STATUS OF THE MEDIA INFORMATION ACCESSIBILITY AND THE CIVIL SOCIETY IN TANZANIA AS WEAPONS IN THE FIGHT AGAINST CORRUPTION

1.   Introduction:

The Report of the Presidential Commission on Corruption commonly known as the Warioba Commission Report[1] categorised corruption in terms of petty and grand corruption. Petty corruption involves low ranking civil servants and it involves small sums of money. The result of this type of corruption is that processing of documents and provision of other services may be delayed if the providers are not given something to speed up the process. Grand corruption is mainly practised by politicians and high ranking public officials and it involves large sums of money. Normally laws, regulations and policies are bent or changed to suit their demands or to create an environment conducive to such corruption. Such money may be used for political purposes or deposited in local or foreign accounts. Another form of categorising corruption is in terms of political corruption and socio-economic corruption. Political corruption usually involves practices by politicians of maintaining their political positions through corrupt means. The most common situation of political corruption is during elections when politicians strive to maintain their political positions by making sure that they win the elections through corrupt means including bribing voters with cash money or things such as clothes, bicycles and so on[2]. In some cases some incumbent Members of Parliament and even Local Government Councellors influence voters through long terms investment in development activities as construction of schools dispensaries, roads and water pipes. Socio-economic corruption involves the so-called petty corruption of receiving money bribes for the provision of services and grand corruption for financial accumulation purposes.

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[1] United Republic of Tanzania (URT), 1996, The Presidential Commission on Corruption Report; Dar es Salaam: Government Printer.

[2] Mpangala, G. P., 2002, Growth of Corruption in Zanzibar Elections of 1995 and 2000; In: Chambua, S., et al (eds), 2002, Multiparty Elections and Corruption in Tanzania: With Special Reference to the 2000 Elections; Dar es Salaam: Dar es Salaam University Press.

Corruption is an aspect that is globally recognized as an evil and that is why most governments in the world have varied strategies of fighting against corruption. The TCCIA (The Tanzania Chamber of Commerce, Industry and Agriculture) research report has elaborately outlined economic hazards of corruption[3]. One hazard is that corruption reduces welfare of a society. This is because corruption disrupts free market forces, it has negative effects on society's production and that it diverts welfare from society to individuals. The second economic hazard is that corruption results into inequitable distribution of income. This is because few politicians and high ranking officials use their positions corruptly to accumulate wealth to the effect that an unequal distribution of income is produced in society.

The third hazard is that corruption is likely to retard socio-economic development of a society or a country. This is because corruption discourages the production of goods and services because workers at work places become discouraged and demoralized and thus their productivity is greatly reduced. Again, in most cases wealth accumulated through corrupt means is not invested for development. The tendency is for the accumulators to indulge in luxurious consumption and construction of luxurious buildings that have no contribution to development. Furthermore, corruption is likely to discourage donors from providing aid to a country whose corruption levels are high, and thus affect the pace of development.

Besides the economic impact there is also a political impact of corruption. First, corruption is likely to cause latent or even violent political conflicts. This is because as noted above corruption results into inequitable distribution of income and thus resulting into a big widening gap between the rich and the poor. Such a situation is likely to cause discontents which can erupt into conflicts. Second political corruption in elections has dual effects. One effect is that it causes a crisis of legitimacy of the elected representatives and the government.

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[3] TCCIA, 1995, Corruption and Drug Trafficking in Tanzania: A Social Economic Analysis; Dar es Salaam: Popular Publishers Ltd.

In connection with that it makes the election to be not free and fair and hence undemocratic. This is likely to retard the building of democracy and good governance. Furthermore, political corruption has direct linkage with socio-economic corruption. This is because an individual who gets into a position of political power through corruption, let us say, in elections is most likely to indulge in practices of economic corruption in the course of his or her discharging his or her leadership duties. In his foreword in the book titled: "Multiparty Elections and Corruption in Tanzania" edited by Samwel Chambua, Vincent Kihiyo and Gaudens Mpangala in 2002, Major General A. R. Kamazima, the Director General of the Prevention of Corruption Bureau (PCB) had the following to say on political corruption:

> Corruption, viewed as a dangerous and increasingly widespread phenomenon of our times, is a disease of society, around the globe, that is particularly serious, critical and traumatic in political activities and obviously in political actors. The loss of ethical and moral values, social insensivity, political violence, election fraud and favouratism are expressions of political corruption that raise doubts as to the legitimacy of a democratic political system. One may ask, how can a political system have a solid foundation in legitimacy when political parties and electoral processes are the most outstanding expressions of political corruption?[4].

It has to be noted however, that the fight against corruption has for a long time been dominated by governments and their agencies in most countries. In recent years, particularly during this era of globalization and democratization the positive roles of the media and the civil society in the fight against corruption has been internationally recognised. On the media it has, for instance, been pointed out that in developed countries such as Japan, Italy, Great Britain and so on the role of a vigilant independent press and mass media at large is critical in helping to expose corrupt public and private officials.

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[4] The book titled: Multiparty Elections and Corruption in Tanzania as indicated in footnote 2 above was a result of a joint research between the PCB and the Institute of Development Studies, University of Dar es Salaam.

On the civil society there has been international, African and regional concerns on how the civil society should play a vital role in fighting corruption and promoting good governance. In 1999 the Department of Economic and Social Affairs of the United Nations organized a Conference on "Governance in Africa: Consolidating the Institutional Foundations[5]". In that conference it was pointed out that civil society organizations (CSOs) should be partners to the state in governance and that their increasing role in governance should be strengthened in the context of the current political transitions. If the strengthening process succeeds the "civil society will have played a historic role in strengthening the institutional foundations of good governance in Africa".

Furthermore, the organization of African Unity (OAU) convened a special conference on the civil society in June 2001 titled: "OAU CIVIL SOCIETY CONFERENCE" in Addis Ababa. The report of the conference shows that among other things great emphasis was placed on the role of the civil society in Africa in the promotion of democracy and good governance which includes the fight against corruption. Likewise Conferences of the Great Lakes Region, one in 2002 held in Kampala and the second in 2004 held in Arusha in September and in Dar es Salaam in November[6] took the contribution of the civil society at a special position in the contribution towards peace and security and democracy and good governance. Thus given the current perception of the roles of the media and the civil society this paper is relevant and timely.

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[5] The United Nations Department of Economic and Social Affairs, Division for Public Economics and Public Administration; New York, 1999.

[6] The Kampala Conference of 2002 was organised by the Mwalimu Nyerere Foundation and Funded by the Government of Uganda. The Conferences of Arusha and Dar es Salaam were sponsored by the UN and the AU and organised by the Ministry of Foreign Affairs and International Relations, the Government of Tanzania. The Arusha Conference gave input of the Civil Society.

2. Efforts of the Government of Tanzania in the Fight Against Corruption:

The history of corruption is such that it has been growing since the time of independence in 1961. Thus the government efforts to fight the evil has also been growing and expanding. The establishment of the Presidential Commission on Corruption in 1996 followed by a comprehensive programme by the government established in 1999 to combat corruption were culminations of a long historical process of government efforts to combat corruption. The 1999 programme as part of the effort to implement the Warioba Commission's report is called "The National Anti-Corruption Strategic Action Plan (NACSAP). Let us have a look briefly at the historical perspective.

The efforts began soon after independence in 1961. At that time Tanzania inherited an anticorruption legislation enacted by the British colonial government in 1958. This legislation is indicative of the fact that the problem of corruption had began during the colonial era. Although we are not sure of the magnitude of corruption at that time it is asserted that much of the corruption tendencies were experienced at lower and middle levels of the colonial civil service. In the late 1960s corruption began to emerge as a serious problem. In 1966 the Permanent Commission of Inquiry (Ombudsman was established as a machinery and mechanism to combat corruption).

The first post-independence anticorruption law was passed in 1971 intended to arrest rapid growth of corruption after independence. It was the Prevention of Corruption Act. This law was followed by the establishment of the Anticorruption Squad in 1975. However, before the measures of 1971 and 1975 political and ideological measures had been taken in terms of the Arusha Declaration to establish the Policy of Socialism and Self-Reliance in 1967. Among other aims and objectives of the introduction of the policy of socialism was a response to the rapid personal enrichment that grew during this period.

The strategies to combat corruption during this period were not effective because first there was no national framework and the Anticorruption squad was a small unit with little capacity. Worse still civil society organizations such as peasant cooperatives and trade unions were not autonomous as they were under the control of the state and the party. The policy of socialism had greatly reduced and weakened the private sector.

In 1983 the Government mounted a serious campaign against economic saboteurs throughout the country in order to deal with corrupt elements including black marketers. This campaign arose out of the nature and character of corruption that grew during this period which was mainly in form of hording commodities for very high profit realization and illegal cross border commodities transactions. From the second half of the 1970s to the mid 1980s like other African countries Tanzania experienced a serious economic crisis which brought about this type of corruption. Through the campaign a lot of horded commodities were confiscated. Thus in 1983 the Economic Sabotage Act was enacted but it was quickly repealed and replaced by the Economic and Organised Crimes Act of 1984. This Act was used to carry out a national operation to root out corruption.

Despite those steps corruption continued to grow and spread at all levels of the society. In 1989 a team was commissioned to enquire into corruption. The report of the team showed that corruption had grown to high proportions. The next step by the government was taken in 1991 when the Anticorruption Squad was transformed into the Prevention of Corruption Bureau (PCB). Steps to strengthen the PCB were continued in 1995. In that year the Government enacted the Public Leadership Code of Ethics Act No. 13 of 1995[7]. In the 1995 general elections corruption became a serious campaign issue. Soon after having been elected President of the United Republic of Tanzania, President Benjamin William Mkapa appointed the Presidential Commission on Corruption under the leadership of Judge Joseph Warioba on 17th January, 1996. The report of the Commission was very comprehensive and it outlined the state of corruption in the country in

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[7] URT, 1995, The Public Leadership Code of Ethics Act No. 13 of 1995: Principal Legislation (Revised Edition); Dar es Salaam GovernmentPrinter.

the various Government Ministries, departments as well as other sectors of the economy and social services. The report further showed that corruption had continued to grow and that it was entrenched in the society.

It has to be noted, however, that the various anticorruption steps taken during the 1990s as pointed above were a response to the growth of corruption under new conditions of rapid socio-economic and political changes and reforms from the late 1980s to the 1990s. From 1986 economic reforms through Structural Adjustment Programmes (SAPs) began to transform the economy from its state centred socialist orientation into liberal oriented market economy through liberalization and privatization. The wave of democratization culminated into the introduction of the multiparty political system in 1992. These changes brought about new changes of corruption in which grand corruption began to take the form of growth of special relationship between political leaders on one hand and the corrupt businessmen on the other.

We take the Presidential Commission on Corruption of 1996 as a culmination in the government strategies because that was the beginning of very comprehensive strategies by the Government to fight against corruption. It also happens that that was the time when corruption had reached high levels of growth, and that was the time of the beginning of political and socio-economic reforms. After Tanzania had adopted a multiparty political system in 1992 the first multiparty elections were held in 1995. During the campaigns of the elections one of the promises made by presidential candidates was to fight against corruption once they won the elections. Thus when Benjamin William Mkapa won the elections through the CCM ticket in October, 1995, one of the promises he decided to implement was to fight against corruption and the first step was to establish the Presidential Commission on Corruption early 1996.

Under the Chairmanship of Judge Joseph Warioba it produced a very comprehensive report with substantial recommendations after having made a serious study of the situation of corruption in the country. Following the Warioba Commission Report the Government began to make plans as to how best could the recommendations be implemented. Among the steps taken the most important was the establishment of the NACSAP Programme in 1999 and the various mechanisms of implementing it. In the year 2000 the Good Governance Coordinating Unit (GGCU) in the President's Office under a Minister of State on Good Governance was established. During the same year a directorate of research, control and statistics was established in the PCB to widen its scope of prevention functions. Another important step was to establish the aspect of "Strengthening Capacities to Combat Corruption in Tanzania" (SCCCT) sponsored by UNDP through its Good Governance Section or Department to support the government in developing institutional policy for NASCAP implementation. In 2001 steps were further taken to create "focal points" at each Ministry Department and Agency (MDA) with a focal person whose duty is to submit reports to be published periodically by the GGCU. Recently the focal point approach has been changed now committees of about four people have been established instead of the focal point individuals.

The NACSAP is a very comprehensive strategy of the government in the fight against corruption in Tanzania. A brief on progress of good governance programme published by the United Republic of Tanzania (URT) in June 2001 indicates that the NACSAP was prepared through a participatory approach involving the Government and the CSOs including Non-Governmental Organizations (NGOs). The commitment of the government of Tanzania to fight against corruption is further confirmed by the fact that Tanzanian has ratified a number of international conventions in the fight against corruption, Which include the UM and AU conventions.

Considerable achievements have been realized. The Warioba Report itself was an important aspect of national self-criticism. About 20,000 "ghosts" have been removed from the civil service, 800 revenue collection officials have been dismissed for suspicion of corruption and senior government officials have been retired from ministries, departments and parastatal organizations on public interest. Such steps have also been carried out on magistrates.

It has further been illustrated that between 1995/96 and 2000/2001 financial years the number of staff removed or dismissed on ethical grounds in various departs was 656 in customs, 476 in VAT, 338 in Income Tax, 15 in Tax Investigations and 7 at the Headquarters of the Tanzania Revenue Authority. On 12th April, 2005 a Former Minster for Works was acquitted of corruption charges by the High Court and earlier acquitted by a magistrate's court in 2003. He was prosecuted with his permanent secretary and a contractor on allegations that they had been involved in corruption connected with road construction in 1992.

Despite these achievements the period has greatly bee characterised by shortcomings. First there has been little publicity on the measures taken and achievements made. Thus most ordinary people have little knowledge on what has been going on. Second, most of the success stories have been on petty corruption, and very few on grand corruption. The government has demonstrated apparent inability to tackle grand corruption. Thirdly, there appears to be little political will to seriously fight against corruption so far. Furthermore, the views of various stakeholders interviewed by a consultancy team show that corruption in Tanzania is still rampant and it has permeated in all sectors of the society. There is a danger of taking corruption as a normal way of life of the society whose implications in terms of development are very serious.

As the SCCCT 2004 final report indicates, although PCB has been strengthened it lacks the required autonomy to be able to carry out its duties independently and more effectively. The PCB's process of engaging the civil society and the private

sector is still weak. The coordinating role of the GGCU needs much to be desired. The quarterly reports of the GGCU have little publicity. The MDA activities have not produced effective results.

What appears obvious and apparent is the fact that throughout the history of the efforts of the state to fight against corruption there has been very little direct involvement of the media and the civil society. We just see the involvement of CSOs in establishing the NACSAP through a participatory approach and not in its implementation. In its functions the PCB is expected to involve the civil society but the final report of the 2004 SCCCT, UNDP sponsored study shows that the PCB's process of engaging the civil society and the private sector is still weak. In the following sections we shall, therefore, examine the status of the media and the civil society as weapons in the fight against corruption in Tanzania.

3.   **The Media as A Weapon in the Fight Against Corruption:**

The status of the media information accessibility presupposes existence of two important aspects of the media. These include independence or freedom of the media and its social responsibility[8]. In the history of the media in the World media experts have identified two theoretical frameworks. The first framework constitutes theories which best work in liberal democratic or quasi-democratic societies. This constitutes four models: the libertarian the social responsibility. The second theoretical framework constitutes theories that best work or operate in dictatorial or quasi-dictatorial societies. This framework was commonly used in communist countries such as the Soviet Union before the disintegration of the communist system Eastern Europe and also in one party authoritarian regimes in Africa and elsewhere. This framework constitutes two models: the authoritarian and the Soviet models.

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[8] Ngatunga, R., 2006, "The Contribution of Newspapers Coverage in Enhancing Democratic Elections in Tanzania: A Study of 2005 General Elections in Dar es Salaam; Dar es Salaam" M. A. Dissertation, IDS, University of Dar es Salaam.

History of the media in Tanzania since independence shows that after independence, particularly during the one party era Tanzania as well as many other African countries adopted the theoretical framework used in dictatorial and authoritarian societies. Arising out of that the media was supposed to support the ruling party and the government and because of that the media came under their increasing control. John Barton, quoted by Stevenson[9] (1988) observed that "as political freedom came to Africa, press freedom disappeared". As a result even the number of media institutions in Africa got greatly reduced. It was reported, for instance that the number of newspapers in Africa declined by half from 1960 to the end of the 1970s. In 1964 there were 220 daily newspapers, but by the beginning of 1977 the number was only 156. It has also been observed that there were more radio stations in Africa before independence than after independence. For example by 1960 there were 72,000 radio stations in Africa, but that number greatly declined after independence.

This means that after independence, particularly under one party system the media not only lost freedom and independence but even the number of media institutions got greatly reduced and put under the ownership and control of the party and government. In Tanzania by 1967 there were only 4 daily newspapers and these were the Standard, the Nationalist, Ngurumo and Uhuru and there was only one radio station which is Radio Tanzania Dar es Salaam (RTD). There was no television station only in Zanzibar where the television station was established in 1974. This situation continued up to the 1980s when there were only two government owned newspapers, that is the Daily News and the Sunday News, two party owned newspapers, that is Uhuru and Mzalendo and the one government owned radio station (RTD). This means that freedom of the press was greatly limited and under such a situation it was not easy for the media to play the role of a weapon in the fight against corruption.

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[9] Stevenson R., 1988, Communication, Development and the Third Word: The Global Politics of Information; New York: Longman.

During this period of the one party system the authoritarian approach to the media was guided by a number of policy frameworks. These included the Charter that nationalized the Daily News / Sunday News newspapers in 1970, the Information and Broadcasting Policy I and the Information and Broadcasting Policy II. In order to foresee the implementation of these policies the ruling party, TANU, established a mass Media Committee.

With the adoption of liberal economic and political reforms Tanzania had also to adopt libertarian social responsibility free press and democratic participation models of the media. Economic reforms mainly began with the adoption of Structural Adjustment Programmes (SAP) from 1986 and political reforms with the adoption of the multiparty political system in 1992. However, it was mainly from 1992 that changes began to be observed both in terms of the number of media institutions and the nature of ownership and relative freedom. In terms of numbers for instance in Tanzania Mainland radio stations increased from one in 1962 to 30, and television stations from 0 to 30 by 2003 (URT, 2003a). The number of daily and weekly newspapers increased from only 4 to about more than 30 during the same period. In terms of ownership most of these are privately owned.

The media reforms have also concerned with efforts to improve the quality of the media institutions by expanding and raising training facilities for the media profession. Before the 1990s Tanzania had only two mass communication training institutions. These were the Catholic Church owned Nyegezi Social Training Institute (NSTI) which offered certificates and diplomas in journalism and the government owned Tanzania School of Journalism (TSJ) which also offered certificates and diplomas. In 1996 the NSTI started to offer advanced diploma in Journalism and in 1998 it started to offer bachelor degree in mass communication under St. Augustine University of Tanzania (SAUT). Later SAUT began to offer postgraduate masters degree in mass communication. The TSJ also began to offer advanced diploma in journalism. After its affiliation to

the University of Dar es Salaam it has began to offer a bachelor degree in mass communication. There are also a number of other new colleges which offer certificates and diploma.

In addition to training institutions media reforms have also given rise to the establishment of a number of media associations in Tanzania[10]. Some of these include the Tanzania Union of Journalism (TUJ), the Tanzania Media Women Association (TAMWA), the Media Council of Tanzania (MCT), the Environmental Journalist Association (JET), the Tanzania Media Youth Development Association (TEMEYODA), the Photographers Association of Tanzania (PAT), and the Media Owners Association (MOA).

In addition to the Tanzania associations Tanzania is member of a number of regional media associations and institutions and which include the Media Institute of Southern Africa (MISA) which was established in 1992, the Southern African Broadcasting Association (SABA), the Nordic SADC Journalism Trust (NSJT) and Regional News Agencies. All these local and international associations and institutions are aimed at making a contribution in terms of raising the quality of media communication and ensuring the growth of media freedom and independence and media social responsibility. These are important qualities to enable the media play the role of a weapon in the fight against corruption.

However, despite the reform processes the media in Tanzania is still characterised by a number of weaknesses and shortcomings which are likely to hinder the possibility of playing such an anti-corruption role much more effectively (Ngatunga, ibid: 11 and 13). First the high quality of the media has not been fully realized. The tendency of the media owners is to hire cheap labour of people with low level training or without training at all. Thus many well trained and qualified journalists are forced to seek employment outside the media profession. Worse still even if the media owners employ less trained and qualified personnel, yet most of them do not give on the job training.

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[10] Ngatunga, R., op.cit, pages 11 – 13.

The second shortcoming constitutes lack of sufficient civic education to the masses which can enable them raise their knowledge and awareness on issues of corruption. The lack of sufficient civic education is due to the fact that both the public and private media do not provide enough space for the common people and common people issues. The annual report of the state of Corruption in Tanzania was quoted by the Poverty and Human Development Report (2003) as saying:

> "The media has been captured by the rich and powerful in politics and business who do not want their affairs to be critically observed, scrutinized and reported by the media". This means that there is a tendency whereby the rich and powerful people are shaping the coverage of the media through private payments to the media executives or individual journalists. This means that many rich people get themselves covered by the mass media even if their stories have no news values in educating the majority of the people. This situation is worsened by the fact that there is a growing tendency of the private media to be monopolized by a few media owners. It is difficult for the media to effectively fight corruption if itself develops corrupt tendencies.

Furthermore, despite the problem of civic education on the masses, there is serious problem of accessibility of the media to the masses, particularly people living in the rural areas. In these areas people do not get newspapers and do not watch televisions sets. At least the few who have radios can get some information through the radio.

The other shortcoming constitutes lack of high level development of media independence and freedom. There is no doubt that the media reforms discussed above have resulted into relative achievement of media independence and freedom compared to the era of one party political system. But the level of freedom and independence is not enough to enable the media to play vital roles including the role of a weapon in the fight against corruption. This tendency is much more reflected during elections. Reports on media coverage during the 2005 general elections shows that both the public and private media, but the public media in particular had a tendency of favouring the ruling party. The following statement confirms this view:

> Mass media institutions which are owned by the government despite the fact that they greatly improved their news on the political parties which participated in the elections of 2005 compared to the elections of 2000, yet they gave more time and space to the ruling party, CCM. Even the candidates of CCM were given more time compared to candidate of all other political parties put together. The functioning of the private media was not unique as it very much depended on who owned the media institution. However, most of the private media institutions showed tendencies of favouring the ruling party intentionally or due to failure of observing their responsibility" [11]

It was further observed that both government and private media institutions gave more space and time to the ruling party compared to the opposition parties during the elections. For instance CCM was given 77 hours and 114 minutes by televisions from 18th August to 31st October, 2005. The party that followed was the Civic United Front (CUF) which got only 19 hours and 6 minutes, while CHADEMA got only 17 hours and 40 minutes. The situation was worse with the remaining political parties. According to a United Nations Report the government owned media should give equal opportunity and coverage to all parties and all people and that such media should avoid as playing the role an instrument of propaganda for the government or any political party and should also avoid segregating some political parties and some groups in the society[12].

Thus lack of sufficient media freedom and independence is likely to be a big hindrance to the fight against corruption. Under such a situation media information accessibility can be greatly hampered. For the media to make independent investigation and inform the public on issues of corruption, particularly when it involves grand corruption there is need to have media which is of high quality, free and independent and responsible. Otherwise the tendency can be investigating and informing the people only on petty corruption.

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[11] Shoo, G., 2006, "Vyombo Vya Habari (The Media); Dar es Salaam: REDET.

[12] TEMMP, 2005, Tanzania Election Media Monitoring Project 2005; Final Report, Dar es Salaam.

4. **The Civil Society as a Weapon in the Fight Against Corruption:**

In examining the role of the civil society as a weapon in the fight against corruption we shall look at four things. First we shall try to understand the concept of the civil society. This is so because the concept has undergone a long historical debate and discussion. Second, we shall look at the status of the civil society in Tanzania. Third we shall look at the political position and role of the civil society and how it interacts with the state. And lastly we shall examine its direct role as a weapon in the fight against corruption.

In Africa the process of democratization from 1990 has brought a discussion and debate on the concept of civil society and its role in the building of democracy. During the debate it has been recognized that civil society is a product or development of state systems in the World, which resulted into the growth of contradictory relationship between the state and the non-state society. It is arising out of such contradictory relationship that the civil society emerged in order to resolve the contradictions between the two[13].

The emergence of the civil society was, therefore, in form of institutions and organizations created out of the non-state society. Friedman (1995:6-7) pointed out that the civil society constitutes organizations that are autonomous from the state and that they interact with it but without having an intention to take over the state. They are basically non-government and community-based organizations.

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[13] 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.

Furthermore, civil society has been explained as an aspect where manifold social movements and civil organizations from all classes attempt to constitute themselves in an ensemble of arrangements so that they can express themselves and advance their interests. In the context of this conception broadened the concept of civil society by identifying a number of characteristics. One characteristic is that civil society is a public realm between the state and the family because it is distinguished from the household arena and the state. It is public because also it involves collective action in which individuals joint to pursue shared goals.

The second characteristic of civil society is that it is distinguished from political parties, elections and the legislature which constitute elements of political competition. The third characteristic is that the civil society has special relationship with the state such that the legitimacy of the state should be derived from the civil society. Lastly the civil society should be excluded from informal private trade and manufacturing entities[14].

Civil Society Organizations constitute various groupings[15] are well organized CSOs such as trade unions and peasant cooperatives and those which are unorganised such as vigilante, user and burial solidarity groups. Second, are groups known as Non-Governmental Organizations (NGOs) which act as a go between the state and the society. NGOs are organizations that are officially established and run by employed staff and well supported by local or international funding. They are relatively large and well resourced. NGOs can further be divided into advocacy NGOs which are concerned with the influencing of public policy and service NGOs which are concerned with social service delivery.

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[14] Bratton, M., 1994, "Civil Society and Political Transitions in Africa"; In: Haberson, et al, Civil Society and the State in Africa; Lynne Rienner Publishers.

[15] Mallya, E. T., 2005, "Civil Society Organizations (CSOs) Relations With the State and Political Parties; Dar es Salaam: REDET.

The social service NGOs are also referred to as "operational" NGOs such as CARITAS, CARE and OXFAM. Other organizations that act as go-between the state and the society are known as Community Based Organizations (CBOs) or grassroot organizations (GROs). These are different from NGOs because they are smaller and often membership based organizations operating without paid staff and often reliant upon donor or NGO support. They are normally issue based.

As regards the status of the civil society it has been pointed out that the situation of the Civil Society in Tanzania has not been different from most other countries in Africa. The African civil society is facing many problems and that it is not fully developed. However, the civil society in Africa has been growing from pre-colonial period to the present [16]. The growth of the civil society became greater during the colonial period due to the colonial political oppression and exploitation. The 30 years of post-independence period under one party and military regimes there was considerable stagnation and even retardation in the growth of the civil society in the continent. It was from mid-1980s to the present that a new growth of the civil society in Africa has been experienced.

Likewise in Tanzania most known civil society organizations (CSOs) were established during the colonial period. In Tanzania Mainland we have examples of the Tanganyika Civil Servants Association (TCSA) and the Tanganyika African Association (TAA) formed in 1922 and 1929 respectively. In Zanzibar CSOs such as the African Association, the Shirazi Association, the Arab Association and the Asian Association were formed. Peasant Associations and cooperatives were formed from the 1920s and 1930s, particularly in cash crop producing areas. The Kilimanjaro Native Coffee Growers Association formed in 1925 and which after the Cooperative Societies Ordinance it was transformed into the Kilimanjaro Cooperative Union (KNCU) provides a good example. Workers in various work places formed trade unions. In 19955 the various trade unions came together to establish an umbrella trade union called the Tanganyika Federation of Labour (TFL). During the nationalist struggle for independence

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[16] Mallya, E. T., 2005, ibid, page 6.

most CSOs joined hands with nationalist political parties to fight for national independence. This was the time when CSOs in Tanzania became very vibrant.

As was the case with the media the period after independence up to mid-1980s the civil society experienced high level of state control. It has been observed that after independence "the honeymoon between CSOs and the ruling party, TANU, was shortlived"[17]. This was the period of the emergence and growth of ideological institutions associated with the process of nation-building such as national unity and national development. Organizations such as trade unions and peasant cooperatives came to be affiliated to the ruling party while other organizations such as the Teachers Association were abolished.

From mid-1980s Tanzania began to enter into a new phase in the development of CSOs. Although the one party political system continued from mid-1980s to 1992, yet the enthusiasm to establish more CSOs began to grow. Among the factors included the peak of the economic crisis which made people take new initiatives, the withdrawal of the state from monopolizing the economy and the provision of social services due to the SAPs, and the growing demands for political and socio-economic changes. Thus the number of CSOs began to emerge and grow, some of which became movements demanding for democracy in general and multiparty politics in particular.

The adoption of multiparty politics in July 1992 accelerated the proliferation of CSOs. Between 1980 and 1993 the number of non-governmental organizations rose from 41 to 224 and between 1993 and 1996 the number shot up to more than 600. By 1998 the number had risen to more than 1,000 registered organizations. By 2001 the number of local and international NGOs under TANGO as an umbrella organization was 294 and 29 respectively. By now (2006) there are more than 6,000 registered NGOs in Tanzania.

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[17] Mally, E. T., 2005, ibid, page 20.

Furthermore, CSOs in Tanzania are placed in a number of categories. One category constitutes origin of the organizations. This means they constitute both local and foreign CSOs. In terms of membership some are membership based while others are not membership based. Such organizations are usually elite based NGOs whose structure is normally top-down. Another categorization include grass-root, district, regional or national CSOs. NGOs such as TANGO and TACOSODE are apex or umbrella organizations. While some are issue based, others deal with a number of issues. Another categorization is in terms of registration. While some are registered, others, particularly CBOs are not registered[18].

Discussion of the situation of CSOs in Tanzania cannot be complete without examining policy issues. It has been pointed out that the Tanzania Government has not an overall policy on CSOs. Its policy is limited to NGOs and it has excluded other types of CSO as the following observation indicates:

> The new NGO Act seems to have singled out only one form of civil society organizations, NGOs, for definition, and has excluded other forms of association life in civil society. Both the NGO policy and the new NGO law exclude from the definition of NGO trade unions, social clubs, and sports clubs, political parties, religious or faith propagating organizations and community – based organizations. Although such other forms for example community – based organizations may not be formal in the legal sense they quality as civil society organizations nevertheless. The National NGO Policy and the new NGO law clearly have exacerbated the problem of legal definition and classification of civil society organizations[19].

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[18] Kamata, N., 2005, "Classification of Tanzania Civil Society Organizations"; Dar es Salaam: REDET.

[19] Makaramba, R. V., 2005, "The Legal Environment of Civil Society Organizations (CSOs) in Tanzania Mainland"; Dar es Salaam: REDET.

The above quotation indicates that the Government has no CSOs policy and an CSOs law, but only NGOs policy and law. The National NGO policy was passed in 2001. The policy was intended to harmonise NGO policy including reducing the number of institutions that register NGOs into few. The National NGO Policy became the basis of enacting the NGO Act No. 24 of 2002. The main objective of the NGO Act is: "An Act to provide for registration of Non-Governmental Organizations with a view to coordinate and regulate activities of Non-Governmental Organizations and to provide for related matters[20]". One important feature of the NGO Act is that it has proposed the establishment of two important organs, that is the Non-Governmental Organizations Coordination Board and the National Council for Non-Governmental Organizations. The former is a Government institution, and besides coordination of NGOs it will also be responsible for the registration of NGOs. The later will be an umbrella organization for all NGOs. It will also be responsible for the formulation of the code of conduct for NGOs.

Both the NGO policy and the NGO Act have been highly critised by CSOs. The first shortcoming is that they have excluded CSOs which are not NGOs. This means that whereas there is an NGO policy and law, there is no CSOs policy and law except the colonial Societies Ordinance of 1954 which has now been changed into a Societies Act. Second the policy and the Act are said to be top-down and that they are against the constitution (Makaramba: 9 – 10). The NGO Act is against the constitution because while the constitution stipulates freedom of association and assembly the Act has imposed considerable regulations and restrictions on NGOs and CSOs in general. For example the NGO Coordination Board has been given considerable powers to approve or refuse registration of an NGO. The Board has also the power of suspension or cancellation of an NGO that has been already registered. The Act has also empowered the Minister to make regulations for NGOs.

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[20] URT, 2002, The Non-Governmental Organizations Act, 2002; Dar es Salaam: Government Printer.

The third criticism is that it has established a registration procedure which is cumbersome and complicated. Although the main objective of the Act is to reduce the number of registration procedures, yet the Act has not repealed the other existing written laws dealing with registrations. This means that there is still a multiplicity of registration procedures. Another complication which has been created by the Act constitutes the fact that all CSOs registered under other laws other than the NGO Act have to apply to the Registrar for a certificate of compliance. Such a certificate can only be granted after satisfying conditions for regulation and definition of NGO. Worse still the NGO Act has so far not been operational.

As regards the political role of the civil society and its relations with the state we observe a number of aspects. We need to recognise the fact that the civil society can play the role of a weapon in the fight against corruption at two levels. The first level involves short-term or immediate measures which include immediate measures such as through criticism and identifying and exposing the corrupt individuals or institutions. The second level constitutes long term measures which include playing a political role in terms of building and consolidating democracy and good governance[21]. It has been pointed out that democratic political competition requires three components, that is the state, political parties and the civil society. In order to ensure participation of the people in the process of political competition it is necessary to forge a strong linkage between the three components.

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[21] Mpangala, G. P., 2006, "The Civil Society"; Chapter to be published in a REDET Book on the 2005 Elections and Democratic Consolidation".

It has to be noted, however, that for the civil society to be able to play a political role effectively and thus contribute to the building and consolidation of democracy, good governance and thus fight against corruption it needs to have a particular relationship with the state. The issue of relationship between the state and the civil society has been a matter of long discussion and debate. It has been argued that the relationship between the state and the civil society greatly depend on the nature and character of the state whether it is democratic, authoritarian or a dictatorial state. Hegel was one of the pioneer philosophers on the understanding of relationship between the civil society and the state. According to him the relationship constitutes the family, the civil society in the middle and the state, with the state being above the civil society [22]. Even if the state was above, Hegel saw the relationship as mutual. Unlike Hegel, John Locke was of the view that the civil society should be above the state because state power can arise only out of the consent of individuals within the society [23].

Kiondo identified three scenarios of state – CSOs relationship. The first scenario constitutes a situation where the state sees the CSOs as being its partner in development and other state's activities. Thus in this scenario CSOs are seen as being supportive of the state. Such activities include those related to advocacy and social welfare. The second scenario is where the state sees the CSOs activities as a threat to its interests. In most cases such activities include those which tend to provide political platform to political opponents, real or imagined. In most cases human rights CSOs and those dealing with gender sensitization happen to be viewed as a threat by the state. The third scenario is one in which the state feels that national security is at risk due to activities of some CSOs. In most cases these include externally funded CSOs including those that are established to carry out some political role such as observing and monitoring elections.

[22] Mhina, A., 2005, Meaning and Scope of Civil Society: Theoretical Literature; Dar es Salaam: REDET.

[23] Sabine, G., 1973, Political Theory; Ithaka.

The three scenarios of CSOs – state relationship discussed above show that depending on the nature and character of activities of CSOs, relationship with the state can be harmonious and in form of partnership or it can be confrontational. Current thinking tends to indicate that there is need for as much as possible for the relationship to be that of partners in development and other activities regardless of the nature of activities of CSOs. Some activities of CSOs cannot avoid being political, and therefore, such institutions cannot avoid politics. Afterall advocacy NGOs / CSOs cannot avoid being apolitical. What should be avoided by CSOs is the fight to get into state power. That should be left to political parties. This does not mean that CSOs that have undesirable intensions for the state and the society should be left to operate freely. Necessary legal measures have to be taken.

The implication of all this discussion on the relationship between the state and the civil society is that to what extent is the civil society free, independent and autonomous to enable it play the role of a weapon in the fight against corruption. Even if the relationship is mutual and harmonious whereby the civil society functions in partnership with the state, the civil society should be autonomous and vibrant so that it has the right power to fight against corruption be it grand or petty corruption without fear.

It has to be noted, however, that some CSOs have began to make efforts to fight against corruption. For example the Campaign for Good Governance (CGG) is closely making follow-ups how Local Government development programmes are carried out with less corruption. Recently three CSOs one of them being the National Organization for Legal Assistance (NOLA) have facilitated the fight against "Takrima", a low that encouraged political corruption during elections. Eventually the High Court abolished that law. Despite these minimal efforts, the Civil Society in Tanzania is still far from playing an effective role in the fight against corruption.

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[24] "Takrima" is a Swahili word which means traditional African hospitality of welcoming and entertaining guests.

5. Conclusion and Recommendations:

5.1. Conclusion:

This paper has at length discussed the situation of the growth of corruption in Tanzania and efforts which have so far been made by the government in the fight against it. It has also discussed at length the position and role of the media and the civil society as weapons in the fight against corruption. It has also been observed that although these institutions have tried to play such a role but the level has still been very low. The central problem is that the tradition of fighting against corruption is still very state-centred.

Since the state-centred approach has not been successful in combating corruption not only in Tanzania but also in other African countries current thinking is that the state has to carry out that task through effective involvement of the media and the civil society. This requires creation of a new legal, political and even socio-economic environment. The change of environment should include the process of forging linkages between the media and the civil society, and the media and the civil society on one hand and the state on the other. Within the context of such linkages the Parliament of Tanzania needs to play a vital role. The Parliament of Tanzania has two advantages. One it is the law-making body and therefore, it is in a position to facilitate the creation of a conducive legal and political environment. The second advantage is that parliamentarians are representatives of the people. It is, therefore, easy to facilitate the forging of links between the media and the civil society on one hand and the state on the other.

In addition to forging linkages internally within Tanzania, Parliament should also forge linkages with other Parliaments in Africa and the World at large. These efforts have began, as exemplified by the membership of the Tanzania Parliament to the African Parliamentarians Network Against Corruption (APNAC) and to the Global Organization of Parliamentarians

Against Corruption (GOPAC). Since corruption is a national, regional and global problem it has to be fought against nationally, regionally and globally.

5.2. Recommendations:

a)   At National Level:

    i)   Promotion and strengthening civic education on the people to develop awareness of the situation of corruption.

    ii)   Promotion of people centred democracy and good governance and transparency.

    iii)   Ensuring fast and equitable socio-economic development.

    iv)   Facilitating the developments of independent autonomous and responsible media and Civil Society Organizations.

b)   At International Level:

    i)   Facilitating exchange of information on efforts and strategies between parliaments, the media and the civil society within Africa and the World at large.

    ii)   Consolidation of existing organizations such as the PNAC and the GOPAC in the fight against corruption.

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APPENDIX I

ABBREVIATIONS

AICC – The Arusha International Conference Centre

APNAC – African Parliamentarians Network Against Corruption.

CBOs – Community Based Organizations

CCM – Chama cha Mapinduzi (Revolutionary Party)

CGG – Campaign for Good Governance

CHADEMA – Chama cha Demokrasia na Maendeleo (A Democratic and Development Party)

CSOs – Civil Society Organizations

CUF – Civil United Front.

GGCU – Good Govemance Coordination Unit

GOPAC – Global Organization of Parliamentarians Against Corruption

GROs – Grassroot Organizations.

JET – The Journalists Environmental Association.

KNCU – Kilimanjaro Native Cooperative Union

MCT – Media Council of Tanzania

MDA – Ministry, Department and Agency

MISA – Media Institute of Southern Africa.

MOA – Media Owners Association

NACSAP – The National Anti – Corruption Strategic Action Plan.

NGO – Non Governmental Organization

NOLA – National Organization for Legal Assistance

NSTI – Nyegezi Social Training Institute

OAU – Organization of African Unity

PAT – Photographers Association of Tanzania

PCB - Prevention of Corruption Bureau

RTD – Radio Tanzania Dar es Salaam

SABA – Southern African Broadcasting Association

SADC – Southern African Development Commission.

SAP -   Structural Adjustment Programmes

SAUT – St. Augustine University of Tanzania

TAA – Tanganyika African Association

TAMWA – Tanzania Media Women Association

TANGO – Tanzania Association of Non Governmental Organizations.

TCCIA – The Tanzania Chamber of Commerce, Industry and Agriculture

TCSA – Tanganyika Civil Servants Association

TEMEYODA – The Tanzania Media Youth Development Association

TFL – Tanganyika Federation of Labour.

TSJ – Tanzania School of Journalism

TUJ – Tanzania Union of Journalism

UNDP – United Nations Development Programme

URT – United Republic of Tanzania

VAT – Value Added Tax

STATUS OF THE MEDIA INFORMATION ACCESSIBILITY AND THE CIVIL SOCIETY IN TANZANIA AS WEAPONS IN THE FIGHT AGAINST CORRUPTION

By

APNAC TANZANIA CHAPTER

DAR ES SALAAM

TANZANIA

Paper to Be Presented to A Conference of Global Organization of Parliamentarians Against Corruption (GOPAC) to be held in Arusha at the Arusha International Conference Centre (AICC) from 26th to 23rd September, 2006.

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