector which had higher employment of 11.5 in 2005/2006 as compared to 7.8 in the non-formal private sector.

Decent work for youth is rights based. The youth need quality jobs, high standards and good working conditions. Decent work demands regulated maximum working hours, a minimum wage, social security and occupational health and safety standards. The jobs should be based on the involvement of the social partners in both the design and implementation of policies and programmes.

Trade unions and social security

The present level of social security does not reduce poverty: it does not provide support when an employee becomes unemployed; nor an old age pension; nor maternity benefits; nor support for children of school age; nor a disability pension.

Trade unions and HIV/AIDS

24 million workers die from HIV/AIDS in the world each year. Trade unions campaign to support people living with AIDS. The workplace must contribute to the fight for, and the provision of, access to prevention, treatment, care, support.

Trade unions and labour standards

Trade unions provide education about labour laws and ILO conventions and

how to apply the laws for collective bargaining, raising productivity, improving living and working conditions and strengthening the enforcement of the laws on hours of work, minimum wage, accidents, diseases and illness.

Trade unions and poverty reduction

The Millennium Development Goals and Poverty Reduction Strategy Programmes (PRSPs) do not include the Decent Work Agenda. The trade unions advocate for the inclusion of the development of workers rights, improved labour standards and social protection in the PRSPs.

Information and trade unions

Trade unions have developed methods for collecting reliable data, uniform labour statistics and labour market information which will contribute to the goal of employment creation and poverty reduction monitoring.

It is essential that child rights are protected through the ratification and implementation of both fundamental ILO conventions on child labour: Conventions 138 and 182. There must be quality and publicly provided education for all children. The Union for Domestic and Conservation Workers runs a project on the elimination of child labour which substitutes for adult employment. Through the IPEC project 137 young people are trained in entrepreneurial skills and vocational skills through apprenticeship in the informal sector. Child labour had been included in the new labour laws. It is included in the indicators for the poverty monitoring master plan. The

Phase 11 IPEC TBP for 2006-2008 in mining, commercial agriculture, domestic labour, commercial sex and fishing, targeted the withdrawal of 10,250 children from these sectors and the prevention of 11,750 from entering them. The IPEC project in Urambo 2007-2009 intends to withdraw and prevent 500 children. 135 children were withdrawn and prevented in Rambo; 356 participants were trained in HIV/AIDS prevention and 3,000 new jobs were created.

There are many activities being conducted by trade unions to eliminate child labour and the worst forms of child labour. The purpose is to rescue child labourers who have disrupted their education. Child labour denies them the opportunity for amassing knowledge and developing their potential as adults. The total number of working children in Tanzania is 9,630,736 in total of which 7,475,055 are in the rural area and 735,341 in the capital Dar es Salaam.

Employment for sustainable growth

The creation of jobs is currently a high priority in national development. Good jobs are people-centred. More good jobs mean that development can be sustainable. Therefore employment should be placed at the core of economic, environmental and social policies. There is a need for more initiatives at both the national and international level to promote more and better jobs, the extension of workers rights, better social protection and security and the facilitation of social dialogue.

While economic progress and employment growth are preconditions,

they do not guarantee the improved lives of people, families and their communities. Opportunities, respect, rights and a feeling of trust and security are necessary for them to realise their potential and take advantage of the possibilities, economic development can offer.

Policies in development

Policies should focus on improving the rights and opportunities of all people especially the working poor. The policies should focus on ending discrimination in the labour market and enhancing the knowledge and skills of workers globally. Policies include fair rules for trade finance and investment, measures to strengthen respect for labour standards as well as a coherent framework for migrant labour.

Rights

Workers' rights, especially the right to the freedom of association, the right to strike and the right to collective bargaining, have proven to be the most effective means to improve the livelihoods of people around the world. Realising these rights means that people's participation in the democratic process is enhanced and they can therefore take responsibility for the development of their societies.

All international policies must implement the standards set by the ILO conventions and recommendations. Recommendation 198, (employment relation 2006), reaffirms that laws, regulations and their interpretation should be in line with the objectives of decent work. Governments should use it to legislate against threats such as disguised employment, ambiguous

employment and multiple contractual arrangements.

Trade agreements

Regional trade agreements should include a genuine social dimension as proposed in the report by the World Commission on the Social Dimension. They should be made with the full involvement of workers.

Quality public services

Providing quality public services for all people must be an integral part of globalisation. Public private partnerships may complement but not substitute vital public services. The government must guarantee equitable access to health and other essential services, including clean water and sanitation and the right to education. Making life long education a reality for all is the key to participation in a knowledge society.

Overcoming the deficit in decent work for women

All local and international policies must better address the lack of decent work for women. This is the result of discrimination, inequality in pay and the lack of enforcement of standards and of social policy.

The organisation of workers in export processing zones must be intensified and the convention on work-at-home, maternity protection for part-time (contract work) workers with family responsibilities must be ratified.

Labour migration

It is difficult to ensure productive employment and decent work, workers rights, adequate protection for migrants in the countries of destiny.

Migration policies should be rights bases and founded on the ratification and full implementation of international standards.

The working poor and formal employment

The working poor are those in the informal economy without rights and social protection. Governments should integrate informal work and economic relations into the global agenda. Informal work can be brought into the mainstream by ensuring a legal and institutional framework for labour rights, cooperatives and enterprise development. Policies to increase training, income and social protection are also needed for workers in the informal economy. At the ILO Conference 2002 it was said, "National legislation must guarantee and defend the freedom of all workers and employers, irrespective of where and how they work to form and join organisations of their own. They must be free to choose without fear, reprisal or intimidation."

Legitimate, democratic, accessible, transparent and accountable membership-based organisations of workers and employers in the informal economy must be able to participate in social dialogue structures and processes. They must be included in public policy debates and provided with access to the services and infrastructure they need to operate effectively. They must be protected from harassment or unjustified or discriminatory eviction.

Policies should bring marginalised workers and economic units into the economic and social mainstream, thereby reducing their vulnerability

and exclusion. Programmes on informal economy like education, training and micro-finance should focus on bringing the informal workers into the mainstream, including them in legal and institutional frameworks.

Security and stability

Labour market unions feel that there must be a balance between flexibility and security (flexi-security). Strong unions are needed for social dialogue and providing first class support systems for workers affected by the changes which appear in industrial relations. Governments should create strong public social safety nets with active labour market policies to provide job guidance, retraining and skills qualification for the unemployed and underemployed. Workers feel that security is central to their needs because retrenchment deregulates the labour market. Flexibility in the labour market cannot function where workers have no genuine alternative sources of social and economic security.

CONCLUSION

Trade union campaigns for decent work

Workers' rights are a cornerstone in development and therefore they must be fulfilled when decisions affecting workers are made at the national level. Economic growth and human dignity go hand in hand. Companies must recognise that decent work is essential for their business development so it must be included in their business strategies both at national and international level. Decent work must be used a tool for sustainable

human development worldwide: it must be claimed as a right in both developing and developed countries. Independent civil society organisations, parliamentarians and others must become active partners of trade unions in their campaign to raise awareness about decent work as being fundamental to living in dignity and raising people out of poverty.

Tanzania's DWCP and the decent work global goal

The ILO has made decent work a global goal in the period 2006 - 2009. Decent work policies and programmes will significantly affect people's lives at the country level. All countries should embrace the Decent Work Agenda as a national objective and develop a strategy for its progressive realisation.

Juan Somavia, the ILO Director-General stated at the 60th ILO conference, "The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of

freedom, equity, security and human dignity."

"Decent work sums up the aspirations of people in their working lives – their aspirations for opportunity and income; for rights, voice and recognition; family stability and personal development; and fairness and gender equality. Decent work reflects the concerns of governments, workers and employers who together provide the ILO with its unique tripartite identity."

DWCP of Tanzania tackles poverty reduction through the creation of decent work opportunities which focus on young women and men. The second priority is the reduction of the incidence of child labour and the worst forms of child labour. The third priority is mitigating the socio-economic impact of HIV/AIDS at the workplace. Tanzania is among 8 pilot countries implementing a tripartite DWCP aligned with MKUKUTA. The programme is results-based and harmonises ILO objectives and national development policies.

Notes

SOCIAL SECURITY AND PROTECTION WITHIN THE EAST AFRICAN COMMUNITY:

A situational analysis of Kenya, Uganda, Tanzania Mainland and Zanzibar, Burundi and Rwanda

By: Felician S.K. Tungaraza¹, University College of Education, Iringa

Introduction

In recent years, there has been renewed interest in the formation and expansion of regional blocs worldwide. In East Africa, the East African Community was re-established after the signing of the "Treaty for the Establishment of the East African Community" on 7 July 2000. The aim of the treaty was, among other things, to widen and deepen cooperation in the political, economic and social fields for the mutual benefit of the member states. Given the fact that consultations for the establishment of a common market in the East African Community are underway, it is imperative that we start focusing on social security and protection in the region.

We must address issues relating to structures and institutions for social security and protection at regional level; the question of harmonising social legislation; the governance of the different social security schemes; and the challenges facing the region in the provision of social security and protection to all its citizens. This is because the establishment of a common market will create a regional labour market with the free flow of goods and services, capital, the free movement of labour, and the right

of establishment. All the above have implications for social security and protection in a number of areas such as the portability of social security benefits, social security coverage, and the governance of the social security schemes. The purpose of this paper is to analyse the existing social security and protection systems in the East African Community member states of Kenya, Uganda, Tanzania Mainland and Zanzibar, Burundi and Rwanda.

Socio-economic background of the EAC member states

To establish the need for the provision of social security and protection to all citizens in the EAC an analysis of the social security context of the region is required. Uganda remains one of the poorest countries in the world with 31 percent of the population living below the poverty line and a per capita income of around \$300 per annum. In 2001, 36 percent of the population was categorised as poor, with 39 percent of the rural and 10 percent of the urban population being poor. The illiteracy rate is at 37 percent: 23 percent are men and 49 percent women. In the countryside, the illiteracy rate is 28 percent higher than in urban areas (Repinski and Stahl,

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2005). The number of persons in the labour force as a percentage of the population aged 15 to 64 years is 87 percent. Out of these 82.2 percent are female and 92 percent are males. The unemployment rate is 7.4 percent, of these 8 percent are female and 6.7 percent are males (ILO: 2003-2004 Key Indicators of the Labour Market, Geneva, 2003).

Within the region, Uganda has been a leader in the fight against HIV and AIDS with prevalence dropping from 18 percent to 6 percent during the past decade (DFID, March 2008).

The per capita income of Kenya has been steadily decreasing since the beginning of the 1990s. In the period from 1992 to 1997, the proportion of people living below the poverty line rose from 45 percent to 52.3 percent, of whom 50 percent were in urban and 52.9 percent in rural areas. Various estimates between 2000 and 2006 state that the top decile of the population enjoyed 37 to 42 percent of income, while the lowest decile had only 1 to 2 percent.

The number of people living below the poverty line (as defined in Kenya) is estimated to have increased from 11.3 million (48.4 percent of the population) in 1990 to 17.1 million (55.4 percent of the population) in 2001 (Library of Congress, Federal Research Division, June, 2007). By 2005/06 national absolute poverty declined to 45.9 percent. In 2006, the per capita GDP averaged more than US\$450 annually.

Yet, social inequality remains high. One in 5 Kenyans has consumption levels that are inadequate to meet basic food needs (DFID Country Reports, April 2008). Agriculture is the

most important sector of the economy with almost 75 percent of the population dependent on it. Current education reforms have translated into more children in school, with a good balance between girls and boys. The fight against HIV and AIDS has made prevalence fall from over 11 percent to 6.1 percent during the last five years.

The unemployment rate was between 35 and 40 percent in 1993 (US State Department, Bureau of Economic and Business Affairs, 1994 Country Report on Economic Policies and Trade Practices). In 2004 about 15 percent of the labour force was officially classified as unemployed. Other estimates place Kenya's unemployment much higher, even up to 40 percent. The unemployment rate is higher among youth (Library of Congress-Federal Research Division, June 2007).

The household budget survey of 2000/01 revealed that 18.7 percent of the households in Tanzania were living below the national food poverty line whilst 36 percent of people lived below the national basic needs poverty line (Household Budget Survey report, NBS, 2002). The average national income (GNI) per person was US\$350 in 2006 (World Development Indicators, World Bank). Poverty is more prevalent in rural areas where 87 percent of the poor live: 38.7 percent of the rural as compared to 24 percent of the urban population are poor. There is thus a big poverty gap between rural and urban populations.

Life expectancy is at 43 years. One in 10 children dies before their fifth birthday, although this rate has fallen by a quarter in the last five years (De-

mographic and Health Survey, NBS, 2005). For every 1,000 births almost 6 women die in child birth. Tanzania has one of the highest maternal mortality rates in Africa (Demographic and Health Survey, NBS, 2005). Just over 1 million adults aged 15 to 59 (7 percent) are infected with HIV (HIV/AIDS Survey, NBS, 2005). Thus the HIV and AIDS pandemic is also exacerbating the problem of poverty as it destroys the capacity of households to meet their basic needs. The overall illiteracy rate is 29 percent of which 20 percent are men and 36 percent are women. The illiteracy rate is 20 percent higher in rural areas than in cities. Only half of the rural population has access to an improved water source (Poverty and Human Development Report, Government of Tanzania, 2005).

The mainstay of the economy in Burundi is agriculture, accounting for some 49 percent of GDP, and supporting more than 90 percent of the labour force. Burundi is one of the poorest countries in the world. Some 68 percent of the population live below the poverty line with an income of less than US\$1 per day, and a per capita income estimated at US\$104, well below the pre-war level of \$151 and much lower than the current sub-Saharan average of \$536. It is near the bottom of the Human Development Index, ranking 169 out of 177 countries (DFID, November, 2007).

Rwanda has made extraordinary economic progress since 1994 as economic growth averaged over 10 percent per annum between 1994 and 2004, the second highest in Africa. GDP per capita growth was 5.3 percent, the third highest in Africa over the same

period. Poverty levels declined from around 70 percent in 1994 to under 57 percent in 2006. The majority of Rwandans exist on subsistence agriculture. Periodic drought, soil erosion and soil exhaustion through over-cultivation on small family plots has led to food insecurity in some parts of the country. The AIDS epidemic is being contained, with a prevalence rate of 3 percent overall and prevalence falling in urban areas (DFID)

As a whole, all EAC member states are struggling to reduce poverty in their societies as evidenced by the implementation of Poverty Eradication Action Plans in Kenya, Uganda, Tanzania, Burundi and Rwanda (DFID, November, 2007). The above notwithstanding, all the countries in the region are characterised by a high level of poverty - the majority of people live below \$1 per day/live below the poverty line; more than 30 percent of the population is undernourished, there is high level of unemployment and income inequality is more than 50 percent in the five EAC countries.

Formal social security and protection systems

Social security is a term used to refer to public and private, or to mixed public and private measures designed to protect individuals and families against income insecurity caused by contingencies such as unemployment, employment injuries, maternity, sickness, invalidity, old age and death. There are three categories of programmes, namely, social insurance, social assistance and social allowances. The main objectives of social security are: (a) to maintain income, (b) to provide health care, and (c) to

provide benefits to families.

The ILO framework of social security is based on a three-tier structure, which seeks to utilise various funding sources for the provision of better protection of people. Also the structure seeks to address the needs of different social groups in the society with respect to income and degree of vulnerability. Key elements in the structure are:

(a) Social Assistance

This constitutes the provision of services such as primary health, primary education, water, food security and other services on a means tested basis. These services are usually financed by the government and non-governmental organisations.

(b) Mandatory schemes

These are usually compulsory and contributory schemes financed by both employer and employee during the employee's working life and they provide terminal and short-term benefits.

(c) Voluntary or supplementary schemes

These include personal savings, co-operative and credit societies, occupational pension schemes and private schemes. They are managed by employers, professional bodies, community-based organisations and other private sector actors. Examples of private schemes in Uganda include private pension schemes run by insurance companies and other large companies. In Kenya, there are 1,352 occupational pension schemes established by employers either in the form of a defined contribution or defined benefit scheme.

The term social protection is used in broader sense than social security.

Social protection refers to public and private, or to mixed public and private measures designed to protect individuals against life-cycle crises that curtail their capacity to meet their needs. Conceptually, social protection not only includes all forms of social security but also covers social services and developmental welfare. The objective of social protection is to enhance human welfare in totality.

Contingencies covered by social security and protection systems

A discussion on social security and protection in the EAC regional integration must include the examination of a range of contingencies covered as stipulated by the ILO Convention 102 of 1952. This convention identifies 9 branches of social security which offer the following benefits: old age benefit, unemployment benefit, sickness benefit, family benefit, maternity benefit, employment injury benefit, medical benefit, family benefit and survivor's benefit. An analysis of the social security schemes in the EAC countries suggests that the majority of the member states do not have comprehensive social security and protection systems. The schemes provide both short- and long-term benefits. The most common contingencies covered by social security schemes in the EAC countries are employment injuries and old age/retirement. It is also common to find that contingencies are covered on the basis of employment contracts.

Lack of protection against the full range of contingencies means that individuals have to make private arrangements. Very often the poor cannot afford to take out private insurance. As a result, the poor both in the

urban and rural areas are excluded from social protection. Social assistance programmes during drought, famine, floods or calamities are usually carried out in an ad hoc manner.

Issues of coverage

The situation in EAC countries reveals that coverage of social security schemes is very low. The ILO (2004) estimates that only 5-10 percent of the labour force in the EAC region, mainly workers in the formal sector, have access to social security and protection. In Uganda, for instance, the Government Employees' Pension covers only civil servants thus leaving out the greater part of population, particularly those in non-formal employment and the peasantry. Although a multiplicity of pension schemes and funds exist in Kenya, most of them target workers in the formal sector. For example, the National Social Security Fund (NSSF), a provident fund for private sector workers, is a mandatory scheme with 850,000 workers actively contributing. Coverage is estimated at 60 percent of eligible workers. A total of 350,000 workers contribute to various occupational pension schemes. The Pensions Act Cap.189 provides for the granting and regulating of pensions, gratuities and other allowances in respect of the public service of officers under the Government of Kenya. The National Health Insurance Fund (NHIF) is slated to be restructured to provide universal compulsory social health insurance coverage for every citizen. Legislation for a new system, the National Social Health Insurance Scheme, was passed in 2005 (The East African, 8 Jan. 2007; Hakijamii

Trust, Nov. 2007).

Similarly, Tanzania operates a number of funds which provide social security benefits to its population. Yet, these schemes currently cover only 5.4 percent of the labour force which is estimated to be 16 million. The self-employed are clearly under-represented although they are supposed to be covered on a voluntary basis by both NSSF and PPF. Out of 323,000 active members of NSSF only 2,000 are voluntary members whilst PPF has about 500 voluntary members out of its total membership of 78,000.

All in all the national pension systems are limited in their coverage in terms of population and contingencies covered. In most cases, the schemes target the employed population which represents only a very low percentage of the total labour force. This suggests that most people will not be able to satisfy their basic needs in old age and during unemployment other than through the extended family support system which is declining due to modernisation, urbanisation and globalisation processes. The low coverage is attributed to the fact that social security and protection schemes were historically designed for people working in the formal sector. In the EAC countries, over 70 percent of the people living in rural areas and dependent on subsistence agriculture for their livelihood are excluded from coverage. Other groups that experience social exclusion are the self-employed, domestic workers, casual, workers in the informal sector and the unemployed. Coverage of social security is low with respect to both social insurance schemes and social assistance. This is largely due to the

inadequate budgetary allocation for social assistance. Governments in the EAC countries often find social assistance schemes to be unduly costly.

Organisational, institutional and administrative structures

There are some similarities in the organisational, institutional and administrative structures of social security and protection schemes in the EAC countries. In Uganda, the responsibility for administering the Pensions Act (as amended) Cap. 281, lies with the Ministry of Public Service. The NSSF is under the Ministry of Finance, Planning and Economic Development, while Work Injury is under the Ministry of Gender, Labour and Social Development. The ministries enforce the respective laws, approve settlements and pay benefits from money deposited by employers.

In Kenya, the NSSF policy formulation and implementation is entrusted to a tripartite Board of Trustees constituted by representatives of the social partners. The Ministry of Labour ensures compliance with approved policies in the running of the fund. The fund policies are guided by and are in conformity with the provisions of the Retirement Benefits Act (RBA).

Similarly, in Tanzania, the institutions that provide social security benefits are semi-public organisations which report to different line ministries. PPF and PSPF report to the Ministry of Finance, NHIF to the Ministry of Health, LAPF to the Ministry of Local Government and NSSF to the Ministry of Labour. These institutions are statutory bodies run by Boards of Trustees. The Boards of Trustees have tripartite representation, namely from employees,

employers and the government, although other stakeholder institutions are also represented on the Boards of Trustees of the respective institutions. It is the responsibility of the funds to register members, collect contributions and pay benefits.

Structural framework

(a) Contribution regime

The contributory regimes of employees and employers vary from scheme to scheme within a member state and across countries in EAC region. Consequently, some employees are left with less disposable income than others. There is no principle of equality across schemes. Similarly, qualifying conditions differ from scheme to scheme and therefore members of different schemes have different levels of social protection. Taking Tanzania as an example, the PPF, LAPF, NSSF and PSPF require a total contribution of 20 percent of the member's insurable earnings, that is, salary. However, the ratio of the total contribution varies from one scheme to another. Under the NSSF, employees contribute 10 percent of their salary with employers also contributing 10 percent of the employees' salary. Under the PSPF and LAPF, employees contribute 5 percent of their salary whilst the employer contributes 15 percent. The PPF has a flexible contribution regime whereby both the employee and employer contribute 10 percent of the employee's salary or the employer contributes 15 percent whilst the employee contributes 5 percent of his/her salary. Under the NHIF, both the employee and employer contribute 3 percent of the employee's salary.

(b) Qualifying conditions

The qualifying criteria tend to vary from fund to fund and from benefit to benefit. In Kenya, for example, the old age/retirement benefit under NSSF is payable when a member has reached the compulsory retirement age of 55 years or the voluntary retirement age of 50 years. Under the Pensions Act, the early retirement age for civil servants is 50 years. In Tanzania, the old age/retirement benefit under NSSF and PSPF is payable when a member has contributed for a cumulative period of 15 years and has reached the voluntary retirement age of 55 years or the mandatory retirement age of 60 years. The same qualifying criteria apply to the payment of survivors' benefits under these two funds. The invalidity (disability) benefit provided by PSPF also enjoys the same qualifying criteria. The qualifying criteria for old age/retirement benefit provided by the PPF are that a member must have contributed for 10 years and has reached the voluntary retirement age of 55 years or the mandatory retirement age of 60 years.

Sickness benefit provided under the Employment and Labour Relations Act No.6 of 2004 in Tanzania is provided only to workers who have been with their employer for at least three months and on the basis of a medical certificate. The benefit under the NHIF is provided to members with a minimum of three contribution credits.

As far as invalidity/ disability is concerned the major qualifying criterion is that the condition must be certified by a Medical Board. Under the PSPF, the member claiming invalidity/disability benefit must be below retire-

ment age and has met the contribution requirements. Under NSSF, in addition to certification by a medical board, the member must have made at least 36 contributions.

(c) Benefit regime

The benefit regime in the EAC countries is characterized by uncoordinated benefit provisions across existing schemes. A number of benefits are offered by different funds. These range from medical care, sickness benefit, maternity benefit, invalidity/disability benefit, old age/retirement benefit, withdrawal benefit, death and survivors' benefits to educational benefits. Whereas some schemes, such as Tanzania's NSSF, have seven different types of benefits others, such as Uganda's NSSF and Zanzibar Social Security Fund, provide social security in three branches only, namely, old age benefit, invalidity and survivor's benefit. All the schemes lack unemployment benefit.

Also characteristic of the benefit regime in the EAC countries is the lack of portability of benefits and indexation of benefits to the cost of living. In addition, some schemes have withdrawals benefits thus negating the income replacement objectives of the pension system. In all the EAC countries the issue of low pension benefit paid to members is common. The pensions system in Kenya, for example, is more or less dysfunctional since most pension schemes are unable to guarantee a retiree even one-tenth of the income they earned while they were in employment. Workers who retire in Kenya are condemned to abject poverty because the pensions paid to

the majority are woefully inadequate for providing for their declining years (The East African, 8 Jan. 2007). The inadequacy of benefits paid to members is also a feature of social security and protection schemes in Tanzania Mainland, Zanzibar, Uganda, Burundi and Rwanda.

Legal and regulatory framework

There is fragmentation of the social security system in the member states of the EAC with respect to different legislations and designs of the schemes. In Uganda, for example, the social security sector is regulated by the government through the Ministry of Gender, Labour and Social Development (MGLSD). The ministry is responsible for policy functions including tabling bills in parliament for the enactment of laws. Other ministries providing social security related services include: Ministry of Public Service for pension management, the Ministry of Health which is developing the Social Health Insurance Scheme; the NSSF and private institutions.

In Kenya, the Retirement Benefit Authority regulates private pension schemes. The Pensions Act regulates the administration of the civil service pension scheme. The NSSF operates under its own law. It was established by an Act of Parliament in 1965. Its mandate was to manage the national provident fund scheme primarily for workers in the formal sector excluding the civil servants. All in all Kenya does not have a conducive constitutional, legislative, policy and institutional environment. The Constitution of Kenya does not recognise the right to social security. Second, Kenya does

not have an official policy on social security, social insurance or other form of social protection. Third, social security is regulated and provided for under a multiplicity of laws.

Similarly, in Tanzania, there is a myriad of laws that regulate the employment-based social security environment. These include the laws which set up and regulate the different public funds and schemes, such as the Parastatal Pension Fund Act of 1978, the National Social Security Fund Act of 1997, the Local Authorities Provident Fund Act of 2000, the Public Service Retirement Benefits Act of 1999, the Provident Fund (Government Employees) of 1942, the National Health Insurance Act of 1999, and the Political Service Retirement Benefits Act of 1994. Occupation-based schemes are regulated in terms of the Employees' Terminal Benefits Schemes (Registration and Regulation) Act of 1973, while private (voluntary) insurance-based measures are covered by the provisions of the Insurance Act of 1996. Several provisions pertaining to social security benefits are contained in the Employment and Labour Relations Act of 2004. The private medical care environment is subject to the Private Hospitals (Regulations) Act of 1977. In an attempt to regulate the various public and private social security schemes in the country, the Social Security Regulatory Authority was established by an Act of Parliament in April 2008.

Governance and reporting framework

In Tanzania, the governance of social security schemes is vested in

the boards of trustees of the various funds. However, invariably the relevant minister is empowered by statute to give directions of a general or specific character to the boards. This increases the possibility of political interference and may compromise the independence of the boards. Also the management of the relevant fund or scheme is answerable to the board, which in turn is accountable to the relevant minister, who has to report to the National Assembly. There is, however, little provision to the effect that a general meeting needs to be held or that members of the fund or scheme are otherwise entitled to receive feedback on the operations and performance of the fund or scheme and/ or to be consulted on matters which affect them directly.

Service delivery and client care

Service delivery and client care in most pension schemes and funds in the EAC countries is poor: they are plagued by the problem of incomplete records. Inaccurate and incomplete information from employers and the limited capacity of the schemes to identify the corresponding employee for employer remittances have led to the accumulation of sizeable suspense accounts in the different schemes and funds in almost all countries in the EAC. Moreover, members are often not provided with benefit statements or informed about the state of their contribution records, or the interest earned and awarded to their individual accounts in a particular financial year. In some funds, there are no reliable figures on contributing members due to an incomplete registration process, double registrations,

numerous cases of irregular contributions and terminated payments, and the inability to verify the exact number as a result of the fact that the system of member records and verification is essentially a manual system. The other problem appears to be that members are not well informed about their rights, and about what is expected of them in terms of the existing claims and other procedures. Indeed, in some funds a very large number of members fail to claim benefits as they are unaware of their entitlement and/ or the procedures to do so. In some cases members have difficulty in accessing the fund. This applies in particular to those employed in rural areas, as some of the funds have not extended their operations and physical presence to centres within the rural areas.

Dispute resolution and adjudication

There is no clear and consistent process of dispute resolution and adjudication in Tanzania social security. A well-founded system which distinguishes between internal review and external review/appeal/adjudication is not present. It has been noted that, for example, in the event of the LAPF, no provision has been made for internal mechanisms for dispute resolution and adjudication. In the case of two of the Funds, the NHIF and the NSSF, provision has been made for a tribunal structure to deal with particular disputes. The NHIF has a tribunal, which adjudicates on disputes and enforces the rights of members and services providers. Aggrieved members who are not happy with the decisions of the fund's officers can

appeal to the tribunal. The NSSF also has an Appeals Tribunal which handles appeals from members who are dissatisfied with the decisions of officers of the fund. In many cases the grievants, and at times also the relevant schemes, may have to rely on the normal courts to resolve disputes as their only or final avenue. However, several problems exist in this regard: the ordinary courts are not specialised enough to deal effectively with social security matters; access to the courts is limited, particularly as far as the indigent are concerned; cases are often dealt with on a purely technical and legalistic basis, with little regard to the broader considerations of fairness; and court proceedings tend to be prohibitively expensive. A more or less similar confusing dispute resolution and adjudication system exists in the other EAC member states.

Links with social assistance

The most apparent link between the social security schemes and social assistance in the EAC countries is with respect to medical care. Individuals who are unable to benefit from the employment-based social security system benefit from the public health care system. In Tanzania, for example, users of the public health system are required to pay user fees. However, the poor are exempted from this. There is also provision for assisting vulnerable groups under the country's social assistance programmes. Social assistance also covers collective risks such as droughts which are not covered by the formal social security systems. However, social assistance in Tanzania, like in other countries in the EAC is weakly developed and ef-

fectively reaches only a small proportion of the poor and vulnerable.

Links with poverty alleviation

Social security and protection schemes in the EAC countries are not linked to poverty alleviation in any significant way. This is not surprising given the fact that social security systems were never designed to contribute towards poverty alleviation. Historically, the objective of social security was to provide income maintenance and health care. It assumed that the intended beneficiaries had adequate incomes which needed replacement in the event that their earning capacities were impaired by a contingency. Thus, social security schemes attempt only to prevent members from falling into poverty. However, there is scope for social assistance schemes to be linked to poverty alleviation. The governments of Uganda and Tanzania, some NGOs and CBOs have attempted to link social assistance to poverty alleviation through community health insurance, cash transfer and other social protection schemes by targeting the poor in the rural areas.

Conclusions

It is evident from the foregoing discussion that there are similarities and differences in the social security and protections schemes and funds in the EAC member states. Common to all countries is the existence of a legal framework under which the schemes and funds operate. Secondly, all have supervisory line ministries and have exclusions in their target social groups. The schemes and funds have a low geographical, population and contingency coverage, hardly

covering the informal sector, the self-employed, peasants, and the unemployed. Consequently, there is social exclusion. On the other hand, there are differences in social security and protection in the region. A few states have comprehensive national social security policies. The number of schemes, population covered, benefit regimes, qualifying periods for eligibility for benefits, contributory regimes and social legislations vary from one state to another, just to mention a few. The challenge, therefore, is to extend coverage to those who are currently excluded with a view to promoting social inclusion. Also, coverage in terms of contingencies is not comprehensive enough. The absence of laws and policies on social security and protection in some member states is very worrying, since whatever social security and protection programmes exist they are not the product of coherent, coordinated and participatory policy-making processes. Even where laws and policies exist, these are often-times at variance with international human rights standards and principles on the right to social security. Moreover, the social security and protection systems in the EAC countries are generally fragmented and are thus not integrated. There are many schemes offering a combination of different benefits. There is lack of consistency across the schemes. The problem of fragmentation can be attributed to the fact that there are no

central bodies charged with the responsibility of coordinating social security and protection provisioning in the region. The different schemes and funds report to different line ministries and there are no central bodies charged with the responsibility of coordinating social security. The problem of fragmentation also affects the legal, coordination and regulatory framework.

With the exception of Tanzania, many countries in the region lack national regulatory bodies and comprehensive policies for providing frameworks for achieving universal and affordable access to social security and protection for all citizens. While the regulatory and policy frameworks have been useful as a basis for the harmonisation of the different schemes, they are nevertheless deficient in some respects, notably the fact that they do not acknowledge the existence of mass poverty and unemployment problems in these countries. All the above call for common approaches, common standards and cross-border migration arrangements, based on bilateral agreements, multilateral agreements, the reform of national laws, binding international agreements/conventions, an institutional framework and the principle of freedom of movement among other things as strategies aimed at improving the social and economic welfare of all people in the EAC region.

HUMAN TRAFFICKING – POSITIVE PROSPECTS FOR CHODAWU

*By: Titus Mlengeya, Conservation-Hotels-Domestic,
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Introduction

On 15 November 2000 the United Nations General Assembly adopted the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. The protocol supplements the United Nations Convention against Transitional Organized Crime.

The protocol defines “trafficking in persons” as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. The exploitation here includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

Three main elements are at the core of the definition of human trafficking: 1) The actual act of trafficking, including the recruitment, transportation, transfer, harbouring or receipt of persons; 2) Associated acts such as the threat or use of force or other forms of coercion, abduction, fraud, decep-

tion, abuse of power or of a position of weakness or vulnerability, committed without the free and full consent of the trafficked person; and 3) Exploitation, including at a minimum the exploitation of the prostitution of others (or other forms of sexual exploitation), forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. It is important to note that if one of the above-mentioned acts has been committed, the victim’s consent is irrelevant.

Globally it is estimated that at any point in time, approximately 2.5 million persons are victims of trafficking, at least one third of whom are trafficked for economic purposes other than sexual exploitation. Human trafficking affects men, women and children in their deepest being. From their recruitment to their exploitation, trafficked persons lose their identity and desperately struggle against a situation that brings them into slavery. Tanzania is one of the sources, transit and destination countries for men, women, and children trafficked for the purposes of forced labour and sexual exploitation. The Conservation Hotels Domestic and Allied Workers Union (CHODAWU) in Tanzania has been involved in the struggle against this malpractice as its sectors, which are primarily tourism, (hotels, restau-

rants, bars and night clubs), domestic and allied work are the major recipients of the trafficked people.

Trafficking patterns in Tanzania

Tanzania is criss-crossed by paths traced by traffickers. Boys are trafficked within the country for forced labour on farms, in mines and in the informal business sector. Tanzanian girls from rural areas are trafficked to urban centres and the island of Zanzibar for domestic servitude and commercial sexual exploitation while some domestic workers, fleeing abusive employers, fall prey to traffickers and are forced into prostitution. In some regions unregistered employment agencies are involved in recruiting minors from rural areas to work as house girls in the capital where they are subject to exploitation. There are reports of Tanzanian men being trafficked to South Africa for forced labour, and girls to Oman, the United Arab Emirates (U.A.E.), and possibly other Middle Eastern and European countries for forced domestic labour and sexual exploitation. Small numbers of Somali children are trafficked to Tanzania for labour and sexual exploitation. Citizens of neighbouring countries may be trafficked through Tanzania for forced domestic labour and sexual exploitation in South Africa, Europe and the Middle East.

There are many reasons for children to start working at an early age: poverty, the lack of opportunities for education, unstable family backgrounds and not least the attraction of city life, spurred by the dream of making rich in town. It is estimated that one out of three children between the ages of 10 and 14 in rural Tanzania works

outside the family, labouring as farm workers, miners, domestic servants, and prostitutes, often under abusive and exploitive conditions. Children in low-income families are at significant risk of being trafficked, and girls are more vulnerable than boys since girls are considered more of an economic burden on their families. Girls who have completed primary school but have not entered secondary school are at a particularly higher risk.

The most salient factor leading to the development of child prostitution is poverty, and parents are unable to support their children. Some parents actually facilitate the trafficking of their children to urban areas in the hope that they will find jobs. Lack of hope, declining values, marital breakdown and domestic violence are causes of the increasing child prostitution. Child prostitution is very noticeable in places which attract tourists, such as brothels, hotels, guesthouses, disco bars, local brew shops, casinos and the entertainment industry in general. The owners of these places use the girls to attract more customers. Unfortunately the two parties do not share the positive cost-benefit balance.

Moving to become domestic workers at a very young age, and often abused by their employers' family members, many girls find themselves without any other alternative than to engage in prostitution. Occasionally there are organised systems with ringleaders that recruit girls into prostitution, but often it is the children themselves who recruit their siblings, friends or children living with them in the same house, neighbourhood or in the streets to engage in prostitution.

In spite of Tanzania's cultural norms, desperate parents change their priorities because of their circumstances. They give up some of their daughters and accept this sort of trafficking, knowing they then have a guaranteed wage earner. Customers, too, bear much of the blame for the escalating child prostitution. The child prostitutes themselves are too young to be blamed because they are forced into the hell of prostitution by the challenging circumstances in which they grow up.

Although Tanzania continues to enjoy uninterrupted peace in the otherwise conflict-ridden Great Lakes Region of Africa, HIV/AIDS is a great threat to the republic's security and socio-economic development. It places an increasing burden on resources through rising medical expenditure, absenteeism from work, labour shortages and the training of replacement labour. The country has been experiencing an increase in the number of child-headed households as more adults succumb to HIV/AIDS-related diseases and death, leaving their dependents at very high risk for child labour and trafficking. The number of orphans, mostly from AIDS, is now estimated at almost 2 million.

Sources of human trafficking victims

Studies have found a high mobility of children across the country with most victims coming from Iringa, Mwanza, Dodoma, Kigoma, Dar es Salaam and Arusha Regions. However, even within these regions there are nonetheless significant differences from district to district.

Trafficking methods

Trafficking methods vary. Some trafficking victims leave their homes with the assistance of their families; some leave on their own to escape life in rural areas; and some are transported by someone who has offered to help them find work in the city, legitimate or otherwise. Village girls who have completed primary school but who do not enter secondary school are also targeted. The men offer the girls money and employment and promise them a better life if they accompany them to urban areas. However, they invariably end up in prostitution or domestic labour. Another method of trafficking involves low-income parents who entrust their child to a wealthier relative or respected member of the community, who is charged with caring for the child as one of his or her own. Some people take advantage of this traditional practice and place the child in a situation where he or she is at risk of being exploited or abused. Sometimes the placement of children and their transport to households is organised by small-scale freelance agents who recruit children from rural villages.

CHODAWU strategies

CHODAWU has adopted a number of strategies to fight human trafficking. Some of them are the union's own initiatives, using own resources, and some are part of the national Time Bound Programme (TBP). Being one of the key TPB implementing agencies, CHODAWU is currently spearheading the implementation of the action programme entitled 'Withdrawn Rehabilitation and Prevention' of 7,500 children from abusive domestic

child labour in six TPB districts. The districts are: Temeke, Ilala and Kinondoni (Dar es Salaam), Arusha, Iringa and Kondo (Dodoma). The campaign has been facilitated through the International Programme on the Elimination of Child Labour (IPEC) programme of the ILO, and supported by the positive policies from the national government. The programme aims at tackling poverty in families that send their children to the cities; it brings agents and traffickers to the authorities so action can be taken against them; it rescues child domestic workers; and it provides vocational training to vulnerable young people. The programme has also had a marked impact on gender relations, raising gender awareness and sensitising on the role of men regarding family responsibilities.

The project mainly seeks to identify, withdraw, rehabilitate and prevent about 200 children annually from abusive domestic child labour and provide support services such as counselling, skills training and educational alternatives. However, this number has always been surpassed because there is a very high demand for assistance from victims. For instance, in 2008, more than 700 victims have been recruited in CHODAWU's three centres in Dar es Salaam while the project funding is only enough for 200 children. Union resources have been overstretched to meet the high demand. The other objective is to identify 1,200 poor parents and households at risk and provide small scale grants for income-generating activities in the six districts targeted. The CHODAWU concept has two strategies for waging war against abusive domestic child

labour and hence trafficking. The first strategy is to prevent the recruitment of children and the second is to identify, withdraw, and rehabilitate children who have already fallen victim to the malpractice.

CHODAWU has carried out sensitisation, mobilisation and planning workshops in the six districts. This has been followed up by physical and social mapping, identification, withdrawal and prevention of children from the exploitative and abusive services and the strengthening of child labour committees. Drop-in-centres have been established to provide counselling services to children at risk and to those who have been withdrawn from hazardous domestic work.

The workshops involved various stakeholders who learnt about the Worst Form of Child Labour (WFCL) and how it differs from child work, knowledge that presented an important entry point. At these workshops a number of factors were identified as catalysts to WFCL. These include: fear of losing their jobs in spite of the fact that the house girls were being exploited and abused; working in order to make ends meet as a result of poverty; a non-conducive environment and a lack of recreational facilities and tools in the villages; child abandonment, marriage breakages, death from HIV/AIDS and uncaring extended families; walking long distances to schools and false success stories told by friends that urban centres were the panacea for rural poor as they provide them with employment. Persistent hunger and prolonged droughts that deprive people of food crops in some districts also prompt children to

drop out of school and move away or make them easy to lure away.

A positive development as result of increased awareness on the subject, is the move made by village councils to formulate new by-laws that penalise parents who send their children to work instead of school. All of the districts in the project have come up with action plans, having identified important activities and strategies to be undertaken to reduce WFCL. However, they need to be financially supported to implement them effectively. The Union currently runs three centres situated in each district within Dar es Salaam (Temeke, Gongolamboto – Ilala, Kawe – Kinondoni). Although their capacity is less than 100 children they have recruited over 700 children for this year alone. Another centre located at Ovada in Kondoa (Dodoma) has capacity for about 40 children. The Makiungu centre (Singida), where the union has secured its own buildings and extensive land for development, has been temporarily closed due to lack of resources. The concerned stakeholders are looking intensively for support to run this centre as it is located at the centre of the trafficking zone.

So far more than 3,750 children out of the targeted 7,500 have been reached. A special curriculum has been developed in collaboration with the Ministry of Education and Vocational Training, so that the children in these centres are given three-month courses where they specialise in tailoring, batik tie-dye, carpentry, welding, electrical installation, elementary mechanics and driving, ceremonial decoration, cookery and housekeeping, professional cleaning, candle-

making or handicrafts. Furthermore the curriculum includes HIV-Aids awareness, gender issues and entrepreneurial skills. The programme also integrates some of the children who are at risk in formal primary and secondary school for future academic and professional advancement. All this training is geared towards instilling renewed hope for a visionary and successful life through decent work, entrepreneurship and social development.

Gender equality in education means that girls and boys should have the same access to education and be given the same opportunities to study. Both girls and boys should be provided with the necessary skills to find decent work when they become adult women and men. A few of the steps to be taken for improving gender equality in education and providing girls with equal opportunities when they have grown up are: providing adolescent girls with quality formal and non-formal educational programmes, including vocational training; addressing gender stereotyping in education leading to unchallenged views on occupational segregation and women's unpaid work; encouraging girls to study subjects and skills that are in high demand and which will command better pay in the labour market; proposing that female dominated and male dominated occupations are evaluated so as to determine equal pay for jobs of equal value; ensuring the quality training and subsequent employment of adequate numbers of female teachers; sharing international good practices on strategies to enrol and retain girls in school. These factors are strongly emphasised dur-

ing counselling programmes for rescued children.

CHODAWU wants to be able to provide graduate groups with start up capital and equipment after the completion of their courses. The centres need to be strengthened in terms of manpower and equipment to meet the objectives. To do this the project needs the support of many other players.

In order to tackle poverty in families and thereby prevent them from sending their children to the cities, CHODAWU has been supporting the formation of micro-businesses such as trading cloth or baking for local restaurants, as well as savings and credit schemes. Families are supported with funds and training in entrepreneurship skills and financial management. Over 1,300 members of this scheme, three-quarters of whom are women, have been recruited as members of the union and this is of major benefit to CHODAWU. CHODAWU intends to strengthen this scheme through the establishment of a revolving fund that will sustain the credit scheme for its members.

What are the prospects for the future?

There is no doubt that through the campaign against human trafficking, CHODAWU has helped thousands of young people who otherwise would have ended up in destitution, and this would probably have contributed to social unrest. These young people will now be able to contribute positively to the development of the national economy. This is a great social achievement and therefore we need to develop and further improve this

programme by making it more sustainable. Through working with and reaching many people and private and government institutions in this programme, the union has managed to raise not only its own public profile but also its membership among women, especially those working in the informal sector. The perception that CHODAWU works 'for workers in the formal sector' or 'for adults' only, is now changing. The name CHODAWU has been spread far and wide. CHODAWU is now seen as an advocate for human rights, more than just for workers' rights. Isn't that a good cause?

The campaign has helped local politicians to see what is happening on the ground regarding children's care and transformation. It has also helped influence local governments to increase their budgets in the areas where children are most vulnerable. The role of men in the care of children has also come into the limelight.

All these efforts notwithstanding, the reliable solution to human trafficking is to understand the concept of equal and decent childhoods for girls and boys. One of the biggest obstacles to decent childhoods is children having to work. Parents living in poverty often face the choice of having their children educated or sending them to work to help support the family. In other cases, access to education itself might be a challenge because of the lack of school facilities, teaching staff or the high school fees. In urban areas where nearly half of the world's population already lives, children who are not at school are particularly susceptible to engaging in dangerous and illegal activities.

The role of employers in fighting child labour is fundamental at different levels. At the workplace, they can refuse to hire children or, if child labour already occurs, they can remove the children in a responsible manner. CHODAWU will therefore continue to lobby employers at the political level for effective training and education systems. Workers' organizations such as CHODAWU, however, will always remain natural leaders in combating child labour at the local, national and international levels. With appropriate interventions, unions can become credible advocates for the protection

of children against trafficking, exploitation and abuse. By promoting the right of workers to adequate remuneration they automatically reduce the dependence of poor families on their children's labour. In addition to bargaining on behalf of their adult members, workers' organisations can further mobilize to ensure that children are in school and not at the workplace. CHODAWU's efforts address all these issues and they need to be sustained through the support of both the government and other stakeholders. Together we can make it!

Notes

5. YOUNG LEADERS TRAINING PROGRAMME

YLTP: "A KEY TO UNLOCK LEADERSHIP SKILLS"

Introduction

Since its inception in 2000, the Friedrich-Ebert-Stiftung Young Leaders Training Programme (YLTP) has made a significant contribution to the quality of leadership at institutional and national level. The YLTP's many beneficiaries can be found not only in the august House, the Tanzanian Parliament in Dodoma, making laws and overseeing the government, but also in the judiciary contemplating various interpretations of the law. From political parties to trade unions, government institutions as well as non-governmental organizations (NGOs), the bright faces of YLTP beneficiaries are visible and actively involved in pushing forward the *wheel of development!*

At the Foundation we are glad that with the YLTP initiative, we have not only *broken the mould* but also contributed towards the creation of good, capable and reliable leaders.

Blowing our own trumpet?

Certainly not! The YLTP is a top-notch programme with a well-structured curriculum and a pool of qualified trainers and tutors. Their diligence and commitment is unquestionable.

Hardwork, commitment and meticulousness are the defining features of the YLTP programme.

Moreover, the various themes are constantly up-dated, making them highly relevant for the young leaders and their respective organisations. Exposure to a wealth of knowledge, broad and diverse in its scope, is an intense capacity building experience. Take for example awareness raising about current socio-political issues: the broad theme of politics and public administration is there to be unfolded, packed with sub-themes such as good governance, democracy and the democratisation process, and diverse socio-political theories to broaden their knowledge about the workings of politics.

Pertinent issues such as the constitution and constitutionalism, the political system and the structures of decision-making bodies and implementing agencies, conflict and conflict reduction strategies are thoroughly discussed. The goal is to create a cadre of well-informed youths with a broad understanding of political affairs and issues relating to public administration, youths who can critically and objectively analyse and reflect on im-

portant issues in the political arena in general.

The importance of media and communication skills for young leaders is obvious. The media act as a powerful institution, sometimes referred to as the *fourth estate* because of their massive influence on issues of national interest. The importance of the media cannot be overemphasised and it is for this reason that the YLTP provides the skills, knowledge and attitudes necessary for understanding the dynamics of communications and its importance in the leadership and development process in Tanzania.

Another important field with which a young leader must be familiar is economics. While the young leaders are introduced to a wide range of economic theories, the programme's main concern is to give them an understanding of the organisational structures of the Tanzanian economy and to engage them in debates on how well the economy of the country functions and how it relates to other regional and global economic regimes. The basic concepts and principles of economics, poverty and economic growth theories and practices (MKUKUTA/MKUZA), Millennium Development Goals (MDG), economic regionalism and globalisation are analyzed and discussed.

The YLTP emphasises that being conversant with politics and public administration, media and communication skills and economics does not necessarily make one a leader let alone a good leader! Another key theme, and the one which complements those already mentioned, is *Leadership and Management Skills*. The objective in this theme is to mo-

tivate and inspire young leaders to generate followers as well as to mobilise and administer resources. Various leadership theories are expounded, vibrant debates on the attributes of a good leader, on leadership ethics and conduct as well as on the calibre of leadership in Tanzania resound in the conference hall.

A great philosopher once affirmed that *"no research, no right to speak"*. A good leader must not only be able to make informed and well considered decisions but also insightful public speeches. Skills and knowledge are needed for unearthing the facts needed for making decisions. Research methodology is therefore another important topic in the YLTP. The programme provides concise yet general knowledge on research methodology and introduces methods which the young leaders can use to improve the knowledge and skills they need to meet challenges in the leadership and management field. This is to stimulate the development of visionary and a research-oriented young leaders.

These are the major themes of the YLTP, designed to transform participants and enable them to achieve their leadership dreams.

One of "our" leaders once said *"For I believe that leadership is not something that is done to people like fixing their teeth... Leadership is unlocking people's potential to become better."* At the Foundation (FES) we sit back and appreciate this rare gemstone which was unearthed by the YLTP for indeed this is truly the spirit of the programme!

YOUNG LEADERS' DAY: BRIDGING THE COMMUNICATION GAP!

The YLTP, acronym for the Young Leaders Training Programme organised by the Friedrich-Ebert-Stiftung (FES), has become one of the hallmarks of the foundation's activities since its inception in the late 2000. The programme brings together young male and female Tanzanians aged between 21 and 35 years and trains them in various aspects of leadership and management. Since the YLTP aims at building the capacity of young leaders as well as promoting good governance at institutional and national level, networking has been one of the major defining pillars of the programme. Its importance must not be underestimated! Why network? FES believes that networking is the most powerful way to build professional relationships, by actively fostering contacts and disseminating information. Apart from that, networking also provides a forum in which to properly address the other objectives of the programme.

The current set-up of the programme provides an opportunity for incumbent trainees to meet twice a month for regular sessions, five working days for a summer school programme and at least a maximum of three days for a study visit. On top of this the programme provides a forum for the former and incumbent trainees to network or rather to interact into two different fora: during the gradu-

ation ceremony and, in debates and other forms of information exchange, via the YLTP Newsletter. These fora, however, do not adequately provide sufficient time for incumbents and former trainees to establish strong networks.

For this reason FES, the agency which sponsors the programme, has decided to initiate the so-called YLTP Day to promote the culture of networking amongst the former and incumbent trainees as well as their respective institutions. The group consists of young and enthusiastic leaders from both Mainland and the Isles. This initiative will enable the beneficiaries of the programme to cement and consolidate already existing relationships. The YLTP Day plays a very significant role, because the trainees who form the YLTP team come from different backgrounds in terms of institutional affiliation as well as ideological orientation.

There are young activists from non-governmental organisations (NGOs), trade unionists, politicians from various political parties, media practitioners from public and private media houses, student leaders from various student organisations, lawyers as well as religious representatives. The diversity of affiliations is tremendous, so it takes deliberate effort and commitment to build and promote a networking atmosphere.

The YLTP Day is an annual event and it brings together more than 100 participants who have graduated from the programme since its inception and who currently hold various leadership and management positions in different institutions. Former and incumbent trainees debate and share ideas, experiences, opportunities and challenges under one roof. The event acts as a follow-up mechanism for the beneficiaries of the programme as well as providing a linkage between the former and the incumbent trainees.

The intention is to create and sustain active networks and encourage inter-

action among the beneficiaries of the programme.

It is the expectation of FES that at the end of the day, YLTP Day will provide an up-to-date and comprehensive list of the current leadership profiles of the YLTP beneficiaries, an enhanced network amongst the beneficiaries as well as constructive criticism from the organisations from which the participants are recruited. This will allow us to make improvements in areas that need special attention.

Notes

6. REGIONAL INTEGRATION

ECOSOCC:

A window for Non-Governmental Organisations' participation in the affairs of the African Union

By: Dr Mohammed Omar Maundi, Addis Ababa, Ethiopia*

Introduction

On 9 September 2008 H.E. Jakaya Mrisho Kikwete, President of the United Republic of Tanzania and the Chairperson of the African Union (AU) for the year 2008, officially launched the First Permanent General Assembly of the Economic, Social and Cultural Council (ECOSOCC). The occasion was attended by dignitaries, African diplomats residing in Dar-es-Salaam, local and international media and representatives of African Civil Society Organisations (CSOs). These were:

- Eight continental CSO representatives
- Six regional CSO representatives drawn equally from the Eastern, Southern and Western African regions
- 46 national CSOs representatives drawn equally from 23 AU member states, (elections in the remaining 30 member states are underway)

Tanzania was represented by the two representatives from Chama cha Waalimu Tanzania (CWT) and Chama cha Msaada wa Sheria Tanzania (NOLA) respectively. These organisations shall represent Tanzania in the general affairs of ECOSOCC for the next four years and may be re-elected only once.

ECOSOCC objectives

According to Article 2 of the Statutes of ECOSOCC, the objectives of the organ include:

- Promote dialogue between all segments of the African people on issues concerning Africa and its future
- Forge partnerships between all segments of civil society and promote civil society participation in the implementation of the AU's policies and programmes
- Support policies and programmes that will promote peace, security and stability in Africa and foster development and integration of

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the continent

- Promote and defend a culture of good governance, democratic principles and institutions, popular participation, human rights and freedoms as well as social justice
- Promote a culture of gender equality as well as strengthen the institutional human and operational capacities of African civil society

Organisational structure of ECOSOCC

The governing structure of ECOSOCC is as follows:

- i. A General Assembly (GA)
- ii. A Standing Committee (SC)
- iii. Sectoral Cluster Committees
- iv. Credentials Committee (CC)

The General Assembly (GA)

The GA is the highest decision-making body of ECOSOCC. It is composed of all ECOSOCC members. These are: two CSOs from each member of the African Union; ten CSOs operating at regional level; eight CSOs operating at continental level; twenty CSOs from the African Diaspora; and six CSOs in an ex-officio capacity, nominated by the commission based on special considerations. The term of office of the GA is four (4) years and members can be re-elected only once. Its functions include electing the members of the Bureau of the GA, the CC and the SC; preparing and submitting advisory reports and opinions; submitting proposals on ECOSOCC's budget and activities and approving and amending the CSOs' Code of Ethics.

The GA will also follow up on the implementation of the CSOs' Code of

Ethics and set criteria for granting observer status to ECOSOCC. The ordinary sessions of the GA will be held once every two (2) years. The Bureau of the GA is composed of a presiding officer (PO) and five deputy presiding officers (DPOs), including one from the Diaspora, who serve a term of two (2) years. They will provide the political leadership of the GA. Members of the Bureau are eligible for re-election only once.

Standing Committee (SC)

The 18 member SC is the executive arm of the GA. It is comprised of the presiding officer and the other five members of the Bureau, the chairpersons of the ten sectoral standing committees and two representatives of the commission. It is elected for a term of two years. Its functions include: coordinating ECOSOCC's work, preparing the GA's meetings and submitting ECOSOCC's annual reports to the AU Assembly. The SC is to meet as often as circumstances require.

Credentials Committee (CC)

The nine-member CC is also elected by the GA and its members serve a term of two (2) years and are eligible for re-election only once. It is charged with examining the credentials of ECOSOCC members and those of their representatives.

Sectoral Cluster Committees

The ten (10) sectoral committees are the technical arm of the GA. They are responsible for the formulation of opinions and provision of inputs into the policies and programmes of the AU.

The committees are organised along the same lines as the AU Commission's departmental portfolios, namely: peace and security; political affairs; infrastructure and energy; social affairs and health; human resources, science and technology; trade and industry; rural economy and agriculture; economic affairs; women and gender; and cross-cutting programmes.

The Constitutive Election

The inaugural session of the ECOSOCC Assembly held from 7 – 8 September 2008, elected a presiding officer, four deputy presiding officers and the Credentials Committee of the ECOSOCC General Assembly. These are:

- Presiding Officer: Mr Akere Muna – Pan-African Lawyers' Union (PALU) – Cameroon (Central region)
- Deputy Presiding Officer : Mrs Karadja Fatima-Zohra – Association nationale de soutien à l'enfance en difficulté – Algeria (Northern region)
- Deputy Presiding Officer: Mrs Assetou Koite – Pan African Women's Organisation (PAWO) – South Africa (Southern region)
- Deputy Presiding Officer: Priscilla Nyokabi – The Kenyan Section of the International Commission of Jurists (ICJ-Kenya) – Kenya (Eastern region)
- Deputy Presiding Officer: Mr Hassan Sunmonu – Organisation of the African Trade Union Unity (OATUU) – Ghana (Western region)
- Chairperson of the Credentials Committee: Mrs Saida Agrebi – Association of Tunisian Mothers – Tunisia (Northern region)

- Member of Credentials Committee: Mrs Mandanumbal Boolell – Mauritius Council of Social Service (MACOSS) – Mauritius (Eastern region)
- Member of Credentials Committee: Mr Stanley M'Hango – Foundation for Democratic Process (FODEP) – Zambia (Southern region)
- Member of Credentials Committee : Mr Loamba Moke – Association pour les Droits de l'Homme et l'Univers Carcéral (ADHUC) – Congo (Central region)
- Member of Credentials Committee : Mrs Salimata Porquet - Fédération des Femmes Entrepreneurs pour le Développement Économique et Social de la Côte d'Ivoire (FEFEDES – CI) – Côte d'Ivoire (Western region)

In line with the ECOSOCC Statutes, the ECOSOCC Assembly nominated Mr Gabriel Ondoua Abah from l'Union Nationale des Associations et Institutions pour Personnes Handicapées du Cameroun (UNAPHAC) to serve as a member of the Credentials Committee representing the physically challenged as a special interest group.

The elections for one deputy presiding officer representing the Diaspora, one member of the Credentials Committee representing the Diaspora and members of the Sectoral Cluster Committees, will be conducted after the completion of the necessary national and regional processes.

Challenges ahead

Indeed, the launching of the ECOSOCC provides a formal institutional mechanism through which civil society can

interact with, engage in, and influence the policies, programmes and activities of the African Union. ECOSOCC is expected to foster and consolidate partnership between the Union and Civil Society Organisations (CSOs) through effective public enlightenment, mobilisation and feedback on the activities of the Union.

Furthermore, ECOSOCC has the specific function of building the capacity of CSOs with a view to enable them to participate effectively in the governance and development debates and initiatives at all levels of the Union. It is envisaged that many CSOs, includ-

ing those lacking expertise, will benefit through this window of opportunity and ultimately contribute to the realisation of the AU's vision of building a people-driven and responsive Union.

As for the CSOs in Tanzania, it is advisable that they actively participate in the affairs of the ECOSOCC by constantly engaging Chama cha Walimu cha Tanzania and Chama cha Msaada wa Sheria cha Tanzania. The duo, as stated above, are bonafide representatives of Tanzania in the ECOSOCC Assembly.

Notes

THE EU-EAC ECONOMIC PARTNERSHIP AGREEMENT: Advantages and Disadvantages for Tanzania

By: Agnes G. Mwakaje, University of Dar es Salaam

Introduction

On 23 November 2007 in Uganda the European Union (EU) and the East African Community (EAC) initiated an interim Economic Partnership Agreement (EPA). This agreement will apply to the EU and to the EAC countries of Kenya, Uganda, Tanzania, Rwanda and Burundi. The second phase of negotiations will lead to a full EPA in 2008 and a clause for this second phase of negotiations is included in the agreement.

The agreement allows for 100% liberalisation by value by the EU as of 1 January 2008 and 82% liberalisation by value by the EAC (64% in two years, 80% in 15 years, and the remainder in 25 years). To protect infant industries in the EAC, the agreement excludes agricultural products, wines and spirits, chemicals, plastics, wood-based paper, footwear, glassware, textiles and clothing. The agreement also contains an extensive fisheries chapter, mainly aimed at reinforcing cooperation on the sustainable use of resources.

This paper looks at the advantages and disadvantages for Tanzania in signing this deal.

Advantages

Generally, Tanzania gains very little from the EU-EAC interim agreement. However, failure to sign the agree-

ment would have meant that Tanzanian goods entering the EU market would face 18% duty charges – this would have applied to the other EAC member countries, too. The signed agreement has particularly helped Tanzania's fisheries and the coffee and tea trade, commodities which are mainly exported to Europe.

Disadvantages

Although the interim agreements have been signed there are still outstanding issues to deal with. The agreements do not adequately address the needs of developing economies like Tanzania's. They do not provide Tanzania with a good enough deal on market access, rules of origin or aid for trade. In the ongoing EPA negotiations, there is too much focus on WTO compatibility on the trade side and not enough focus on economic partnership. In other words there is no partnership as such that would allow EAC to articulate its needs. Problems may still arise in connection with safeguard measures, rules of origin and food-safety issues.

Continued concerns relate to preference erosion, aid for trade, supply-side constraints, procurement provisions and the possible consequences of the EU's MFN clause. Tariffs have been an important mechanism in protecting farmers in Tanzania from

import surges. All these have not been included in the EU-EAC agreement. Women farmers will bear the brunt of import surges. Across Africa men dominate the export crop sector, whilst women tend to grow food crops for local consumption. When the market is opened to imports from Europe local food crops are displaced and this exacerbates existing inequalities between women and men.

Although civil society organisations (CSOs), NGOs and the private sector make up the majority of those who have to implement the EAC-EU agreements in Tanzania, they were not satisfactorily involved in the negotiations. Tanzania hopes that the next negotiations, to take place over a two year period with effect from January 2008, will involve a broad multi-stakeholder constituency to ensure that what is negotiated with the EU meets the interests of the EAC people.

The interim agreement requires Tanzanian farmers and businesses to compete under the same rules as European producers. It does not tackle the manifold constraints in competitiveness which Tanzania's farmers face. The deal is bad for development, it endangers livelihoods and denies Tanzania and other ACP countries the flexibility to use the policies that they need in order to develop, (Oxfam 2008).

Trade taxes, i.e. customs duties, have always been a vital source of revenue for the Tanzanian economy. If the economy is liberalised by more than 80%, this income will be lost. Following liberalisation in the 1980s, growth rates halved in many African countries and living standards stead-

ily declined. Studies show that during the first stage of liberalisation, African countries will lose \$359m per year, (Oxfam 2008). Besides the loss of tariff revenue, the agreement imposes additional compliance costs estimated at a total cost of 9bn for all ACP countries. EPAs do not include additional financing to deal with these costs.

In underdeveloped countries like Tanzania full reciprocity with the EU without asymmetry will significantly increase the risk of losses in revenue, de-industrialisation, investor flight, macroeconomic imbalances and consequently the proliferation of poverty. Earlier analyses show that Europe will be the real winner, with most EAC/ACP countries left worse off. For example, under the EPAs, European meat exports to most ACP countries are predicted to shoot up by 180%, while every other country grouping measured will see its exports decline by 30%. Overall, European exporters are expected to gain significantly from reciprocity.

Tanzania's producers are not strong enough to compete on equal terms with European firms mainly because of poor infrastructure. To transform Tanzania's economy, major investments in infrastructure are needed. Due to high transport costs, the price of Tanzania's manufactured exports rises between the factory gate and the port. Irregular electricity supplies force businesses to buy costly generators to keep running. On the whole, businesses in Africa pay two to three times more for their basic infrastructure needs than their competitors in China. Investors rank 'unreliable infrastructure' at the top of their list of barriers to investment in Tanzania

and many EAC governments rank infrastructure provision as their highest priority for promoting growth. It is not clear to what extent the EAC-EU interim agreement will address these.

Tanzania as a least-developed country was not required to make any tariff cuts in the WTO-Doha Round while under the EU-EAC it has to open up by 82% to imports from Europe. As a result Tanzanian goods are likely to lose even the local market since EU goods will be sold cheaply in the country. This means that the deal aims to kill not only the external market for Tanzanian goods but also the local ones. The EU Common Agricultural Policy requires each country to import goods of a certain standard, which Tanzania cannot meet.

Efficient and affordable services help workers and producers to gain a fair share in the global economy, providing access to credit for starting a business, communication with customers, and transportation of goods to the market place. While services such as water, health care and education are fundamental to a decent life everywhere, the EAC's service sector is rather weak. It is only 21.2% and 29.5% of the values of output respectively for Tanzania and Uganda.

While services are an important segment of the EPAs, the EAC has been unable to reach any agreement with the European Commission. The latter is not eager to liberalise mode IV of the General Agreement of Trade in Services in which the EAC countries have an interest.

Tanzania's manufacturing industry is still at an infant stage and this deal will probably kill the sector al-

together. Under the signed EU-EAC deals, only 2–20% of imports are exempted from opening completely and are placed on 'exclusion lists'. Most of these goods are agricultural products, as EAC countries have understandably prioritised the protection of their most vulnerable farmers. The downside is that very few manufacturing or high-value products are included on the lists. While there are safeguards for infant industry protection, these may be difficult to trigger and are ill-suited to support the development of new sectors. Coupled with stringent rules on tariffs, this will make it virtually impossible for EAC countries to offer temporary protection to stimulate new value-added sectors in the future.

The signed deal creates a significant barrier to integration between existing regional partner countries and in several instances it fragments existing blocs. For example, Tanzania is also a member of the SADC bloc, and it is difficult to see how it can continue co-operating with other countries in the SADC region when it has signed the agreement as part of the EAC bloc.

Conclusion and recommendations

The initial EU-EAC deals do not offer much to the least developed countries like Tanzania. As it is, the agreement is not likely to bring the intended development, nor will it eradicate the poverty suffered by the majority of Tanzanians.

Nevertheless, the agreement is a useful starting point for the up-coming more comprehensive negotiations. Rather than implementing it as it is, the EU should provide more assistance to improve infrastructure. Eu-

rope should further assist ACP countries to tackle pervasive constraints to competitiveness by upgrading institutions and improving our regulatory capacity, particularly in the service sector, to ensure everyone has access to vital services.

EU should streamline the rules of origin requirements to allow more EAC goods access EU markets. This includes abolishing export and farm subsidies and giving priority to those that have the greatest impact on Africa's ability to compete such as cotton, rice, fruits and vegetables.

There should also be more studies on the implication of EU-EAC for Tanzania and there should be comprehensive awareness raising among stakeholders.

The second phase of negotiations should involve more CSOs, NGOs, private sector and other key players. Europe should fully open its markets to all exports without asking the EAC countries to reciprocate.

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Notes

7. HUMAN RIGHTS

HUMAN RIGHTS AND THE DEATH PENALTY DEBATE IN TANZANIA

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Introduction

The debate on the abolition of the death penalty in Tanzania continues to grow as more and more people realise that only a few states still have it in their statutes¹. Worldwide, the debate on the death penalty is fuelled by ever increasing human rights awareness. The right to life, which is the mother of all other human rights, is the one that is directly violated by capital punishment. In the Tanzanian criminal system there is still provision for the death penalty as a mandatory sentence² for the offences of murder³, treason⁴ and the misconduct of commanders before the enemy under the

National Defence Act⁵.

Tanzania's campaign to abolish capital punishment began in 1991 when a commission under the leadership of the late Chief Justice Frances Nyalali recommended that the death sentence be abolished. The High Court's decision in the case of *Mbushuu*⁶, was also an attempt to subvert the death penalty laws by replacing capital punishment with life imprisonment, arguing that it was an unconstitutional, inhuman, cruel and degrading punishment. Even though the sentence is still applicable in our courts, since then both former President William Benjamin Mkapa and the incumbent President Jakaya Mrisho Kikwete have commuted death sentences to life imprisonment⁷.

There are different points of view on the abolition of the death penalty. The Nyalali Commission of 1991 was of the

1 At the end of last year Tanzania was among the 62 retentionist countries worldwide and among the 20 African countries believed not to have executed it for at least 10 years. See T.R. Magobe: Tanzania May Retain Capital Punishment Despite Human Rights Pressure To Abolish It, May 23, 2008 found in http://www.groundreport.com/Arts_and_Culture/Tanzania-May-Retain-Capital-Punishment-Despite-Hum (visited on July 15, 2008).

2 See Penal Code, Cap. 16 of the Revised Edition 2002 of the Laws of Tanzania.

3 Ibid, Section 196 of the Penal Code.

4 Ibid, Section 39 and 40 of the Penal Code.

5 Cap 192 of the Revised Edition 2002 of the Laws of Tanzania section 11 -17 of the first schedule to the Act.

6 *Mbushuu* alias Dominic Mnyaroje & Kalai Sangula v Republic [1994] TLR 146 (HC).

7 Idem.

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opinion that the death penalty should be abolished⁸. During the World Day Against the Death Penalty on 10 October 2004 popular opinion showed that there was consensus for the abolition of the death penalty⁹. However, in May 2006 the Law Reform Commission was given the task of assessing public opinion on the death penalty. Although the commission has not yet submitted its final report to the Attorney General Chambers, it has made it known that a broad section of the public preferred retaining capital punishment to abolishing it¹⁰.

Critics say that this is because the pros and cons of capital punishment were not made clear to the public and that opinions based on instinct rather than on knowledge are more likely to be in favour of the death penalty¹¹. However, although public opinion has a role to play in bringing about the abolition of the death penalty, so too does the judiciary and the parliament, as has been the case in other countries¹².

The judiciary has the power to determine what is right and wrong. Even when the public believes that capital punishment is just, the courts cannot allow themselves to be swayed by popular opinion. As long as the judiciary has concluded that the death

penalty is unconstitutional¹³, or simply lawful but inhuman, cruel and degrading punishment, the courts do not consider the general public to be the best forum for the debate on the abolition of capital punishment¹⁴. While the courts have dwelt on the pro and cons of capital punishment, there is little differentiation in the response of parliament and the public to the debate on the abolition of capital punishment.

This paper highlights the position of capital punishment in Tanzania. The paper argues that the approach to the debate on abolishing the death sentence has undermined the need to raise the consciousness of the public to the incompatibility of capital punishment with human rights norms and principles. This will have an impact on the outcome because, while the need to abolish the death penalty is obvious to scholars, if public opinion is allowed to be based on instinct, then the public could very well call for its retention. In the course of the discussion, the paper highlights the offences that are subject to the death sentence. The paper concludes that the need to abolish the death sentence remains intact and that a system

8 See R. Badinter, *International Fact-finding Mission, Tanzania: The Death Sentence Institutionalized?* Report No 414/2 – April 2005, International Federation for Human Rights hereafter referred to as "FIDH".

9 *Idem*.

10 See Magobe, *supra* note 2.

11 See Magobe, *supra* note 6.

12 See J. Hutchard, *Constitutionality of Death Penalty, and Penal Policy*, Law Journal Library, Vol. 39 No.2 (1995), 1993, or visit: [http://www.heinonline.org/HOL/Page?handle=hein.journals/jaflaw39&collection\(last](http://www.heinonline.org/HOL/Page?handle=hein.journals/jaflaw39&collection(last) (visited on 12 July 2008), 193.

13 See Mbushuu case, *supra*, note 6 at pp.196-197, the excerpts relevant to this point envisage that [overall] the cases demonstrated that the courts are not the best forum for determining the constitutionality of the death penalty itself... responsibility rests with the government to develop the criminal justice system and this inevitably involves taking steps to educate the public on criminal justice issues in general and the death penalty in particular, ...it is clear that many people base their support for the death penalty on an erroneous belief that capital punishment is the most effective deterrent and so the government has a duty to put the true facts before the public instead of educating the public that the death penalty is an instant solution to violent crime.

14 See Mbushuu alias Dominic Mnyoroge and Another v. Republic, 1995 TLR, 97, (CA).

based on retaliation and retribution does not limit the number of offences in any country.

1. CRIMINAL JUSTICE SYSTEMS IN TANZANIA IN RELATION TO THE DEATH PENALTY

The perception of criminal justice in Tanzania creates difficulties for the on-going debate on abolishing capital punishment. Those arguing in favour of imprisonment, corporal punishment and capital punishment see such measures as appropriate retaliation. The courts have observed that when faced with the abolition of the death penalty, people instinctively react by giving the death penalty more weight as the means to preserving a sense of justice¹⁵.

As far as the government is concerned the same perception prevails, as can be observed in the government's response to a myriad of sentences. FIDH¹⁶ finds that since independence the government has considered the judiciary too lenient when imposing sentences for certain offences. This led the government to enact the Minimum Sentence Act of 1963¹⁷, limiting the powers of the courts so that they cannot show lenience when passing sentence.

Sentences involving corporal punishment¹⁸, which is also considered to be inhuman, degrading and to constitute torture to a person¹⁹, have been sup-

ported by parliament since independence²⁰. Like the death penalty, corporal punishment is also a violation of human rights. The Corporal Punishment Act was amended in 1998 so that it could be applied simultaneously to the Sexual Offences (Special Provision) Act 1998²¹. The motive behind this amendment was, *inter alia*, to apply corporal punishment to the offence of rape²². If it is parliament's intention to ensure harsher sentences for particular offences, the debate on the abolition of the death penalty in Tanzania will meet resistance not only from the public, but also from parliament.

That being the case, human rightists believe that the debate will only succeed if the public has an informed opinion on the subject²³. If not, the public is likely to respond to questionnaires on the basis of instinct. (Here we should bear in mind how the implementation of good governance and the rule of law by the government and its institutions has failed²⁴.)

2. OFFENCES PUNISHABLE BY THE DEATH PENALTY

2.1 Murder

The offence of murder is provided

United Republic of Tanzania of 1977, as amended from time to time.

20 FIDH Report, *supra* note 8, 18. See also the Corporal Punishment Act that was enacted in 1930 and after independence it was amended as act no 55 of 1963 so as to impose harsher corporal punishment on convicted persons.

21 Cap .192, R. E 2002.

22 See section 5 of SOSPA, Act No 4 of 1998.

23 See Magobe *supra* note 2, Mbushuu (HC) *supra* note 6, 163 and Mwakanyamane, *supra* note 15, Para 87.

24 This has led to mob justice, distrust of the judiciary and other law enforcement organs, see FIDH Report, *supra* note 8, 17.

15 See Magobe, *supra* note 2, see also Mwakanyamane case, No.CCT/3/94, para 87, judgment delivered on 6 June 1995.

16 See FIDH Report, *supra* note 8, 17.

17 Cap 1 of 1972 of the revised edition of the laws of Tanzania of 2002.

18 See Act No.12 of 1998 of the revised laws of Tanzania, 2002.

19 See article 7 of the ICCPR, while in Tanzania, see article 13(6)(e) of the Constitution of the

for under section 196 of the Penal Code²⁵. While this section provides for the offence, section 197 designates the punishment, which is a mandatory death sentence²⁶. The verdict of murder comes into being when “malice aforethought” is established beyond reasonable doubt. The inchoate offence to the offence of murder is manslaughter. This is provided for under section 195 of the Penal Code²⁷. The sentence for the offence of manslaughter is life imprisonment²⁸. As pointed out earlier, despite the ongoing application of the provision for murder and its verdict of capital punishment, both President Benjamin Mkapa²⁹ and the incumbent Jakaya Kikwete³⁰ have never signed the death sentence but have commuted the sentence to life imprisonment for inmates on death row. A further attempt to abolish it is under way. The judgments for murder offences have faced criticism from within the legal fraternity and from members of the public. The critical issue is the inconsistency of value judgments due to technicalities when some of the

defences raised are being proved. For instance, the defence of insanity. When this defence can be applied and who can prove it is one of the challenges which faces the judiciary when it has to determine guilt in a murder charge. In the case of *Hilda Abel v Republic*³¹, the court dismissed the appeal on the ground, inter alia, that the defence’s plea of insanity could not be applied. It was, however, proved by the doctor who examined her that she was insane at the time of committing the alleged murder. The doctor opined that she was suffering from defective reasoning due to delusion of thought and imperative hallucination.

Under section 13 of the Penal Code insanity is an issue of fact and not law, to be inferred from the circumstances of the events. The judiciary takes into consideration the opinions of experts but is not bound by them, especially when they find reasons to be rid of them³². Insanity as a viable defence for murder is dependant on medical experts being able to prove insanity and, although medical experts have often convinced members of the bar that the alleged culprits were insane, the courts have convicted many more to the death sentence³³. The courts in the above-cited cases have pointed out that, as the law stands, cases of insanity are unsettled and they have called upon the relevant authorities to update the law.

It has been proved that weakness in the evidence produced for murder tri-

25 The section provides that “any person who with malice aforethought causes the death of another person by unlawful act or omission is guilty of murder”.

26 “A person convicted of murder shall be sentenced to death”.

27 Section 195(1) provides that “any person who by the unlawful act or omission causes the death of another person is guilty of manslaughter”.

28 Section 211 provides (a) attempts unlawfully to cause the death of another or (b) with intent unlawfully to cause the death of another, does any act or omits to do any act which it is his duty to do, the act or omission being of such a nature as to be likely to endanger human life, is guilty of an offence and is liable to imprisonment for life.

29 He was president between 1995 to 2005.

30 He has been president since 2005 to date.

31 [1993] TLR 246 (CA), Court of Appeal of Tanzania – Arusha, by Kisanga JJA, Ramadhani JJA and Lubuva JJA.

32 Ibidem, also the case of *Agnes Doris Liundi v Republic* [1980] TLR 46. See also *Said Abdala Mwamwindi v Republic* [1972] HCD No 212.

33 FIDH Report, supra note 1, 24.

als increases the risk of innocent people being convicted. There is no doubt that there have been cases of injustice and that the death sentence has been passed on people who did not deserve it³⁴.

The death sentence brings about a problem of justice because there can be contradictions related to age. This was what happened in the case of the Republic of Tanzania v. Lubabasha Maderenya, et al³⁵ where the issue was whether a person below the age of 18 when the offence was committed could be convicted of the death penalty. The High Court refused to impose such a penalty but unfortunately it was overruled in the Court of Appeal.

Avoiding the miscarriage of justice is just one of several good reasons for giving impetus to the review of the death penalty. It is also very important to look at alternative sentences that can serve as viable deterrents to crime in society and sentences that can also mould personalities so that they no longer engage in anti-social behaviour.

2.2 Treason

Treason is a criminal offence³⁶. Those

who are under allegiance to the United Republic of Tanzania, and those who are not, can commit this offence. The offence itself is triable whether committed within the United Republic or elsewhere³⁷.

It can be observed, however, that none of those tried for treason have been sentenced to death since the independence of Tanzania. The court, in addressing treason cases, has interpreted the death penalty for treason as not mandatory and it chooses to prescribe the maximum limit of a custodial sentence³⁸. The perils of a treason offence are more political than anything else and the issue of treason has gained importance mostly in undemocratic states. In this age of multipartyism, ruling regimes have often implicated radical politicians in a bid to avoid political criticism. Thus, treason has been used as a threat to political opponents in favour of the incumbents³⁹. Here again there is the

Section 39 provides that for the treason offence to any person who is under allegiance to the United Republic of Tanzania while section 40 provides that for the treason offence to any person who is not under the allegiance to the United Republic of Tanzania and commits the same offences provided for under section 39 is guilty of treason and shall be liable on conviction to suffer the death sentence .

37 Ibid.

38 FIDH Report, supra note 8, 23.

39 See, for instance, S.M.Z. vs. Machano Khamis Ali & Others (Criminal Application No. 8 of 2000) [2000] TZCA 1 (21 November 2000), a revision from the Ruling of the High Court of Zanzibar (Tumaka, Deputy C.J.) dated the 3rd day of April, 2000 in Session Case No. 7 of 1999 in which the appellants were convicted of treason. In the Zimbabwe power crisis, Tendai Biti, secretary for the opposition party, Movement for Democratic Change (MDC) has also been charged with treason which is punishable by death; see Treason charge for MDC, Friday, 13 Jun 2008 in <http://news.iafrica.com/worldnews/735850.htm> (Visited on July 16, 2008). In 2005, in connection with Uganda's General Election, there was also an attempt to stop Dr Kizza Besigye the main opponent of the incumbent Yoweri Museveni, by charging him with

34 See, for instance, the case of Chande Mhobe, in Mtwara High Court; see Tanzania Human Rights Report, 2007 incorporating some specific parts of Zanzibar, the Legal and Human Rights Center and Zanzibar Legal Services Centre, 13; see also Mbushuu supra note 6 where J. Mwalusanya comments that "...there is a risk of executing H. the innocent. The risk assumes greater proportions when one considers the fact that most poor persons do not obtain good legal representation as they get lawyers on dock briefs who are paid only Tshs 500/=. As a result of such poor remuneration the defence counsels do not exert enough effort in such cases." (Currently it is no longer 500/= Tshs but 100000 Tshs).

35 See High Court of Criminal Sessions Case No.143 of 1977.

36 See sections 39 and 40 of the Penal Code.

risk that innocent people are hanged, this time for the sake of power.

The death sentence for this offence may encourage the misuse of power by incumbent ruling parties simply because everything depends on the person in power. As pointed out earlier in our discussion, one of the compelling arguments for abolishing the death penalty is the risk it poses to innocent people due to ill will, a misinterpretation of the law, or legal technicalities. One of the offences that can easily be imposed as an act of malice is treason. By retaining capital punishment we imply that we consciously allow innocent civilians to be executed in cases where evidence is cooked in favour of those in power or the most influential class⁴⁰.

2.3 Offences which relate to commanders and other service offences

The National Defence and Security Act governs these offences⁴¹. Under this Act, the commander or serviceman who misconducts himself or herself before the enemy is to be found guilty and upon conviction will suffer the death penalty⁴². So far, the application of this provision and of the death sentence by this Act has not taken place. Nonetheless, the arguments for the importance of abolish-

ing the death penalty equally apply to this Act⁴³.

3. THE DEATH PENALTY: THE POSITION OF TANZANIA AND ITS CONSTITUTIONALITY

The death penalty and the manner in which it is executed has attracted a lot of debate in Tanzania⁴⁴. Most importantly this debate came to the bench and thus judges have had the opportunity to discuss the controversial death penalty. It is Justice Mwalusanya in the Mbushuu⁴⁵ case who sustained that the two accused were convicted of murder in compliance with section 196 of the Penal Code by the High Court and they were sentenced to death. However, before the sentence was pronounced the point was raised that the death penalty was unconstitutional and therefore it could not be imposed on the accused. Key issues under consideration in the case were: whether or not the death penalty violates the right to dignity⁴⁶; whether it is a cruel, inhuman and degrading punishment and treatment⁴⁷; whether the provision prescribing the death penalty is lawful or necessary in the public interest⁴⁸; and whether the death penalty violates article 14 of the Constitution of the United Republic of Tanzania which guarantees the right to life.

three counts of treason, concealment of treason and rape. See "Museveni to stand for re-election after detention of his main rival" in <http://www.guardian.co.uk/world/2005/nov/21/uganda.jeevanvasagar> (Visited on July 16, 2008).

40 See Magobe, *supra* note 2.

41 Act No.24 of 1996 of the Revised Edition of the Laws of Tanzania, 2002.

42 The offences are provided for under section 97 of the Act, but detailed in the first schedule to the Act in Codes 11, 12, 13, 14, 15, 16 and 17. See part II of the first schedule to the National Defence Act, which provides for the Code or Service Discipline.

43 FIDH Report, *supra* note 6, 24.

44 See, for instance, The Death Penalty Debate by Hon Justice Anthony Bahati, Chairman Law Reform Commission as sourced form http://www.doj.gov.za/alraesa/conferences/papers/ent_s4_bahati.pdf (Visited on July 13, 2008) See Magobe *Supra* note 2.

45 See *supra* note 11.

46 Article 13(6)(d) of the Constitution of the United Republic of Tanzania, 1977.

47 *Ibid* Article 13(6)(e).

48 *Ibid* Article 30(2).

The court unanimously agreed with the petitioners by, *inter alia*, holding that the death penalty offends the right to the dignity of a person in the way the sentence is executed and therefore it offends article 13(6)(d) of the Constitution of the United Republic of Tanzania. The death penalty is inherently cruel, inhuman and a degrading punishment and the process of execution by hanging is particularly gruesome, generally sordid, debasing and generally brutalising and offends article 13(6)(e) of the Constitution of the United Republic of Tanzania. The provisions of the Penal Code on the death penalty do not have adequate safeguards against arbitrary decisions and do not provide effective control against the abuse of power by those in authority when using the law. The death penalty is contrary to article 13(6)(a) of the Constitution of the United Republic of Tanzania because there is no appeal against the decision of the President not to commute the sentence even if it is unreasonable or discriminatory⁴⁹.

Justice Mwalusanya stated conclusively, "It is therefore my findings that the death penalty is unconstitutional and so void as per article 64(5) of the

Constitution"⁵⁰. So far as the sentence was concerned he also said that "Murder is a serious offence and indeed a horrendous one. Although the death penalty in its present form is unconstitutional, yet I found out that the two murderers deserve a stiff sentence not less than life imprisonment."⁵¹ Justice Mwalusanya's decision thus opened a new era in the protection of the basic right, the right to life. For human rights activists, particularly those in favour of the abolition of the death sentence, this was a victory. However this victory was short-lived since the Court of Appeal, under Justice A. Ramadhan⁵², set aside the decision of Justice Mwalusanya to the extent that death penalty was seen as constitutional.

In the Court of Appeal the bench had to consider *inter alia* - whether the death sentence offends the Constitution or is recovered by the saving provisions of the Constitution - that is, article 13(6)(d) and (e) and article 30(2) of the Constitution of the United Republic of Tanzania⁵³. In responding to the issue raised, the Court of Appeal found that the death penalty is inherently inhuman, cruel and degrading punishment, that it is also so

49 From the wording of article 14 on the right to life in the Swahili version of the Constitution of the United Republic of Tanzania, which is the controlling version, both the right to life and the right to protection of one's life by society is subject to the claw-back clause and is therefore not absolute. For a law to be lawful it should meet the proportionality test and it should not be arbitrary; but the Government in this case has failed to prove on balance of probabilities that the present law restricting the right to life is proportionate and the carrying out of the sentence is not arbitrary. In the construction of provisions of the Constitution and in particular that part of it which protects and entrenches fundamental rights and freedoms, a generous and purposive method should be applied.

50 P 173. Article 64(5) provides "Bila ya kuathiri kutumika kwa Katiba ya Zanzibar kwa mujibu wa Katiba hii kuhusu mambo yote ya Tanzania Zanzibar yasiyo Mambo ya Muungano, Katiba hii itakuwa na nguvu ya sheria katika Jamhuri nzima ya Muungano na endapo sheria nyingine yoyote itakiuka masharti yaliyomo katika Katiba hii, Katiba ndiyo itakuwa na nguvu, na sheria hiyo nyingine, kwa kiasi inachokiuka Katiba, itakuwa batili." In short, this means that any law shall cease to be law if it contravenes the constitution.

51 See the reproduction of this part which is not found in the reported case in C.M Peter, *Human Rights in Tanzania: Selected Cases and Materials*, Ruediger Koppe Verlag. Koeln, 1997, 61.

52 In Mbushuu (CA) *supra* note 14.

53 See *ibid*, 97.

in its execution and that it offends art 13(6)(d) and (e) of the Constitution of the United Republic of Tanzania. Yet it also found that, although the death penalty as provided by section 197 of the Penal Code, Cap 16 offends article 13(6)(d) and (e) of the Constitution, it is not arbitrary, hence it is a lawful law, it is reasonably necessary and is thus salvaged by art 30(2) of the Constitution. The death penalty is, therefore, not unconstitutional⁵⁴.

With reference to this Court of Appeal decision, the death penalty is lawful, valid and constitutional. For those in favour of abolishing the death penalty this decision was received with discontent⁵⁵. But the Court of Appeal decision can be found, with due respect, to be contradictory. This is because it agreed with the trial Justice Mwalusanya that the death penalty is an inherently inhuman, cruel and degrading punishment, that it is also so in its execution and that it offends article 13(6)(d) and (e) of the Constitution of the United Republic of Tanzania. Nevertheless, apart from this consensus, they concluded that the death penalty is lawful, is reasonably necessary and is thus conserved by article 30(2) of the Constitution, making the death penalty, therefore, not unconstitutional.

The question that poses itself now is how can something be inhuman and at the same time constitutional? Can the constitution agree on the constitutionality of a law and at the same time agree on its unconstitutionality? Be that as it may, the judges might have forgotten that something may be lawful and conserved by the constitu-

tion and yet its justifiability may be questionable. So for the law to serve the purpose of meeting with the fundamental rights of people it should not only be lawful, that is enacted by parliament, but also justifiable. Consequently the death penalty conserved by the constitution, as per the Justices' reasoning, is not justifiable. Another interesting issue in this case is the necessity of capital punishment as expressed in the following: "the crucial question is whether or not the death penalty is reasonably necessary to protect the right to life. For this we say it is society which decides. The learned Trial Judge in the above quoted passage acknowledges that society currently deems the death penalty as reasonably necessary."⁵⁶ Again the question that arises is whether the court's reasoning mushrooms from the majority who prefer the death penalty or from legal principles. Their South African colleagues in the Makwanyane⁵⁷ case refused to be trapped. The Attorney General in the Makwanyane⁵⁸ case argued that what is cruel, inhuman or degrading depends to a large extent upon contemporary attitudes within society and that South African society does not regard the death sentence for extreme cases of murder as a cruel, inhuman or degrading form of punishment⁵⁹. Responding to this P. Chaskalson said "I am, however, prepared to assume that it does and that the majority of South Africans agree that the death sentence should be imposed in extreme cases of murder. The question

⁵⁴ Emphasis supplied.

⁵⁵ See Magobe, *supra* note 2.

⁵⁶ Mbushuu (CA) *supra* note 14, 117.

⁵⁷ See *supra* note 15.

⁵⁸ *Idem*.

⁵⁹ *Ibid*, para 87.

before us, however, is not what the majority of South Africans believe a proper sentence for murder should be. It is whether the Constitution allows the sentence.”⁶⁰ The court went on to insist that “Public opinion may have some relevance to the enquiry, but in itself, it is no substitute for the duty vested in the Courts to interpret the Constitution and to uphold its provisions without fear or favour. If public opinion were to be decisive there would be no need for constitutional adjudication.”⁶¹ This should be a lesson to our superior court in the determination of this very basic right, the right to life. The court should never allow itself to be moved by the opinions of the majority, irrespective of its merits.

3.1 Retribution

Retribution is revenge. Behind it lies the belief that if a person kills, that person should also be killed so that the relatives or society can say that justice has been seen to have been done. In the words of the Court of Appeal in the *Mbushuu*⁶² case it is said that “There is a question of retribution. But that to our minds is between the murderer and the relatives of the victim”⁶³. The Court did not however discuss at length whether retribution is still valid as was done by Justice Mwalusanya in the High Court⁶⁴. Mwalusanya’s position with which

we agree is that: “even if it is the case that the majority of the public do subscribe to some sort of an eye for an eye retaliation approach in murder cases, a progressive government will not feel obliged to execute persons simply to satisfy some crude urge for vengeance. Retribution has no place in a civilized society, and negates the modern concepts of penology”⁶⁵.

Hence the issue of retribution should be superseded in the move to abolish the death penalty. This should be done on the basis of the agreement that death penalty negates modern concepts of penology which are established on the theory that the rehabilitation of the individual criminal is possible⁶⁶. We further agree with Justice Mwalusanya that “Retribution as an object of punishment is uncouth and outdated and negates modern concepts of penology”⁶⁷. For these reasons retribution is no longer valid in contemporary principles of human rights insofar as the death penalty is concerned.

3.2 Deterrence

In general the punishment of criminals *inter alia* serves as a deterrent so that others do not do the same. The question is whether this purpose can be applicable in the case of death penalty or not. Have murder cases decreased as a result of people being sentenced to the death penalty and being executed? The Court of Appeal in the *Mbushuu*⁶⁸ case is quoted as saying:

“For the purposes of society to perform

60 Ibidem, emphasis supplied.

61 Ibid, Para 88, see also Para 89 which partly provides that “This Court cannot allow itself to be diverted from its duty to act as an independent arbiter of the Constitution by making choices on the basis that they will find favour with the public.” See also Magobe, *supra* note 2.

62 See *Mbushuu* (CA), *supra* note 14.

63 Ibid, 115.

64 See *Mbushuu* (HC), *supra* note 6.

65 Ibid, 168.

66 Ibid, 171.

67 Idem.

68 *Mbushuu* (CA), *supra* note 14.

its duty under article 14 deterrence is the legitimate object. Is the death penalty more than necessary to deter from killing others? We know that in certain jurisdictions the death penalty has been held not to be necessary either to deter the commission of capital crimes or to protect society. However, it is our decided opinion that what measures are necessary to deter the commission of capital crimes or to protect society are matters for decision by every individual in society".⁶⁹

So according to the Court of Appeal the issue of whether the death penalty deters others from committing murder or not should be left with Tanzanians. On the other hand the court did not clearly state its position as did Justice Mwalusanya. In the High Court Justice Mwalusanya partially agreed that death penalty is a deterrent by arguing "It cannot be disputed that the death penalty may have some deterrent effect. The vital question, however, is whether the death penalty has a deterrent effect significantly greater than the alternative sentence of life imprisonment or in other words, whether the death penalty protects society more than life imprisonment. If the death sentence is not a superior deterrent then the same social purpose could be achieved by the use of life imprisonment"⁷⁰.

So we can say that deterrence has not achieved its goal as murder cases are not on record as having decreased due to the provision of death penalty. As Mwalusanya pointed out scientific studies have been made to prove the deterrence objective of death penalty but they have shown that there is no

such effect⁷¹.

This was even said in the *Mwakan-yane*⁷² case where the judge opined that it is social problems which lead to an increase in murder cases and that the death penalty as a deterrent is therefore not an issue here. The Judge is noted as saying "Homelessness, unemployment, poverty and the frustration consequent upon such conditions are other causes of the crime wave. And there is also the important factor that the police and prosecuting authorities have been unable to cope with this."⁷³ This is also attributable to Tanzania; there are social problems pertaining to murder cases so the issue of deterrence does not serve its purpose. In order to get rid of or to reduce the number of murders Tanzanians have to deal with these problems and not try to deter others by killing their equals. Finally, deterrence insofar as the death penalty is concerned is not valid in modern principles of fundamental human rights and in particular the absolute and inalienable right to life.

4. CONCLUSION

The paper has discussed the current application of the death penalty in Tanzania. The application of the death penalty is still intact. Our discussion is line with the well-founded argument that it is high time for the country to undergo a process to abolish capital punishment. The motivating factors include the irreversibility of this punishment and the risk it poses for the miscarriage of justice. The moment the death penalty is ex-

⁶⁹ Ibid, 111.

⁷⁰ See Mbushuu (HC) supra note 11, 164.

⁷¹ Ibid, 164 & 165.

⁷² Supra note 8.

⁷³ Ibid, Para 120, see also Para 119 and 118.

ecuted it cannot be revoked, and this has tragic consequences for both the innocent and for genuine offenders. Where a particular punishment affects both the innocent and the guilty irrevocably, and where it is possible to apply an alternative punishment which allows an aggrieved party to demand redress for being wrongly punished, then the latter does more justice than the former. It serves the purpose of 1) reforming the offender and 2) allowing a wrongly convicted innocent party to seek redress⁷⁴.

The purpose of a sentence is to help offenders to reform, but the death sentence reforms no one. Furthermore, the application of a harsh sentence such as the death penalty on the grounds that it serves as a deterrent has proved futile in most states⁷⁵. We live in an age of civilization and the application of the death penalty reflects the level of a country's efforts to preserve human rights norms and principles at the domestic level. This point goes hand in hand with the call for the abolition of the death penalty in Tanzania by Justice Bahati who

concludes in his paper⁷⁶ that capital punishment is unsuitable in a civilized society: it may have been fashionable in the old days but it is out of touch with today's civilization. A life sentence can just as well satisfy the desire for retribution and vengeance⁷⁷.

The death penalty must be abolished if we are to uphold human rights and the principles of criminal justice. Research has established that the death sentence is an inhuman, degrading and cruel punishment⁷⁸. The position of the government on the death penalty and the interpretation of the law by our judges must be guided by human rights principles and respect of the right to life. In the words of Badinter "no system, given human nature and frailties, could ever be devised or constructed that would work perfectly and guarantee absolutely that no innocent person is ever again sentenced to death.". In this case, "society as a whole - i.e. all of us - in whose name the verdict was reached, becomes collectively guilty because its justice system has made the supreme injustice possible".

74 See Magobe, *supra* note 2.

75 See H. Kijo-Bisimba, and C. Peter, *Justice and Rule of Law in Tanzania: Selected Judgments and Writings of Justice James L. Mwalusanya and Commentaries*, Legal and Human Rights Centre, 2005, p 38.

76 See *supra* note 44.

77 *Ibidem*.

78 Mbushuu case, (CA), *supra*, note 14.

WOMEN'S RIGHTS ARE HUMAN RIGHTS:

The role of the Women's Legal Aid Centre in Tanzania

By: Jane Magigita, Women's Legal Aid Centre, Dar es Salaam

The Women's Legal Aid Centre (WLAC) is a human rights organisation which strives to promote and protect women and children's rights and to bring about gender equality in Tanzania through legal aid, legal research, networking, publications and outreach programmes.

The WLAC is an off-shoot of the famous SUWATA Legal Aid Scheme for Women. SUWATA was the economic wing of the Union of Tanzania Women Politicians. The decision to establish the scheme was made in 1989 when it was realised that a large number of women in Tanzania faced legal problems and the violation of their human rights and that their numbers were increasing by the day. Various factors such as the patriarchal system, the economic disempowerment of women and the existence of discriminatory laws made it difficult for women to realise their rights.

Although the legal aid scheme was intended to be free of charge, clients had to pay other costs related to filing their cases. It quickly became evident that some women could not file their cases because they could not afford to pay the court fees. It was at this point that the WLAC sought assistance from the Government. The WLAC applied for a legal aid certificate and this was later granted by the then Chief Justice, the Hon. Francis Nyalali. With the legal

aid certificate in hand, women were exempted from paying court fees and any costs related to their cases if they lost. For the past 19 years a total of 35,680 clients have received legal assistance from the WLAC.

While the legal aid scheme celebrated many successes as women had their property returned or they received their share of matrimonial assets, the WLAC attorneys encountered several obstacles while in court. Discriminatory laws were still being interpreted in courts and women, especially widows, continued to lose their cases. The WLAC had to come up with an advocacy intervention to get the discriminatory laws changed.

In 1994 the WLAC started to implement research and advocacy programmes with the aim of amplifying the voices and concerns of women and men related to women's rights. Advocacy was to be supported by hard evidence showing the magnitude of legal and cultural problems faced by women. In many ways the research findings complimented the advocacy programme.

Various tools have been used to advocate for progressive policies. The WLAC has used local, regional and international human rights instruments and mechanisms to advance women's rights. The Constitution of the United Republic of Tanzania, the Conven-

tion on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Declaration and Platform for Action and the "Maputo" Protocol are powerful tools to advance women's rights: they stipulate their rights and they provide mechanisms with which to enforce women's rights when they are violated and they also provide reporting procedures that governments are obliged to adhere to.

The WLAC has filed strategic litigation cases individually or collectively to challenge the constitutionality of various laws. One such case is a litigation challenging the Customary Discriminatory of Inheritance No. 436/1963 which has been challenged through the Constitutional High Court of Tanzania. The case is still pending in court. The WLAC is also a party in a case filed in collaboration with nola, (the national organisation for legal assistance), challenging the current minimum age for marriage which is 15 years for girls.

People cannot defend their rights unless they are aware of them and motivated to do so. The majority of women have very little knowledge about the law and basic human rights. For instance most women are not able to explain their rights and responsibilities in marriage apart from the traditional ones. Based on a needs assessment, The WLAC has designed a paralegal programme to empower communities so that they can serve as women's right defenders in their respective areas.

Paralegals - "wasaidizi wa kisheria" in Kiswahili - were recruited at training of trainers workshops conducted in 19 regions of Tanzania mainland.

The paralegals serve their communities as volunteers by providing legal advice and education and monitoring human rights violations. There are paralegals in Tanga, Mwanza, Arusha, Katesh, Mbeya, Morogoro, Kigoma Kilimanjaro, Shinyanga, Coast (Kibaha), Dodoma, Lindi, Mtwara, Iringa, Manyara (Kiteto), Ruvuma (Songea), Singida, Tabora and Kagera. The WLAC has plans to extend these services to other regions, both at district and village levels.

The WLAC works closely with other organisations which share similar objectives through networking and other forms of collaboration. The WLAC is a member of WiLDAF-Tanzania, FEMAct and SAHRINGON. The WLAC facilitated the formation of Taskforce Against Domestic Violence (TADOVI) and convened a CEDAW Taskforce. Networking has been used by the WLAC for advocating against discriminatory laws.

The WLAC collaborates with others to get paralegals recognised within the legal system in Tanzania. We also seek to protect the rights of widows who experience discrimination and stigmatisation if they are suspected of being HIV positive. Advocacy is an ongoing activity to put pressure on the Government to protect widows and other marginalised women as mandated by the Constitution and other human rights conventions.

In the past the WLAC actively participated in advocating for the enactment of The Sexual Offence Act of 1998, The Land Act No. 4 and 5 of 1999 and The HIV/AIDS Act of 2008 by providing legal advice on how gender could be mainstreamed.

Some of the lessons learnt by the WLAC since its establishment are:

- The provision of legal aid services promotes human dignity by safeguarding women's right to equality before the law, for example in relation to property ownership. For this reason legal aid services must be promoted.
- There has been an increase in the number of sexual abuse cases and the law enforcement agents handle such cases with manifest negligence. The WLAC has had to engage in a process of empowering law enforcement agents, such as ward tribunal members, police and magistrates, on gender-based violence (GBV) and of establishing strategic collaboration to support capacity building in such institutions so that they handle GBV cases with proper seriousness.
- A number of interventions are being carried out by other women's rights organisations in relation to gender-based violence but there is no clear information sharing mechanism to ensure that we speak with one voice, which would strengthen our influence on policy makers.
- The provision of legal aid services promotes human dignity by safeguarding women's right to equality before the law, for example in relation to property ownership. For this reason legal aid services must be promoted.
- There are still discriminatory laws - especially laws on inheritance, affiliation and the law relating to marriage.
- Legal aid projects are costly and they depend solely on donor funding and this makes them unsustainable. Therefore the WLAC plans to engage in an extensive and effective strategy to ensure that the government, through its Legal Sector Reform Strategy, supports legal aid providers and allocates resources for the establishment of new centres especially at district level.
- There is no framework for women's rights organisations to follow-up on the implementation of the National Plan of Action for Prevention and Eradication of Violence against Women and Children (2001-2015) under the Ministry of Community Development, Gender and Children Affairs.

The WLAC has been successful in attending to its legal aid clients and in its other programmes, but there are nonetheless some challenges that hinder the smooth operation of our activities:

- It takes a long time for cases to be finalised in the law courts.
- Some judgments and decrees remain on paper and cannot be exe-

8. DEVELOPMENT

PROSPECTS AND CHALLENGES IN AGRICULTURAL DEVELOPMENT:

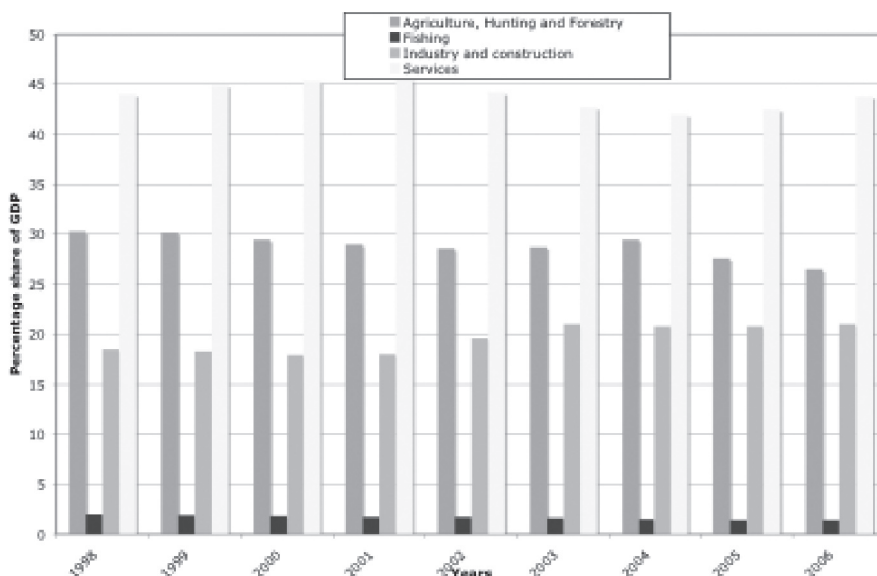
The case of coffee production in Tanzania

By: Robert Mhamba, University of Dar es Salaam

Over the last decade or so, the importance of primary activities in the national economy has declined. Agriculture, hunting, and forestry, though still employing the largest share of the country's labour force, contributes less than 30% of GDP (Figure 1). The declining trend of agriculture's share in the national income is a common

phenomenon in countries in transition from dependence primarily on agriculture to secondary or tertiary activities. The tertiary sector in Tanzania has taken the lead from agriculture in terms of contribution to GDP. Over the past decade, the sector has contributed a little more than 43% of GDP, while agriculture has contributed less than 30% and industry less than 20%.

Figure 1: Share of primary, secondary and tertiary activities of GDP

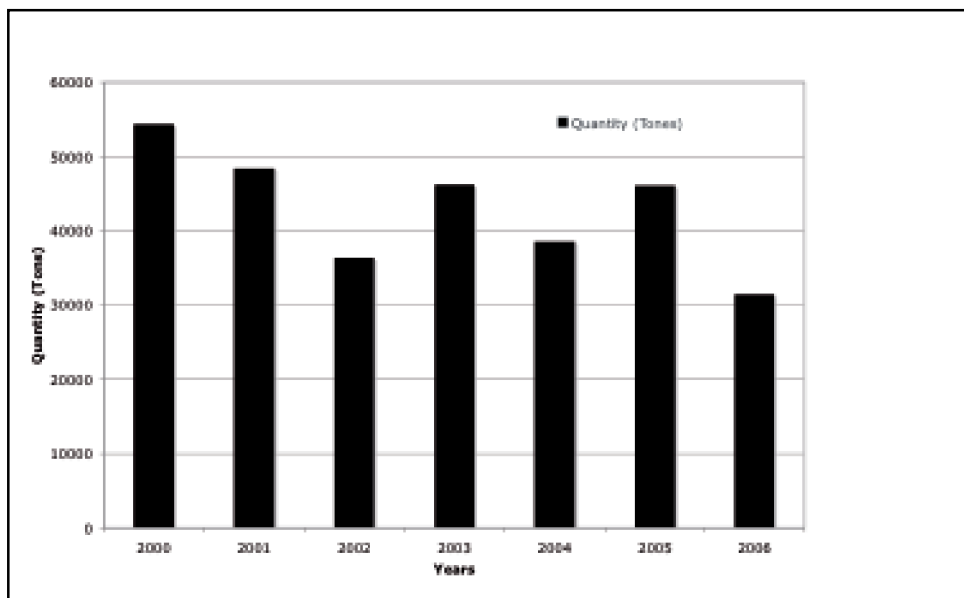


Source: Authors' calculations – based on data from the Revised National Accounts Estimates for Tanzania Mainland, Base year, 2001.

The response to the decline in agriculture's share of the national income ought to be increased productivity and therefore we should see a greater volume of agricultural commodities.

This has not been the case. Coffee production in particular has fluctuated and shown a declining trend over the last seven years i.e. 2000 to 2006 (Figure 2).

Figure 2: Coffee production trends in Tanzania (2000 - 2006)



Source: The Economic Survey 2006

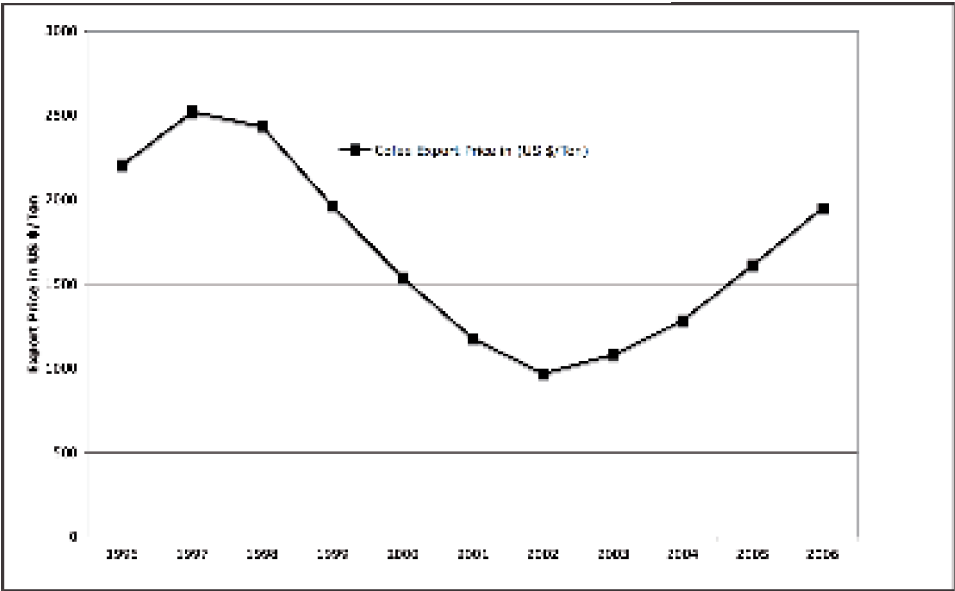
Coffee was introduced to Tanzania early in the 20th century as an estate crop, but it eventually became a small-holder crop (Baffes 2003). Tanzania is the sixth largest coffee producer in Africa after Cote d'Ivoire, Cameroon, Uganda, Ethiopia and Kenya. Tanzania produces about 800,000 60kilogramme bags, or 0.7 percent of world output of 117 million bags (World Bank, 2003).

The observed trend is a clear picture of decreasing production of the commodity in the country over time. As is the case with many other traditional primary export commodities, the reason for the decrease in coffee production is the fluctuation and decrease

in coffee export prices (Figure 3). Besides, the local coffee manufacturing industries have failed to create the required market for locally produced coffee. For instance, the local manufacture of instant coffee has shown fluctuating and decreasing trends over the period 2000 to 2005 (Figure 4).

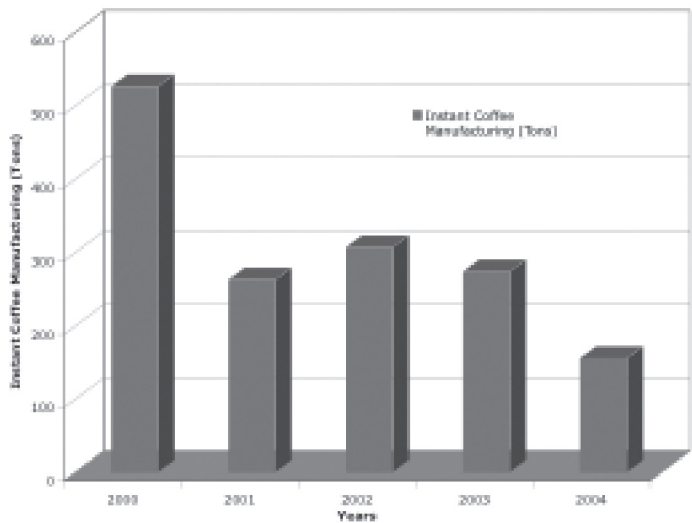
Coffee production is input intensive and access to the necessary inputs is therefore important. Evidence shows that the failure of the Coffee Board and the farmers' crop societies in the coffee producing areas to guarantee farmers access to inputs on credit has contributed to the decline in pro-

**Figure 3: Coffee Export Price Trends
(1996 - 2006)**



Source: The Economic Survey 2006

**Figure 4: Instant Coffee Manufacturing
(in Tons)**



Source: The Economic Survey 2006

duction (Baffes, 2003). Anecdotal evidence shows that the Savings and Credit Cooperative Societies (SAC-

COS) that have emerged over the last two decades have bypassed the agricultural sector. Because of the risks

involved in agricultural production and the long period it takes for loans to be paid back, the SACCOS have not granted credit for agricultural production.

Other studies shows that the chief reasons for the decline appear to be the nationalisation of estates¹; aging coffee trees, (some are close to 100 years old because trees have not been replaced since the introduction of the crop); poor husbandry; rundown central pulperies, forcing farmers to do their own primary processing; the spread of coffee berry disease after 1975 to all Arabica growing areas of the country; and the failure to introduce new disease-resistant high-yielding varieties (Baffes, 2003).

The potential role of trade and foreign capital in coffee production

Tanzania, like many other countries in sub-Saharan Africa, is being bypassed by the opportunities other countries are gaining from international trade in the 21st century. One of the reasons for this is that our capacity to command presence and competitiveness in the global market is weak. Buyers, including Starbucks Coffee Company, report difficulties in sourcing a sufficient quantity of specialty coffee from Tanzania that is needed to meet growing demand (Technoserve, 2006).

The report by Technoserve (2006) shows that the fall in international market prices for coffee to an all time low in 2002, made many coffee farms unprofitable, and Tanzania's rural communities were hit particularly hard. Despite the recovery of the prices in the following year, for many farmers around the world the prices remained low as a result of:

- technical innovation in Brazil, which led to a large increase in coffee production
- the emergence of Vietnam as a low-cost coffee producer
- the increasing use of Robusta, a lower-cost coffee bean variety, for specialty blends.

These innovations have failed to penetrate the Tanzania coffee sector because of the weak capacity of the human resource base in the agricultural sector, amongst other things. Employment in the agricultural sector is still dominated by the less educated section of the population. Most of those employed in agricultural activities (over 80%) have never attended, have not-completed or have only completed primary education (Table 1). This makes it difficult for modern technological innovations to penetrate the agricultural sector as in countries like of Brazil and Vietnam.

Available data on the local manufacture of instant coffee between 2000 and 2004 shows a decreasing trend. This is mainly due to the weak competitiveness of the industry in the face of international competition within the local market (i.e. increased imports of the same products) and in the export market. This phenomenon contributes to disincentive among the local farmers to produce coffee and there is therefore a shift from producing coffee to alternative crops.

Conclusion

The main challenges for the agricultural sector in general, and for coffee production in particular, are: decreasing production; the weak capacity of human capital in the sector; inadequate domestic demand for the commodities in the local manufacturing sector; and the lack of dedicated com-

¹ This refers to the period from mid 1960s to early 1980s, during the Ujamaa era

Table 1: Distribution of currently employed in Agriculture by education, industry, sex and age group

Never at- tended	Incomplete primary	Complete primary	Second- ary+	Total
Male adult				
23%	23%	49%	4%	100%
Female adult				
37%	15%	45%	2%	100%
Male child				
19%	80%	1%	0%	100%
Female child				
17%	81%	2%	0%	100%

Source: Integrated Labour Force Survey, 2006

mitment of the government to provide support to the sector. Good policy statements are not enough: they must be accompanied by the commitment to allocate the needed resources and the institutional and legal frameworks to support the sector.

The relative importance of coffee production in the country continues to decline over time. Amongst the reasons is the growing disincentive among farmers to produce the commodity. The disincentive emanates from fluctuating and decreasing export prices and decreasing local demand of the commodity in the local manufacturing sector. The local manufacturing sector faces strong competition from branded products produced by experienced manufacturers in the global economy. The fluctuating and decreasing export prices have been a problem for many decades not only for Tanzanian coffee producers but also for producers elsewhere in the world.

Coffee production in Tanzania cannot be revitalised without a deliberate programme to support the sector at the farm and marketing levels, as

well as a programme to build human capacity in the rural areas. The performance of the coffee industry generally would also benefit from government support to local manufacturing industries. This could include tax incentives/exemptions such as those currently given to other sectors like mining and hotels.

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9

Useful Tools

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 accurate, 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 subtract

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 your 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.

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:

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.

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 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 cost a lot of money to disinfect it.

If you work for an organization with more than fifty computers, then 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 than 500 pages per month then go for a laser. Colour laser printers are now less than \$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.

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 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

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?

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.

Notes

PROJECT OUTLINES

Should be short,
clear and promi-
sing.

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 invol-
ved? Who profits
from the project
and how?

Detailed list of
expected expen-
ditures (personnel
material, travel,
etc.)

Do you foresee any
prohibitive difficul-
ties or problems?

Any workshops
about maintenance
and organisation of
the project?

TITLE OF THE PROJECT

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

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 objecti-
ves, describe the
Impact!

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

Be precise about
the venue, dura-
tion, methodology!

Which further
impact does it
have?

By whom? List
names.



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

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.

Notes

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!

THE STRUCTURE OF YOUR SPEECH

The aim of a discursive 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

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.

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.



- 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

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.

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.

Notes

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:

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

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.

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

Broad objectives	Training of paralegals
Expected impact	<ul style="list-style-type: none">Communities will access information of their rights and if needed claim their rights
Indicators	<ul style="list-style-type: none">Number of trainings conductedNumber of participants trainedCases recorded by paralegals at community levelClients feel satisfied with paralegals <u>and</u> use their services
Methods	<ul style="list-style-type: none">Interviews/Focus group discussionsRecords
Who can give information?	<ul style="list-style-type: none">ParalegalsCommunities
Who can collect information?	<ul style="list-style-type: none">ParalegalsProject management unit

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 (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.

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.

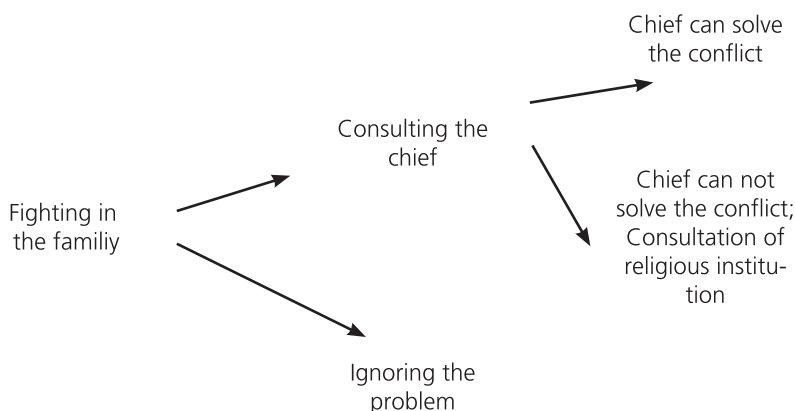
Observations

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

Example : Fighting in the family



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 live 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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The Friedrich-Ebert-Stiftung

The Friedrich-Ebert-Stiftung¹, or FES, was founded in 1925 as a political legacy of Germany's first democratically elected President, Friedrich Ebert, who died in that year. Ebert, a Social Democrat of humble origins, had risen to hold the highest office in his country despite considerable opposition from his political adversaries. He assumed the burden of the presidency in a country which was crisis ridden following its defeat in World War I. His own personal experience led him to propose the establishment of a foundation with a threefold aim:

- to further a democratic, pluralistic political culture by means of political education for all classes of society.
- to facilitate access to higher education for gifted young people by providing scholarships.
- to contribute to international understanding and co-operation in order to avert a fresh outbreak of war and violent conflicts wherever possible.

Today, the Friedrich-Ebert-Stiftung is a political non-profit making, public-interest institution committed to the principles and basic values of social democracy in its educational and policy-oriented work.

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In the Foundation's offices in Africa, Asia, Latin America and Oceania approximately 80 German staff and 600 local nationals are involved in projects in the fields of economic and social development, socio-political education and information, the media and communication and in providing advisory services.

The Friedrich-Ebert-Stiftung sees its activities in the developing countries as a contribution to:

- the improvement of political and social framework conditions
- the democratisation of social structure
- enhancement of developing countries' position in the International Trade arrangements
- the empowerment of women and the promotion of gender
- the strengthening of free trade unions
- the improvement of communication and media structures
- regional and international media co-operation
- regional co-operation between states and interest groups
- the resolution of the North-South conflict

This calendar is intended to provide not only an individual tool for purposes of time planning but also a day-to-day handbook for quick reference on issues that may be of interest to the people in Eastern Africa and to those who are politically active.

¹ Stiftung is the German word for „foundation“

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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.“

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