Good Governance and Constitutionalism in East Africa - The Contemporary Relevance of the Commonwealth: The Case of Tanzania

By
Prof Ernest Mallya
Department of Political Science and Public Administration
University of Dar es Salaam

Introduction

The mission statement of the Commonwealth Secretariat, the central organising organ of the activities of the Commonwealth, says that:

> We work as a trusted partner for all Commonwealth people as a force for peace, democracy, equality and good governance; a catalyst for global consensus-building; and a source of assistance for sustainable development and poverty eradication.

This is an all-round statement whose targets are a dream for any country that seeks to build a democratic society with an economy that is vibrant and that caters for everybody in an equitable manner. The statement contains all the ideals we hear from different quarters – whether the United Nations (UN) and the Millennium Development Goals (MDGs) and its wider agenda in general, the African Union (AU) and its Constitutive Act or the East African Community (EAC) and its Treaty and so on. This forum has principles which, if followed, could make a difference, in many ways, to the diverse situations that exist in the Commonwealth itself. However, these good ideals are bogged down by other facts about the forum, which include the lack of a charter or constitution, the fact that it is a voluntary "club" which members can join or quit as they wish, and the lack of enforcement powers when it comes to sanctions and the like.

This situation notwithstanding, forums that provide leaders and peoples with a stage for discussing matters of common interest are important; sometimes, even the symbolic capacity of such forums to its members can contribute towards some political, economic or social benefit. It would seem, therefore, that it is important for eligible countries to be members of the Commonwealth. The Commonwealth is talking the same language that other forums are speaking and therefore something good can come out of it all.

Tanzania and the Commonwealth: A Historical Note

The United Republic of Tanzania is comprised of the Mainland Tanzania (formerly Tanganyika) and Zanzibar. The Mainland attained its independence from the British under the leadership of the Tanganyika African National Union (TANU) on 9 December, 1961. Exactly a year later, the Westminster constitution was replaced by a republican one. In Zanzibar the Afro-Shirazi Party (ASP) staged a revolution on 12 January, 1964 three months after the British handed power to an Arab-dominated coalition. A Union between Tanganyika and Zanzibar was formed on 26 April 1964. By the operation of law, TANU was the sole political party on the Mainland from 1965, while ASP was the only political party in Zanzibar after the Revolution. On 5 February 1977 TANU and ASP merged to form *Chama cha Mapinduzi* (CCM) and the two governments came under a single political party, the CCM. Constitutionally there have always been two governments: the Union Government and the Revolutionary Government of Zanzibar. The government of the

United Republic has jurisdiction over Union matters throughout the United Republic and over non-Union Matters on the Mainland. The Revolutionary Government of Zanzibar has jurisdiction over all non-Union matters in Tanzania Zanzibar. Foreign Affairs is a Union matter therefore it is Tanzania (United Republic) that deals with the Commonwealth and not Zanzibar as a country.

The Tanzanian system of political leadership is part presidential and part parliamentary. Some see the Tanzanian form of government as being parliamentary or even having the Westminster format, since the cabinet is chosen from among legislative representatives and the executive forms part of the legislative process. However, the head of government in Tanzania is chosen directly by the people, which is not the case in a strictly Westminster model, giving Tanzania's case features that deviate from with the known Westminster model whereby, upon electoral victory by his or her party, the party leader becomes the chief executive and the leader of government business in the legislature. The chief executive also plays an active role on a day-to-day basis in the legislature. Often, someone else will be the head of state. When Tanganyika gained her political independence that was the model. For a year, the head of state was the Queen as Tanganyika remained a Commonwealth realm until the 1962 constitutional change. A year into Tanganyika's independence, the constitution was changed into a republican one – and the structure we now see came into being. Tanganyika remained a member of the Commonwealth. There is an executive president as well as a prime minister who basically heads government business in parliament, among other duties.

In presidential systems, the leader of the government is given a mandate by popular vote. He/She is both the head of government and the head of state. In Tanzania, as is the case with France, for example, the president appoints a prime minister, often from a majority party who, among other things, becomes the leader of government business in the legislature. In cases such as Tanzania, if the majority party in the legislature is not that of the president, the prime minister can then truly share executive power with the president. In both this type and the "pure" presidential kind, such as that of the USA, the chief executive wields a lot of power. These powers have been said to infringe the powers of the other arms of government – the legislature and the judiciary.

A lot of the power of the executive president (in a presidential system) comes from the deliberate combination of the functions of head of government and head of state which, in practice, means that there is no check or balance of power within the executive in the sense in which the prime minister in a typical parliamentary system is limited by the presence of the head of state. Moreover, whereas the cabinet is a body of peers formed more or less by the party caucus to assist the prime minister in a parliamentary system, such a body is often the creature of the president alone in a presidential system. The fact that the president is usually popularly elected adds to this power, since he/she will be as legitimate as the legislators, perhaps even more legitimate on account of his/her national constituency. Countries such as Tanzania, which choose presidential systems, deliberately wish to give its chief executive a lot of power within the executive branch. This has not been seen as a healthy feature in the attempt to build democracy in countries such as those in East Africa, and Tanzania in particular (Mallya, 2000: 38 – 40).

The Commonwealth, Poverty Reduction and Good Governance in Tanzania

The Commonwealth and Poverty Reduction

Poverty Reduction in Tanzania

The Commonwealth has the reduction of poverty as one of its key concerns. In his address to the UN General Assembly in September 2005, the Commonwealth secretary noted that:

> One third of the Commonwealth's 1.8 billion people live on less than one dollar a day. Almost two thirds of the world's HIV/Aids cases and maternal deaths take place in Commonwealth countries. More than half of the world's 115 million children without education are to be found in the Commonwealth. That is why the Commonwealth not only has an interest in achieving the MDGs but also a responsibility to do so.

Several strategies have been laid down to address poverty in and by the Commonwealth. One of these has been the support the "club" has had for the Poverty Reduction Strategy Papers (PRSPs). These papers have been produced in some of the member countries of the Commonwealth, including Tanzania. I will briefly look at the Tanzanian PRSPs and the way they link to efforts by the Commonwealth to reduce poverty through the various fora available within the organisation. There are also other ways in which poverty is being fought by the Commonwealth. According to Muna (2000: 1), the World Bank (WB) and the International Monetary Fund (IMF) jointly, in September 1996, agreed and launched the Heavily Indebted Poor Countries (HIPC) initiative. The central aim of the HIPC initiative has been to enable, initially, 41 countries classified as HIPCs to achieve a sustainable debt level within a six-year period and thus offering them an exit from the rescheduling process. In October 1999, Tanzanian officials, consulted officials from these two financial institutions, and conditionally spelt out by the institutions that, under the new Cologne Terms, for an HIPC to quality for debt relief, there must be a Poverty Reduction Strategy Paper (PRSP) which will indicate the commitment to using debt relief for poverty reduction. Furthermore, it was decided that, in order to have a country-owned PRSP, then, a broad range of stakeholders must be included in the preparation of that particular paper. This range would include, for example, Civil Society Organisations (CSOs) including non-governmental organisations (NGOs), community groups, faith-based organisations, academics, the private sector, political parties and so on. Briefly, it was supposed to be a participatory process.

The PRSPs are valid for between three and five years and the government is supposed to present a progress report every year. Tanzania did that and there were two reports in March 2003 and April 2004. Tanzania's PRSP-I had a three-year cycle. In 2005 Tanzania had to come up with the second PRSP after the first had expired over a year earlier. The second PRSP was named National Strategy for Growth and Reduction of Poverty (NSGRP). It was also named in Kiswahili as *Mpango wa Kukuza Uchumi na Kupunguza Umaskini Tanzania (MKUKUTA)*. The MKUKUTA was approved by the cabinet in February 2005 for implementation over a five-year period. As stated in the introduction, the NSGRP is a second national organising framework for ensuring the focus on poverty reduction is high on the country's development agenda. Again, as was the case with other poverty-reduction strategies before it, the NSGRP is informed by the aspirations of Tanzania's Development Vision (Vision 2025) for high and shared growth, high-quality livelihood, peace, stability and unity, good governance, high-quality education and international competitiveness. It is also committed to the Millennium Development Goals (MDGs), as internationally agreed targets for reducing poverty, hunger, disease, illiteracy, environmental degradation and discrimination against women by 2015. It strives to widen the space for country ownership and effective participation by civil society, private sector development and fruitful local and external partnerships in development

and commitment to regional and other international initiatives for social and economic development.

Three fora come to mind when trying to link PRSPs and the Commonwealth: The Commonwealth Parliamentary Association (CPA), The Commonwealth Consultative Group on Human Settlements (CCGHS) and its executing hand, the ComHabitat, and the Commonwealth HIPC Ministerial Forum. I will try and relate these to the PRSPs to show that the Commonwealth is taking the poverty problem seriously.

The Commonwealth Parliamentary Association

The Commonwealth Parliamentary Association (CPA) provides the means for regular communication between members of Commonwealth parliaments. It seeks to promote understanding and cooperation among countries, and study of and respect for parliamentary institutions. The Association pursues these objectives through annual general conferences, regional conferences and seminars, the interchange of delegations, and through publications. The CPA and the World Bank Institute (BWI) carried out a research trying to link poverty, democracy, participation by representation, and conflict and noted that adequate progress towards establishing peace and security is necessary prior to embarking on the PRSP process; and it needed meaningful participation from all stakeholders, including parliament, civil society, trade unions, and the private sector. The study concluded that countries emerging from conflict frequently face particularly acute poverty that is complicated by internally displaced populations, war-wounded and demobilisation of combatants, disrupted production and social infrastructure, a weak security situation and a lack of trust in public institutions. As they emerge from conflict, these countries often face a high degree of political and economic uncertainty that can impede preparation of a full PRSP. As conflict often arises from exclusion from the policy process, it was obvious that parliament, as a multi-party representative institution, has a key role to play in the nexus between conflict and poverty reduction. The study noted that, regrettably, parliament has hitherto neither been seen as a key stakeholder in poverty reduction, nor in conflict prevention and post-conflict reconstruction. Suffice it to say, however, that where parliaments are key institutions in participatory governance, the voices of the poor people more often heard and taken up in the development of pro-poor polices. The conclusion is that the CPA wanted parliament, as a representative institution, to be given more space in the preparation of the PRSPs as well as having a role in post-conflict scenarios. In Tanzania the parliament was given the chance to discuss the first PRSP but the time was perhaps too short.

Commonwealth Consultative Group on Human Settlements

In 1998, the secretary-general established the Commonwealth Consultative Group on Human Settlements (CCGHS). The CCGHS has adopted a Commonwealth goal of *Demonstrated progress towards adequate shelter for all with secure tenure and access to essential services in every community by 2015* and made it a point that shelter should be part of the PRSPs. This goal and objective are indicative of a widespread concern about human settlement issues (including access to basic services), and their link to poverty, and it was thought that the issue of shelter was not being given enough attention in the PRSPs. A partnership between CCGHS, supported in practical ways by agencies from government, local government, civil society and the private sector, was created and called ComHabitat. It aims to assist Commonwealth countries to work towards implementing the Habitat Agenda and achieving the Commonwealth Goal and the related

Millennium Development Goals (MDGs) through networking and advocacy; research and information sharing; and making the CCGHS ministerial process accessible to other partners implementing the UN's Habitat agenda.

The Commonwealth HIPC Ministerial Forum

The Commonwealth also provides for a forum for ministers from the HIPC, the Commonwealth HIPC Ministerial Forum. In this forum ministers from the HIPC, among other things, try to see how they can advance the achievement of the UN's MDGs. In one such forum held in Dar es Salaam, Tanzania, in February 2003, for example, the ministers underscored the importance of PRSPs as a national strategy to achieve the MDGs. Although significant progress had been made in many Commonwealth HIPCs in preparing and implementing PRSPs, ministers recognised the challenges facing establishment of the PRSPs as national expressions of medium-term development priorities. Ministers highlighted the importance of broad consultations as a basis for national consensus and agreed to embed future consultations in the existing institutional framework of the country, including parliament, local and community governments, and civil society organisations. They emphasised the need for costing PRSPs and ensuring their alignment with the budgetary cycle, the macroeconomic framework, and the medium-term expenditure framework. So, it is clear that the Commonwealth helps to bring together policy makers share experiences and generate ideas on how to forge ahead with national development plans – but with a wider international development agenda, like the MDGs, being in focus.

Gender Issues and Gender Budgeting

The Secretariat also pioneered a programme which provides a method of funding for gender equality, the fourth MDG. Gender Responsive Budgeting was launched in 1996 and has since been launched by 30 Commonwealth as well as 30 non-Commonwealth countries, including Tanzania. The aim of gender budgeting is, inter alia, to make sure that the government budget considers the roles played by the two sexes in the socio-economic processes and allocates the "right" amounts to the right efforts directed towards national development. Meena (2004: 3) defines a gender-sensitive budget as one which "demonstrates sensitivity to the differences between men and women, which translate into different privileges, rights and obligations". The initial purpose of introducing such budgets is to qualify and quantify the impact of different elements of national expenditure for both men and women. The next stage ensures that resources are relocated where necessary to benefit both sexes. In Tanzania, the programme has prompted the review of a number of gender-discriminatory laws. The Commonwealth Secretariat has also run seminars in which executives from institutions of higher learning have been initiated into the processes and challenges of mainstreaming gender in curricula and other educational processes of their institutions. Such a seminar was conducted for the Southern and Eastern African countries in Lesotho in November 2005 and the theme was *Promoting Good Governance and Gender Equality in the Public Sector: The Role of Training and Research Institutions.*

Related to the gender dimension of Commonwealth activities is another forum for women, the Parliamentarians Forum on Women and Leadership in a Democracy. This normally operates under the Commonwealth Parliamentary Association because many of its members are women lawmakers from member countries. One such forum was held in Uganda in June 2007 with the support of the parliament of Uganda and the Uganda Women's Parliamentary Association. The two-

day activity was designed to bring together key women parliamentary leaders and key women political leaders to address a number of key issues concerning participation in processes of democratic decision-making within Commonwealth countries. Participants considered international frameworks and commitments and assessed progress, as well as identified gaps and challenges still remaining. There was particular focus on parliamentary initiatives and strategies undertaken, not only to increase the number of women in legislatures but to go beyond numbers, to identify ways in which women can make a greater impact once they enter parliament. The Forum enabled a greater understanding of gender, leadership and democracy within the Commonwealth framework.

The Media

The Commonwealth Media Development Fund (CMDF) offers financial support for programmes designed to help strengthen the broadcast and print media in Commonwealth developing countries. It works in partnership with specialised non-governmental agencies to develop capacity and improve skills and competencies at all levels. The CMDF is supported by contributions from some Commonwealth governments. The aim of the fund is to strengthen the capacity of the print and broadcast media sectors in member countries to raise awareness and inform their target audience on democracy, good governance, conflict resolution/avoidance, peace building; health, including basic health-care issues and HIV/Aids awareness, prevention and treatment; education; economic development and poverty alleviation; human rights, including gender equality, the protection of children's rights and the right to education. These are noble goals and the media have proven to be instrumental in the new democracies in unveiling such vices as corruption, mismanagement, abuse of power by those in public office and so on. As some (including media representatives themselves) have labeled it, this could be the fourth pillar of government, after the executive, the judiciary and the legislature. Support from the Commonwealth to this section of society is, therefore, very much welcome.

Education and Training Programmes

According to the Commonwealth Secretariat, its Education Section's goal is to support Commonwealth governments in their efforts to attain universal, sustainable and high-quality education for all citizens. The Commonwealth is working for a world in which every individual has access to high-quality universal education regardless of their age, gender, socio-economic status or ethnicity.

The education section aims to:

- Achieve Universal Primary Education (UPE) in the Commonwealth by 2015.
- Reduce gender disparities and promote equality in Commonwealth Education by 2015.
- Assist Commonwealth member countries at risk of failing to achieve the Millennium Development Goals.
- Strengthen the education sector's response to HIV/Aids in the Commonwealth and address its impacts on education.
- Improve the quality of education, in particular by addressing the shortage of qualified teachers, promoting tolerance, values of democracy, human rights, citizenship, peace and good governance.

Apart from this wider programme, the Commonwealth has other, smaller programmes tailored for special educational needs. These include the Association of Commonwealth Universities' Scholarships for Academic Staff, which sponsor academics for further training, especially at PhD level. Many scholars from the Africa and other developing countries have benefitted from this programme. But the issue again is "too little for too many".

Human Rights

Human rights have long been at the centre of the Commonwealth's values and its practical interventions, and the Commonwealth Secretariat's work in the field has achieved growing prominence in recent years. The importance attached to human rights specifically is reflected in the enhanced autonomy of the Human Rights Unit (HRU) since its reconstitution in January 2002. The Harare Commonwealth Declaration of 1991 forms the foundation upon which current human rights efforts by the Commonwealth are anchored. The Harare Declaration reiterated the commitment of the Commonwealth to the promotion and protection of democracy, democratic process and institutions, which reflect national circumstances, the rule of law, and the independence of the judiciary. It also committed itself to the promotion and protection of fundamental human rights, including equal rights and opportunities for all. There have been a variety of other germane declarations since then, on various aspects of the Harare Declaration, reinforcing the resolve of the Commonwealth to address the web of human rights issues that need attention in the Commonwealth of Nations.

Among the initiatives taken to make sure that the Commonwealth is at the forefront, has been the establishment of the Commonwealth Human Rights Initiative (CHRI). On its website, the CHRI says that its mandate is *to promote awareness of and adherence to the Harare Principles, the Universal Declaration of Human Rights and other internationally recognized human rights instruments and declarations made by the Commonwealth Heads of Governments as well as domestic instruments supporting human rights in the Commonwealth*. CHRI believes that the promotion and protection of human rights is the responsibility of governments but that the active participation of civil society, acting in concert, is vital to ensuring rule of law and the realisation of human rights. The Commonwealth has shown its resolve to adhere to the principles of human rights by suspending some of its members who fail to honour human rights, such as Nigeria (1995 -1999), and Zimbabwe (2003 – to date).

The CHRI programmes focus on four key areas which are crucial in human rights. These are (right to) information, constitutionalism, police reforms and prison reforms. Actually, the first two provide the basis for the rule of law, transparency, participation and accountability, which are necessary for any good governance. Information is fundamental to the realisation of economic and social rights as well as civil and political rights. Constitutions are the principal keepers of all rights and once the right constitutions are in place, abuses and contraventions are likely to be minimal and when they do occur, corrective measures would be readily available. The other two key areas, police and prison reforms, target the two state apparatuses which so graphically show the way states abuse (or adhere to) human rights principles. These are the instruments which implement orders that translate into action regarding the abuse of human rights. When these are reformed, the promotion of human rights becomes much more straightforward.

Civil Society

The Commonwealth Foundation is one of the institutions established to work for the enhancement of the role of civil society organisations in governance, democracy, sustainable development and culture by strengthening their institutional and human capacity, and creating opportunity and space for partnership, participation, advice and leadership, thereby achieving lasting improvements in the lives of Commonwealth people. Its core values are underlined by the Harare Declaration of 1991, which include democracy and good governance, respect for human rights and opportunities for all, gender equality, access to education and training, poverty reduction, environmental protection and sustainable development. The Foundation has as its partners, governments, intergovernmental organisations, the private sector and civil society organisations.

The Commonwealth Games

The Commonwealth Games is the one event that brings together sportsmen and women from all over the Commonwealth. Economic, social, cultural and political benefits accrue from the Games, depending on who is doing what. The hosts will certainly have to invest a lot but there are also gains to be made. Those who congregate for the Games have the chance of creating networks for friendship as well as cooperation in areas of mutual benefit. The Games can also be used as a political weapon, whereby countries contravening the "club" norms can be suspended or refused cooperation as far as the Games are concerned. In general one can say that the Games offer an opportunity for countries to share experience, cultures and friendship.

The Commonwealth, Elections and Conflict Resolution in Tanzania

The Commonwealth – through the Commonwealth Observer Group (COG) – has been one of the regular election observers in Tanzania (see the National Electoral Commission, 1997: 72, 2001: 79 and 2006: 78). The International Human Rights Group (1984: 13 - 20) notes that the justification for sending any observer mission to an election is fourfold. First, it relates to the fact that the mission is independent, impartial and objective; second, it encourages participation in the electoral process; third, it assists in ensuring the integrity of the electoral process, and finally and most importantly, it evaluates the human rights situation in the country, which may bear upon the legitimacy of the electoral process. The Commonwealth has done so in Tanzania without fail in the past three multiparty elections. The COG's only criticism every time has been that they stay for too short a time. Preference is given to election monitors who stay on the ground from the start of the registration period to the time results are announced. They then have a better chance of evaluating the entire process and to give a more objective evaluation of the processes involved. However, observers do a good job on the voting day.

The Commonwealth secretary-general has used his Good Offices to successfully defuse tensions in a number of Commonwealth countries in recent years. They include Zanzibar in the United Republic of Tanzania. Since 1995, the Commonwealth has been involved in the quest for a lasting solution to the political impasse in Zanzibar. In June 1999, the Commonwealth successfully brokered an agreement between the ruling Chama Cha Mapinduzi (CCM) and the main opposition party, the Civic United Front (CUF), only part of which was implemented. In the process, the Commonwealth worked with the government in facilitating the implementation of the peace agreement (*Muafaka* in Kiswahili) between the governing party and the opposition, and the Commonwealth remained the moral guarantor of that agreement. The agreement was not honoured.

The CCM governments through the National Electoral Commission (NEC) and the Zanzibar Electoral Commission mismanaged the 1995 and 2000 Zanzibar elections. A standoff ensued between the ruling party CCM and the main opposition party, the CUF. There was a threat to peace. After the 1995 elections, which the Commonwealth observers labeled as a shambles, various donor countries (especially in the European Union) froze aid programs to Zanzibar, but the government survived the aid freeze. The sanctions appeared to be merely a gesture of discontent and disappointment, it wasn't really meant to be observed strictly. For one, Tanzania and Zanzibar in particular, continued to benefit from donor assistance offered to the United Republic of Tanzania with a Zanzibar component.

As a matter of fact, it was business as usual, as if nothing happened, after the elections in Zanzibar were mismanaged again in 2000. Moreover, while everybody knew that the Tanzanian (Union) government was also culpable for the failure of elections in Zanzibar, no country imposed aid sanctions on the Union government for the failed elections in Zanzibar neither in 1995 nor in 2000. This kind of response from the international community did not contribute to make the two governments more responsible for guaranteeing subsequent "free and fair" elections. The 2005 elections were also controversial as far as Zanzibar was concerned. It seems the government of Zanzibar has found that it can get away with anything. It crushed the Commonwealth-brokered agreement of 1999 with absolutely no consequences. It has been sabotaging the CCM-CUF accord of 2001 and willfully failing to live to its promises of executing fully all the articles of the accord. It was only in September 2007 that the main opposition party in Zanzibar presented an ultimatum to the Union government that, unless the government of Zanzibar implemented the 2001 accord, especially the issue of government of national unity, it was going to withdraw from the talks about the implementation of the accord by a government-sponsored bipartisan team (from CCM and CUF). Withdrawal from the talks was simply because the opposition felt that, among other things, the CCM was postponing the talks until the 2010 elections became due, when they could postpone the key issue of a government of national unity and concentrate on new elections. The threat from the opposition was withdrawn after the Union president requested that the talks continue and an assurance that theUnion government was serious about the accord and the situation in Zanzibar. It is unclear when the talks will yield results that will diffuse the tensions in Zanzibar. However, the Commonwealth did intervene in the period after the first multiparty elections in Zanzibar, but it looks like more could have been done by the "club".

The Commonwealth and Tanzania: An Evaluation

A Success Story?

At some point the former Malaysian prime minister, Dr. Mahathir Mohammed, commented on the Commonwealth, saying it was a Commonwealth where wealth was not so common. This says a lot about the chasm that exists between the member states of the Commonwealth when it comes to economic development, political development, as well as social development. As indicated above, the Commonwealth has beautifully designed and well thought-out programmes. But the issue is the capacity to execute the ideas ***in all or in most of the needy member countries!*** The problem seems to be the number of able countries which contribute more to the coffers as opposed to the multitude of poorer countries which need every one of the programmes that are currently running, and any others that are likely to come up in the foreseeable future. Tanzania is one of those that contribute less in comparison, because contributions are pegged on national economic strength. There is,

therefore, one big challenge facing the Commonwealth, and that is to make wealth common amongst the members.

Having said that, there is so much that is well thought out, but there is crisis as far as deliverables are concerned. Little is being gained from the Commonwealth by the poorer countries, but the benefits of cooperation should not be belittled by Commonwealth critics. First, the Commonwealth has provided the stage for peoples from all member nations to sit down and deliberate on issues of national and international dimensions which also touch each other individual nation in one way or another. Such forums are very important. Talking is one of the first steps towards solving problems. Knowing what others think and knowing what has led some to do what the other side believes is inappropriate is important. It is from this knowledge that further steps can be taken. The dictum has always been that "one should not be judged before he/she has been given chance to defend themselves". This also applies to nation states and their leaders and this opportunity is provided by the CHOGM that is held every two years.

Second, many of the programmes have had an impact on the lives of millions of people. These range from those in education, health, to technical cooperation. In fact, many of the programmes address aspects of the UN's Millenium Development Goals. There are the educational programmes that seek to increase the quality of education in the member states. There are other programmes which offer specific training for participants, especially from poorer countries. These are, in some cases, invaluable, like training for Ph.D.s for universities in developing countries. Tanzania has had a good number of her citizens trained by such programmes under the Association of Commonwealth Universities. The problem is, of course, it has not been enough and maybe modalities need to be worked out so that universities in the more advanced member countries can offer more spaces for candidates from the developing countries. All these programmes are valuable, but the problem is that they do not impact on the common man and woman in the street directly. Furthermore, the scope and extent of these programmes leaves a lot to be desired because it forms part of a collective effort of which the results cannot be ascribed to the Commonwealth alone.

Third, the principles that member states are expected to adhere to are all of value to the peoples of the member states. States have ready-made principles that, when followed, are likely to lead to the gains ascribed to the fashionable term "good governance". Issues related to human rights, transparency, fighting corruption, democracy, and gender equality are at the core of the principles of the Commonwealth. One of the most important conditions for good governance to be realised is the presence of regular free and fair elections. The Commonwealth has always sent its observer missions to Tanzania's elections (see URT, 1997, 2001 and 2006; as well as the Tanzania Election Monitoring Committee (TEMCO), 1997 and 2000), and the observers have expressed their opinions when they found that things were not being done according to the rules! The 1995 and 2000 general elections in Zanzibar are a case in point. The Commonwealth Observer Group labeled these elections shambles.

Fourth, "naming for shaming" can be applied to sanction members who do not adhere to the principles of the association. While we know that the Commonwealth does not have an enforcement mechanism, actions such as suspension subtly painful for states that face such sanctions. We are aware that, in some regional and world bodies where sanctions can be enforced, there have been cases of non enforcement as well! But the fact that the sanctions are internationally agreed upon has some impact.

Fifth, the use of the good offices of the Commonwealth has had some impact in the diffusion of conflicts in various places, including Tanzania Zanzibar, as was discussed above. There are several other cases where the Commonwealth has intervened too.

A Problem Case

Much as the Commonwealth does not have teeth, it has the symbolic stick of excluding those who do not adhere to the norms and practices that are acceptable. Yet this stick has not been used effectively against some members. In the case of Tanzania, the issue of election mismanagement and the suppression of civic liberties went unpunished. The 2001 police violence against peaceful demonstrators in Zanzibar, in which dozens of people died, went unpunished. Although development partners suspended aid to Zanzibar, and this did not have any significant effect because Tanzania (the United Republic) was receiving aid and passing it to Zanzibar. In fact, the Union Government should not have remained unpunished because it could have done much to solve the problem. The National Electoral Commission (for Union parliamentary elections) had a hand in the mess; the ministry responsible for the Police Force is a Union ministry; and the ruling party has extensive powers over the Zanzibari leadership. But there was no rebuke from the Union government about what was happening in the Islands! And, the Commonwealth did nothing to that effect either.

Violation of human rights in Tanzania has been the order of the day. But for some reason Tanzania is seen as an "island of peace" by many outsiders. There may be no major events like civil war, political upheavals and so on which carry headlines in news bulletins across the world, but when it comes to human rights violations it boils down to an individual, individual family or individual community suffering loss. Many individuals have suffered losses in Tanzania and little has happened in terms of the Commonwealth taking action. These violations range from disrespect for human dignity, denial of civic liberties, various types of discrimination, to suppression of workers' rights. What needs to be noted here is that the Tanzania Government has legislation in place that provides for punishment of offenders in this area, but the government's enforcement machinery has let the people down, and little is being done to correct this anomaly. If one looks at the state of human rights in Tanzania, whether by external sources like Human Rights Watch and Amnesty International, or from internal human rights organisations like the Legal and Human Rights Centre (LHRC), all rights are being violated. These range from:

- Unlawful deprivation of life (by the police force or people's militia as was the case in Zanzibar in 2001; cases of mob justice and people's militia meting out punishment, leading to death, is common in some regions);
- Torture while under police custody (this is normal when the police want to extract information);
- People going into exile (as was the case in Pemba after the 2000 elections for fear of the state);
- Delayed justice (people remaining in custody for years rather than sixty days as stipulated by law on the pretext of the investigation being incomplete);
- Denial of peaceful assembly and association (opposition political parties are denied the right to hold rallies for lame excuses like "there are not enough police officers to keep the peace");
- Domestic violence is widespread (where enforcement of the relevant law has proven to be difficult, sometimes because of outdated customs);

- Denial of freedom of expression (the banning of a book in 2000 titled "Mwembechai Killings and the Political Future of Tanzania". However, the book was posted on the Internet and anyone could access it);
- Appalling prison conditions (some cases have been reported of remandees dying while in jail, as was the case in November 2000, when 17 remandees died of suffocation while in a cell in Mbeya region, where 112 prisoners were accommodated in a 30-person cell);
- A judiciary that is riddled with corruption;
- Child labour and forced migration (with the influx of mining companies there has been forced removal of people from their traditional lands, paving the way for investors, and child labour is rife in the mining areas).

The list could go on but Tanzania is considered one of the "nice guys" by many international forums, including the Commonwealth. That is why she has not faced the stick, like some of the other members have. But the picture is not so rosy as one would imagine. More needs to be done to help the victims of such violations.

A Future Commonwealth?

It could be a simple exercise to advise the Commonwealth to institute tenets to provide it with the authority to address transgressions like having a constitution, having binding conventions and so on. But the way things are, it will complicate matters which are already complicated. Taking East Africa as the case in point, this is a part of the world where economic development is wanting. If it is to make a difference, then the Commonwealth will have to engage more in economic activities, signaling the signing of some protocols that are binding. But we already have a complicated situation with the East African Community regarding the Common Market for East and Southern Africa (COMESA) and the South African Development Community (SADC). Getting more protocols especially for economic cooperation could throw the region into chaos. Belonging to too many blocs can be counterproductive. Maybe, therefore, the Commonwealth should remain as it is, for the moment. As it is now there are many issues on the Commonwealth agenda that overlap with the agendas of those world bodies with enforcement mechanisms. We have seen that the Commonwealth supports the attainment of the UN's MDGs. One practical way the Commonwealth could advance the promotion of its core ideals as entrenched in good governance would be to act as a bloc in international bodies of which the members are part. Other actors on the international scene, like the major financial institutions and regional bodies like the AU and EAC, emphasise the presence of good governance as well. So supporting these actors would indirectly assure the Commonwealth of some movement towards attaining the ideals it is fighting for.

As it is, the Commonwealth has no constitution or charter, and as a result critics have given this as the reason for its lack of influence and enforcement capacity and/or mandate. In other world bodies like the UN, the Commonwealth rarely acts as a bloc, and unlike the United Nations, Commonwealth members have no contractual obligations, but members commit themselves to the statements of beliefs set out by heads of government. However, this is a kind of "gentlemen's club" where influence is attached to the possible socio-economic benefits one can reap from being "gentle". Nevertheless, the stick and carrot are not applied equally to those who violate the norms! The decision, in 1995, to set up the Commonwealth Ministerial Action Group (CMAG), comprising eight ministers whose function is to deal with governments which persistently violate Commonwealth principles, is a welcome step. As it is, the CMAG can propose punitive collective

measures such as economic sanctions or suspending wayward members. Examples are available of cases where it has worked. The Commonwealth, for example, was in the forefront of fighting apartheid in the 1980s. In 1995 it suspended Nigeria's membership after the military regime demonstrated high levels of human rights violations including passing a death sentence on a political activist, and in 2000 it suspended Fiji after the overthrow of the elected government. Zimbabwe was suspended in March 2002, after elections which observers said were marred by violence and intimidation. Later, in 2003, the suspension was extended after Zimbabwe's land redistribution policy exhibited grave human rights violations. On balance, more countries should have been on this list, so that greater effort can be directed towards achieving good governance and the ensuing instances of observance of human rights, constitutionalism and democracy, rule of law, political inclusion, and transparent and accountable government.

Bibliography

1. Bukhari, B. (2003) Key Human Rights Issues Before the Commonwealth of Nations, Paper presented at the Commonwealth Human Rights Forum (CHRF), 3 December Abuja.
2. Mallya, E.T. (2003) "The State of Constitutional Development in Tanzania – 2000, Dar es Salaam: In Shivji I. (ed.), Constitutional Development in East Africa for Year 2000: (E & D), pp. 33 – 59.
3. Meena, R. (2004) Overview of Gender Budgeting Initiative (GBI) Process. In Tanzania Gender Networking Programme (TGNP), Gender Budget Analysis In Tanzania 1997 – 2000, Dar es Salaam: TGNP. Pp.1 – 17.
4. Tanzania Election Monitoring Committee (TEMCO) (1997) The 1995 General Elections In Tanzania : Report of The Tanzania Election Monitoring Committee Dar es Salaam: TEMCO.
5. TEMCO (2000) The 2000 General Elections In Tanzania : Report of The Tanzania Election Monitoring Committee, Dar es Salaam: TEMCO.
6. TEMCO (2000) The 2000 General Elections In Tanzania : Report of the Tanzania Election Monitoring Committee, Dar es Salaam, TEMCO.
7. United Republic of Tanzania (URT) (1997) The Report of The National Electoral Commission On The 1995 Presidential and Parliamentary Elections, Dar es Salaam: NEC.
8. United Republic of Tanzania (URT) (2001) The Report of The National Electoral Commission On The 2000 Presidential and Parliamentary And Councillors' ' Elections. Dar es Salaam: NEC.
9. United Republic of Tanzania(URT) (2006) The Report of The National Electoral Commission On The 2005 Presidential and Parliamentary and Councillors' Elections. Dar es Salaam: NEC.
10. United Republic of Tanzania (URT) (2005) National Strategy For Growth and Reduction of Poverty (NSGRP), Vice President's Office, Dar es Salaam, June. Available at: http://www.tanzania.go.tz/nsgrf.html; accessed 12 October 2007.
11. United Republic of Tanzania (URT) (2002) Poverty Reduction Strategy Paper , Progress Report 2000/01, Vice President's Office, Dar es Salaam, August.
12. Muna, R. (2000) Civil Society Participation in the PRSP: A Case Study of Tanzania Dar es Salaam: Tanzania Coalition on Debt and Development (TCDD).
13. Evans, A. and Ngalwea E. (2001), "PRSP Institutionalization Study: Final Report. Submitted to Strategic Partnerships with Africa.
14. International Human Rights Group (1984) Guidelines For International Election Observing . Washington: McGregor and Werner, pp. 13 – 20.
15. Website: www.thecommonwealth.org, accessed between 12 October to 22 October 2007.