

Analysis of how a poorly formulated national constitution affect the process of getting good leaders and consequently good natural resources' use: The case of Tanzania

Prof. Mlambiti, M. E.

St. Augustine University of Tanzania, Faculty of Social Sciences and Communication, Department of Economics, P. O. Box 307, Mwanza, Tanzania

Email: nmelchior@hotmail.com



Author

Prof. Mlambiti, M. E.

St. Augustine University of Tanzania, Faculty of Social Sciences and Communication, Department of Economics, P. O. Box 307, Mwanza, Tanzanian

Email: nmelchior@hotmail.com

Abstract

Although Tanzania is a resource rich country, throughout the country's history, its natural resources' wealth has not translated into the economic well-being of the majority of the rural poor population. For almost the past fifty years or so Tanzanians have been asking themselves as to why the process of development in the country has been evolving at such a very slow rate relative the potential the country has in terms of natural resources which it has. According to the African Economic Outlook (2009), Tanzania's economy is dependent on the agricultural sector which accounts for over 40% of GDP, provides 27% of the exports, employs over 74% of the work force and accommodates 80% of the poor rural households. The 2011 Poverty and Human Development Report stated that the growth of the agricultural sector which has been regarded as the backbone of the country's economy has been lagging behind other sectors during the past decade or so. The question often asked is what is the cause of this situation? This paper attempts to show that the type of leaders and the process of getting them is the major cause of having non-development oriented leaders and consequently poor use of the endowed natural resources and hence slow rate of the country's economic growth and development by applying the Tanzania economic development model which states that the country's economic development depends on the type/form of the state, leadership quality, enacted national policy and efficient use of its natural resources.

Key words: Politics, leadership, resource utilization, economic development.

Introduction

Concepts and definition of terms

Classical economics: According to the traditional economics, free markets are the basis for full employment of resources. This line of thinking goes back to the era of Adam Smith (1776).

According to Mlambiti (2006);

Politics: Is defined as the conducting of or participation of political affairs, often as a profession.

Political: Refers to as of or concerned with government, the state or politics.

Leadership: Refers to the position or guidance of a leader or the ability to lead.

A leader: Is a person or thing that leads; directing, commanding, or guiding head as of a group or activity.

Resources: Are things that a country, a state, etc. has and can make use to its advantage i.e. to produce goods and services for the society.

Economic development: Is defined as a process by which a population increases its efficiency with which it provides the desired goods and services, thereby increasing per capita levels of living and general wellbeing.

Pseudo-capitalist: A person who acquired wealth by virtue of his/her position in the government by corrupt means

To be Kolimbared: To be eliminated politically for a political cause or reason.

According to Akerlof and Shiller (2009), the term Animal spirits in its ancient and Medieval Latin form spiritus animalis, the word animal means “of the mind” or “animating”. It refers to a basic mental energy and life force. But in modern economics animal spirits has acquired a somewhat different meaning; it is now an economic term referring to a restless and inconsistent element in the economy and it refers to our peculiar relationship as human beings (leaders) with ambiguity or uncertainty we face. Sometimes we are paralyzed by it. Yet at other times it refreshes and energizes us, overcoming our fears and indecisions.

Background

The Country's Political situation

Tanzania is a unitary, democratic, secular and de jure socialist state. Unlike most of its neighbors, Tanzania–mainland has enjoyed relative political stability since attaining independence in 1961 (Wikipedia, 2015). This is part of the legacy of its first president, Julius Nyerere, who led the one-party state for 24 years until his resignation in 1985 (Wikipedia, 2015). Since then, a two-term presidential limit has been in place. As per the directive of the Bretton Woods Institutions, political and economic

reforms were implemented in the 1990's (Wikipedia, 2015).

Tanzania enjoys political stability and has continued to maintain its reputation for peace. With civil and political rights entrenched in the Constitution and a policy of decentralization by devolution, regular elections have ensured that the government follows the majority voice (Wikipedia, 2015). Yet recent developments are cause for anxiety, as contested election processes and outcomes and bans on political rallies in 2011 and 2015 have sometimes led to political hostilities and recent violence against journalists raises concerns about the safety of the media as well as of the critics of the government functioning. In the face of growing allegations of intra party corruption, the ruling Chama Cha Mapinduzi party in 2011 introduced a transformational agenda aiming to eradicate corruption from its ranks (Wikipedia, 2015).

Despite progress, several issues pose challenges to Tanzania's democratic governance. These include the dominance of the executive, despite the separation of power enshrined in the Constitution; allegations of corruption and inefficiency against the judiciary; and exceedingly restrictive legal framework and institutional arrangements in the Well-functioning multi-party system (Wikipedia, 2015). The constitutional review which was initiated principally to address these issues stalled due to the ruling party's worries that if approved, it was going to lose power in the coming national elections.

Problem Statement

Although Tanzania is a resource rich country, throughout the country's history, its natural resources' wealth has not translated into the economic well-being of the majority of the rural poor population (TNRF/TRAFFIC, 2009). For almost the past fifty years or so, Tanzanians have been asking themselves as to why the process of development in the country has been evolving at such a very slow rate relative to the potential the country has in terms of natural resources which it has. Since its independence in 1961, Tanzania has had five reigns of elected leaders (Presidents) and each reign has its own effect on the growth of the economy and so the livelihood of the people. Mwl. Nyerere had 25 years of leading the country and was very successful in creating a society which was socially balanced but economically weak due to restrictive production policies of socialism (Ujamaa) and self-reliance (Kujitegemea) (Nyerere, 1967). Mwl. Nyerere was succeeded by Mr. Ali Hassan Mwinyi who realized that the policy of Socialism and Self-reliance was a non-starter and opted for a lazier fair type of policy with no specific declared vision but the economy started to recover. Mr. Benjamin Mkapa, who succeeded Mr. Mwinyi, however, felt that the problem of slow economic growth faced by the country was caused by the state being involved in the economic production activities and consequently decided to adopt the policy of redistribution of public entities (para-statal organizations including government owned houses) in the name of privatization policy and created national (local) pseudo-capitalists. Although during Mr. Mkapa's

reign the economy improved substantially but not as desired since the reduced inflation rate was attained by restricting money supply and not by increased productivity. Mr. Jakaya Kikwete who succeeded Mr. Mkapa continued with the policy of laissez faire of a free agent type by having no interference in peoples' affairs except when it concerned state interest a situation which resulted in lack of accountability by the government civil servants consequently the rich got richer and poor got poorer. The fact is that all the presidents were elected by the people and are supposed to get the economy grow fast but why has this not been the case in Tanzania? This is the puzzle which this paper tries to give an answer.

Research Objectives

Main Objective:

To show how a poorly formulated national constitution affects the process of getting good leaders and consequently good use of natural resources.

Specific objectives:

- To describe the process of national election since independence
- To identify factors that contributes to election of poor national leadership
- To show the relationship between leadership and the process of utilization of the country's natural resources and hence national developments

Methodology

The paper is an outcome of a person's particular attitude of being very much concerned with the national economic development of the country since its independence in 1961. Thus, the methodology used in this study is a combination of induction, deduction, political inclusion (participatory by being involved as parliamentary candidate for Ulanga West constituent since 1995 to 2010 as NCCR Mageuzi 1995 candidate; TLP candidate, 2000 and 2000 and Chadema candidate, 2010) and secondary sources of information both written and spoken

Study Findings and Interpretation

The study's findings have been discussed under the following two sub-topics:

- The process of national election since independence
- Factors that contribute to election of poor leadership

- i. The ruling party's main objective and exclusion of peoples' participation
- ii. Rampart corruption
- iii. One party favored constitutional set up

The process of national election since independence

No. 13 of the Electoral Laws, section 10 of the Principal Act (amended) states that "For purposes of registration of voters under this Act, every city Director, Municipal Director, Town Director and District Director shall be a Registration Officer for the Local Government Authority. The Commission may from amongst public officers appoint by office or name such number of Assistant Registration Officers for the purpose of registering voters. This section shows that the process of election is supervised by government officials and not a private and independent body. This is one of the loopholes which the party in power has been using to its advantage as the officials would likely feel obliged to serving the ruling party (government) as their employer and the citizens. In short, in Tanzania, the whole government machinery works for the ruling party a situation consolidated by the Party Supremacy decree of 1977.

Factors that contribute to election of poor leadership

- i. The constitution

The procedure for the election of President Art. No. 20 of 1992; Art No 5, Act. No. 34 of 1994, Art, 41(7) states "When a candidate is declared by the Electoral Commission to have been duly elected in accordance with this Article, then no court of law shall have any jurisdiction to inquire into the election of the candidate". This section of the constitution has been applied by National Election Commission (NEC) to declare CCM as a winning party in two periods of 1995 and 2000 in Zanzibar and 2010 and 2015 results in Mainland Tanzania causing a lot of discontents among the voters.

- ii. Immunity from criminal and civil proceedings Act. No. 15 of 1984; Art. 9 Act No. 20 of 1992 Art. 7, Art. 46(3) states "Except where he ceases to hold the office of President pursuant to the provision of Art. 46(10), it shall be prohibited to institute in court criminal or civil proceedings whatsoever against a person who was holding the office of President while he held office of President in accordance with this constitution". This portion of the law encourages a president to do whatever he/she wants during his/her presidency which is absurd and promotes irresponsibility and laxity in the leadership.
- iii. In 2006 April - High Court outlaws traditional practice of entertaining candidates during elections. Critics of "Takrima" - the giving of tips -

said it encouraged corruption. This practice of entertaining electorates by candidates during the election periods called “Takrima” was legal prior to the year 2006 when it was declared illegal after having noticed that it affected the ruling party’s within/internal elections forgetting candidates to stand against opposition candidates as the opposition parties’ candidates were stronger and powerful.

The ruling party's main objective and exclusion of peoples' participation

Although from the onlooker’s point of view one can say that the ruling party’s main objective is to bring economic development to the people, in practice and in reality, the ruling party’s main objective is to be in power for as long as they can. Thus focus is to have as many members of parliament as possible so as to control the parliament and consolidate the power of the president. This is why the ruling party is ready to do anything in order to maintain the status quo. In order to achieve this status, the ruling party has used different tactics to win the people such as the use of Mwl. Nyerere’s fame, to claim that CCM is the breeder of the nation’s peace status, that CCM is peoples’ party, critics of the government to be hunted and threatened or Kolimbared, etc. In so doing CCM (the ruling party) excludes a large population of the country from both political and economical participation hence denying them to contribute to the development of the country.

Rampant corruption

In Tanzania there are two main forms of corruption. These are the Money corruption where the election candidates use cash to buy voters cards’ or votes and the Power corruption where the ruling party uses its power to suppress the activities of the opposition parties and citizens that criticize the system of governance of the government. Moreover, during the election period the government uses the whole system of police, security department, civil servants and judiciary to its advantage.

Thus in order to maintain the status of being in power for as long as it can, the ruling party had been very lenient with the fight against corruption because it is the ammunition used by the authorities to get into power and maintain it. Corruption in the election period was labeled as Takrima and was legalized until April 2006 when it affected the election system within the party. In fact corruption was so rampant that it was practically impossible to get even one basic government service in government offices like hospitals, police, schools, etc.

One party favored constitutional set up

The nation’s constitution that is currently in use was meant for a one party government system and amended in 1977 again as for a one party and has been amended several times more to suit the multi-party system that was adopted in 1992. .The amendment made to suit the multi-

party system did not change the section that forbids any appeal against the presidential result once announced by the NEC. This article of the constitution favors the party in power and has been used in all the elections including the 2015national election in Zanzibar and mainland Tanzania.

A new constitution was expected to have been adopted before the general election via a referendum that had been postponed. The final draft of the proposed constitution includes the establishment of an independent electoral commission and will allow dissatisfied candidates to challenge the results in the High Court within seven days of the pronouncement. The government mishandled the process of getting the new constitution because it knew that if passed it would not have won the then coming elections.

The Tanzania's economic development model and the leadership problem

Conceptual framework

The model assumes that, economic development depends on the country’s political set up which in turn affects the type of leaders put in power who make policies which determine how resources are utilized affecting the production process and hence process of economic development (Mlambiti, 2006 and 2014, Aloice and Mlambiti, 2013). This reasoning approach leads to the establishment of the Tanzania’s economic development model as shown in Figure 1.

The model

The Tanzanian economic development model states that attainment of a desired socio-economic development depends very much on the type/form of the state (form/type of government or politics), leadership quality (power wielding form), national policies and the natural factors of production. Figure 1 shows the organogram of the model and given here below are its propositions that show the causal relationship between the above stated factors of production.

The propositions of the model

- D = f (R)..... i
- R = f (P)ii
- P = f (L)iii
- L = f (C)iv
- C = f (S).....v

Where:

- D = Economic development
- R = Rate of resource utilization
- P = National policies
- L = Leadership (power wielders or governance)
- C = Societal involvement (state/degree of democracy)
- S = The State (ruling party or politics)

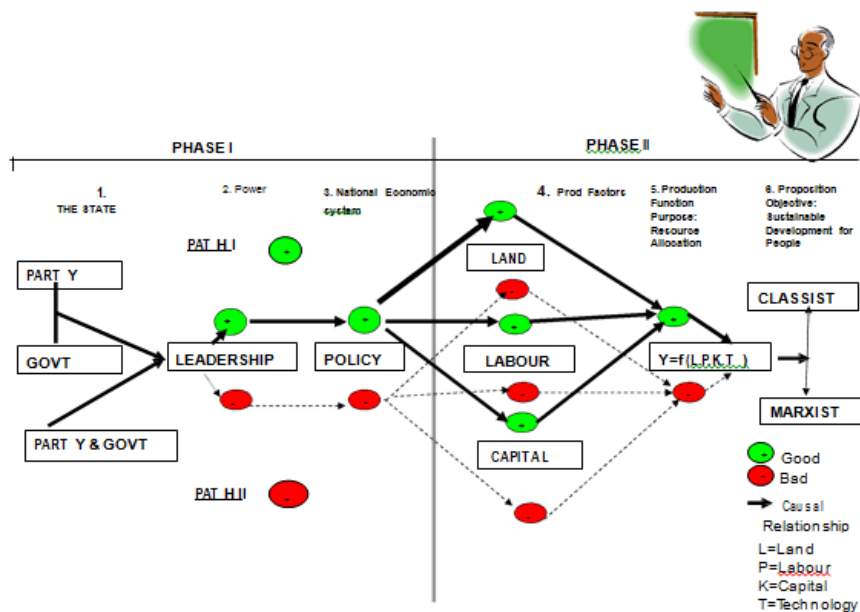


Figure 1: Organogram of Tanzania's development model

Note: Leadership has a key role in determining pattern and pace of economic development. If the leadership is committed to development, it will adopt and implement a suitable economic policy therefore offer a positive impact. If it is not committed, development won't be achieved. The choice of leadership is therefore important in the development process.

Phases and paths of the Tanzania economic development model

The analysis of possible causes is based on Figure 1 which is an organogram of Tanzania's economic development model. The model has two phases of development process each is composed of three components. Components of phase I are (i) the state (form of government), (ii) leadership (power wielders), and (iii) the national policy (economic system) while those of phase II are (i) factors of production, (ii) the production process and (iii) the propositions. Depending on the form of government adopted and the type of leaders selected by the ruling party, the country may have two development paths which could result into negative or positive development outcome.

The state is formed by the ruling party which has the mandate to appoint the leadership that forms the government (power wielders). Thus, the way how the leadership is obtained determines/influences the development process because leadership is responsible for formulating national policies (economic systems) which affect the rate of utilization of factors of production according to the given/chosen production function designed to meet the set national objectives that are determined by the leadership (or the society in case of a democratic system). The leadership may set policies for example on safe environment as well as on sustainable economic development by manipulating the various propositions of the model.

Therefore, the process of development can take positive or negative path depending very much on the

policies enacted and implemented by the leadership in place and the way the policies are implemented (the governance). Good leadership and governance means having a positive path which results in effective use of the natural resources and consequently improved and sustainable development, while bad leadership and governance means having a negative path which results in poor use of the resources and hence retards the development process.

Determinants of efficient use of resources

Factors in phase I are the principle determinants of the effective use of the factors of production (natural resources) found in phase II. Most developing countries are in fact caught up in phase I. Unfortunately this is the phase that has been receiving the least attention and effort by the rulers of most developing countries for known reasons (power mongers). Many people seek political position not for the sake of getting economic development rather than for personal gains in the case of Tanzania it is for the for making sure that CCM remains in power for as long as it can. As long as the state (public) is unable to provide the needed conducive developmental environment in phase I, all efforts made in phase II will bear either temporary gains or none at all.

In most cases leadership has a paramount role to play in the development process because it is the leadership that formulates the policies which have a direct effect on the rate of resource utilization and hence on increased production, development and environment. Furthermore, it is the leadership that sets the objectives and is

responsible for implementation and supervision of developmental programmes. However, selection of the leaders depends very much on the state (the ruling party)-hence emphasis on having democratic or good governance coupled with active participation of the society's elite is of paramount importance to all developing countries. If the ruling party (regime) has a good system of getting the right leaders, as is the case with most developed nations, then there is greater chance of attaining a fast and sustainable economic development. However, if it does not, as is the case with most developing countries Tanzania among them, then there is greater chance of attaining slow and unsustainable economic development.

Conditions for having a conducive environment

Efforts must be put on phase I by having transparent mechanisms of getting good leaders for the country particularly the president of the country that is let the people make a free choice of their leaders regardless of the level of their education. This can be achieved by giving power to the people through a fair, unrigged electoral system accompanied by mass education on human rights.

Using Tanzania's Inflation Growth Rate Trend Analysis to Illustrate Phases of the Country's Economic Development Growth for the Period 1970-1996 (Aloice and Mlambiti, 2013)

The first phase covers the 1960-1970 periods, which can be characterized as a stability and growth phase. The average growth rate of GDP was 5.6% and the inflation rate was single digit (2.83%). (Moshi and Kilindo 1999).

The mini-recession phase of 1973-1975 was characterized by a significant decline of the economy, from the earlier average of 5.6% to an average of 4.1%. The inflation rate increased moderately from 7.6% in 1972 to 10.2% in 1973, before surging to 19.7% in 1974. In 1975, a peak inflation rate of 26.5% was reached. The mini-recession was caused by the 1973/74 oil shock combined with a severe drought (Moshi and Kilindo, 1999).

During the third phase, 1976 to 1978, the economy grew at an average of 6.6%. The inflation rate declined from 26.5% in 1975 to an appreciable low level of 6.7% in 1970. The rate remained below 12% before jumping to 30.3% in 1980 (Moshi and Kilindo, 1999)

The fourth phase had economic stagnation and decline that characterized the first half of the 1980s. Only 0.8% of average annual real growth rate of GDP was achieved during this period, and there were negative real growth rate in some years (1981 and 1983). Annual rate of inflation were above 26%, reaching a peak of 36.1% in 1984. The economic decline can be explained by increased resource gaps as evident by import compression, the rise in the debt service burden and the reduction in foreign resource inflows (Moshi and Kilindo, 1999)

The fifth phase, This represents the period since 1986 to 2015. This is the recovery period. The highest annual

rate of 6.1% real GDP growth was recorded in 1987, with the average growth for the period at 3%. Indeed, this rate is lower than that of 1966-1975 (3.8%), but higher than that of 1981-1985 (0.7%); (Moshi and Kilindo, 1999).

Conclusion and recommendations

Conclusion

This paper tries to show that the problem of getting good political leaders in the country has been caused by:

- i. Having a national constitution that protects illegal election practices by forbidding presidential election results not to be contested at any court of justice within and without the country and
- ii. Having national election commission that is composed of and run by government officials who are accountable to the ruling party and not to the public.

It should be noted however, that the process of the electoral system determines the type of leaders a country may have and how the leaders so obtained affect the effective utilization of the resources of a given country and that the choice of good leaders depends on the degree of peoples' participation in the whole process of the national election system which a given country adopts. Tanzania although is a peaceful country, has not taken advantage of the national peace which it enjoys and use it to impact economic development because apparently the main objective of the ruling party is to be in power as long as it can and not to enhance economic development by being ready to change the national constitution and the national electoral structure.

The Tanzania economic development model however, shows that in order to have proper use of natural resources, the country needs to have good leaders who formulate good policies that affect proper utilization of the resources so as to increase the country's productivity and hence attain good economic development. The country's slow rate of development is a sign of having poor leaders evidenced by having poor electoral system though apparently is claimed to be very democratic.

Recommendations

In order to have a free and fair election system, the country should:

- i. Have a new constitution that does not legalize illegal election practices and that has been drafted by involving all the people to air their views
- ii. Have a national election commission that is not be composed of government officials but by a free independent organ that is accountable to the public and can be sued for malpractices.

If these recommendations are implemented, the country will have a true democratic electoral system that will result

in having leaders that answerable to the people and not to the party as has been the case up to now.

References

- African Economic Outlook. Org (accessed 15/10/2014 14/6/2016)
- Akerlof George A. and Robert J. Shiller (2009). *Animal Spirits: how human psychology drives the economy, and why it matters for global capitalism*. Princeton University Press. Princeton) and Oxford
- Aloyce Andrew and Mlambiti M.E. (2013). Using time series analysis to show the effects of politics, leadership, and resource utilization on economic development as stated in the Tanzania economic development model.
- Mlambiti, ME. (2006). *Politics, Leadership, Resource Utilization and Economic Development in Tanzania From Julius Kambarage to Jakaya Kikwete: Strengths and weaknesses*. A paper presented at The Nyerere Day Seminar held at Mzumbe University, Morogoro, 14th October, 2006.
- Mlambiti, ME (2014). *Effects of Animal Spirits on Resource Utilization and Economic Development: The Case of Tanzania*
- Moshi, HPB and Kilindo A.A. L. (1999). "The impact of government policy on Macroeconomic variables: A Case Study of Private Investment in Tanzania
- Nyerere, J.K. (1967). *The Arusha Declaration and TANU'S Policy on Socialism and Self-Reliance*. Published by Publicity Section, TANU< Dar-Es-Salaam
- Smith Adam (1976). *An Inquiry Into the Nature and Causes of the Wealth of Nations*. London. London, Lock, Bowden & Co.
- TNRF/TRAFFIC, (2009). *How Tanzania's Natural Resources Contribute to Poverty Reduction: An analysis of MKUKUTA outcome (2005 -2009)*, (Tanzania Natural Resource Forum Report)
- United Republic of Tanzania (2004). No. 13 of 2004 Act to amend Electoral Laws in order to facilitate the establishment of the NATIONAL Permanent Voters' Registry and for other related matters.
- United Republic of Tanzania (1994). *Procedures for the election of President* Art. No. 20 of 1992; Art. No. 5 Act. No. 34 of 1994, Art, 41(7)
- United Republic of Tanzania (1992). *Immunity from criminal and civil proceedings* Act. No. 15 of 1984; Art. 9 Act No. 20 of 1992 Art. 7, Art. 46(3).
- Wikipedia (2015). *Tanzania-general-election*. Available on <https://en.wikipedia.org/tanzania-general-election,-2015#cite; accessed 18/06/2016>