

Electoral Corruption and the Politics of Elections Financing in Tanzania

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Abstract

Since 1994 when Tanzania held its first multiparty local government elections following the reintroduction of multiparty politics in 1992, corruption has been in a surge. There is a growing concern from civil society organizations, the media and the general public over an excessive use of money and other resources to influence the voters. With the money dictating the conduct of electoral processes, weak or poor candidates and parties have been risking their chance of being elected as they cannot compete with their affluent counterparts. In spite of the introduction of some anti-corruption measures in the country, there is yet no any glimpse of hopes for a breakthrough. Even with the introduction of Election Expenses Act of 2010, there are still a million miles away before corruption can be effectively dealt with. The main implementation challenge to anti-corruption initiatives is the fact that the war against corruption in Tanzania is led by the commanders who are conscience objectors.

Keywords: Corruption, Elections, Democracy, Politics, Political Parties

1. Introduction

Tanzania has had a number of elections since her independence in 1961. In the elections that were held during the single party era, the main electoral concern was lack of free competition as the party engulfed the electoral processes. For instance, at the presidential level there was no real competition as only a single candidate stood for the race. Worse still, the ballot papers were directing the voters to vote for that single candidate as the box to fill in had a “yes” symbol for that sole candidate. At the constituency level, candidates for parliamentary posts were to be full-fledged and staunch supporters of Tanganyika African National Union (TANU) and later Chama Cha Mapinduzi (CCM). Independent candidates or any person not supporting the party were not given a chance to compete. Despite the shortcomings of monolithic politics, the party strictly adhered to ethical conducts and candidates at all levels had limited or no opportunities to get involved into corrupt practices. The respect for ethics was to a great extent attributed to the leadership of the country’s first president the late Julius Nyerere, whose reign was very outspoken against corruption. The first phase government, in an attempt to fight corruption formed the Permanent commission of enquiry in 1966 to check the abuse of office by government officials and agencies. Furthermore, in 1967 there was an enactment of Leadership code which prohibited leaders from having extra sources of income (Barulo 2006). The government further passed a Prevention of Corruption Act which enabled the formation of the Anti Corruption Squad in 1975. In 1983 the parliament passed the Economic Sabotage (Special Provision) Act to deal with the so-called “economic saboteurs” and this came as a response to illicit trade following the 1980s country’s economic crisis. The economic Sabotage Act was replaced by the Economic and Organized Crimes Control Act N0.13 (Principal legislation) in 1984 (Nkembo 2003). All anti corruption actions were organized along with “ujamaa” ideology which stressed on honesty, equality and hardworking spirit between political leaders and public bureaucrats.

In order to ensure uniform conducts, the party was in full command of the electoral processes and individuals had no open chance of using corruption to climb the political ladder. For instance, during the campaign period candidates were not allowed to conduct their own campaigns individually as this was to be monitored by the party. The party also set the campaign timetable and even prescribed the boundaries of what the candidates were to say in the campaigns meetings. Candidates were also required to use the same transport facilities, a situation which implied that they were to attend campaign meetings on the same day at the same venues. As a result, all candidates were given equal publicity, transport and other facilities. Election meetings, at which both candidates spoke, were arranged by the district executive committee of TANU and chaired by a local party leader in which there were also party’s supervisory committees from the constituencies to ensure fair play.

However, since the country reintroduced liberal politics in 1992 there has been a major shift of electoral conducts as some of the issues that were not common during the election period such as corruption are now ubiquitous. Despite some efforts to tackle corruption in Tanzania during the third and fourth phase governments such as the formation of the Presidential Commission of Enquiry against Corruption in 1996 and the formation of Prevention of Corruption Bureau (PCB) which later became the Prevention and Combating of Corruption Bureau (PCCB), there have been very limited efforts to fight corruption in elections. Much of the focus in addressing corruption has been devoted to the public sector and only political rhetorics are surrounding the issue of corruption in elections in which government and ruling party officials are begrudgingly promising to tackle the scourge. Unlike during the single party era, Tanzania is currently suffering from many incidents of corruption in elections as they have been witnessed in all multiparty elections held since 1994 when the first multiparty local government elections were held. This work is therefore attempting to examine the problem of corruption in elections in the country since the reintroduction of multiparty politics and the measures that have been taken to address the scourge, particularly the recently introduced Election Expenses Act No.6 of 2010. Before proceeding further, the next section below highlights the conceptualization of corruption.

2. Corruption: A Conceptual Overview

Corruption is generally considered to be a curse as it flouts rules of fairness and gives some people advantages that others don't have (Eric & Uslaner 2005). It can be economic, political or any other shapes. Political corruption in a democracy is a form of unjustifiable exclusion or disempowerment, marked by normative duplicity on the part of the corrupt. Corruption is marked not only by exclusion as there are many modes of exclusion but also by covertness and secrecy, even as inclusive norms are affirmed in public (Warren, 2005). The term corruption has different interpretations as various scholars look at it from different angles. Alatas (1998) views corruption as an unfair behaviour that connotes bribery, extortion, embezzlement, favouritism, nepotism and patronage. Similarly (Nye 1967) conceives of corruption as the behaviour which deviates from the formal duties of public because of private pecuniary or status gains or violates rules against the exercise of certain types of private-regarding influence. Sohail (1999) argues that there are two types of corruption namely; petty and grand corruption. The former is said to involve officials of middle or low levels and that it is a strategy for survival where no one gets rich out of it. The latter involves higher echelons of government and public institutions involving high level public officials. On the other hand Kiapi (1968), Shaidi (1971) and Alatas (1998) identify various types of corruption namely institutional, political, classical, neo colonialist, technical, sensualist and retaliatory, giving bribes, institutional and political corruption, transitive, extortive, defensive, nepotism, autogenic, supportive and corruption.

Pope (1998) suggests an overall strategy of combating corruption which includes; identification of areas most affected by corruption, paying workers good salaries, simplifying government programmes, minimizing areas of discretion, demystification of the government particularly educating the citizens about their basic rights and reviewing training needs. Alam (1995) argues that corruption victims may decide to reduce their loses by deterrent actions which raise the cost of engaging in corrupt activities such as taking actions about the corrupt officials to their superiors or taking them to courts and use force or threats against them. He also insists on the importance of raising public awareness about corruption. The above overview treats corruption as vice that impedes the attainment of the expected results. On the other hand, the tonic perception of corruption treats it as a lubricant that helps those who use it to escape long chains of bureaucracy before they are served. It operates under the grease the wheels hypothesis which provides that corruption might be best in situations where there are distortions caused by ill-functioning bureaucracy (Sekkat & Meon: 70). (Note 1). Corruption is therefore treated as a good thing that can promote efficiency. This paper however takes the former conceptualization of corruption and it therefore regards corruption as a deterrent en route for attaining fairness in elections.

2.1 *Faces of Electoral Corruption in Tanzania*

Since 1995 when Tanzania held its first multiparty general elections following the reintroduction of plural politics in the country in 1992, there have been many incidents of corruption. Corruption has been in many forms but the most notable ones are as highlighted hereunder.

2.1.1 The ruling party's backed corruption

Corruption is a vice that is always affecting the welfare of societies. Those who have a tonic perception towards it apply different mechanisms to camouflage its negative consequences to the general public. Tanzania's ruling party, Chama Cha Mapinduzi (CCM) has had a double talk over this scourge as apart from chanting anti-corruption slogans has been on the other hand embracing it. Supporting evidence was the introduction of the Traditional Hospitality Act, popularly known as *takrima* before 2000 general elections. *Takrima* was introduced by the ruling party with the view that it was different from corruption. In the views of the party leadership, it was simply meant to

ensure that those competing for political posts could extend a vote of thanks to their supporters. Government officials such as the third phase president and prime minister opined that there was nothing wrong about a person running for a parliamentary seat or any elective seat for that matter giving the electorate things like drinks, food and entertainment as long as such things are given in what they described as good faith. (Note i). Irrespective of any possible good intention, its ramifications were more catastrophic especially to opposition political parties. The hospitality was extended to the extent of looking like a votes/voters buying operation. A cry from opposition political parties was that this Act was purposely designed to kick them out of competition as most of them were unable to reward the voters due to their poor financial base. Traditional hospitality was also criticised for taking advantage of voters' poverty status, as with these rewards most of them were likely to vote retrospectively in favour of the "unethical breadwinner".

A related concern was over the benefactors' sources of money. Most of the events or activities that were organized during elections in the name of takrima involved excessive use of money that was difficult to account for their sources. It was indeed shocking that some of the candidates whose sources of income were known to be limited used more money that left many people with doubts, thereby leading to a lot of speculations. One of those speculations was that these candidates were just the agents of big business people whom they had entered the payback contracts with, in case they won the elections. It is currently an incontrovertible fact in Tanzania that acquiring a political post such as that of a member of parliament implies an easy and fast way towards one's economic success. In most cases these posts are said to be used as a means towards an undefined end as being a member of parliament or a minister one enjoys various privileges that can be shared with his/her supporters. Traditional Hospitality was however outlawed on April 25th 2006 by the high court of Tanzania after three Non Governmental Organizations, namely; the Legal and Human Rights Centre, (LHRC), Lawyers' Environmental Action Team (LEAT) and the National Organization for Legal Assistance (NOLA) had filed a case challenging sections 119 (2) and (3) and 130 (b) and (c) of the National Election Act which blessed corruption. What is worth noting is the fact that this Act was declared null and void due to the efforts of civic organizations at the time when the same law was cherished by the ruling clique. It is thus difficult to establish whether or not this group of politicians abandoned its political philosophy or orientation towards the so-called traditional hospitality.

2.1.2 System's supported corruption

Elections in Tanzania are supervised by the National Electoral Commission (NEC) (for presidential and parliamentary elections), while local government elections are supervised by the ministry responsible for local government and regional administration. In order to ensure peace, order and security during elections, security forces particularly the police are used. In some few occasions the military is also used as it has particularly been the case in Zanzibar. Being public offices, the abovementioned institutions are required to be impartial by treating all political actors equally.

To the contrary, all elections supervisory bodies are blamed for being too partial in support of the ruling party. There is a concern that these offices are partial because they are not given the required operational autonomy. They are therefore said to operate basing on the orders and directives from the centre which they cannot defy. There are circumstances that suggest the possibility of partiality to most of officers serving in these institutions. These include the way some members get into office and their relationship with the ruling party. For instance, in Tanzania, the top leadership of National Electoral Commission is appointed by the president. There are however no established rules of appointment and conduct to ensure that these appointments are objective. Opposition political parties have been calling for the reconstitution of NEC by taking away from the president the powers of appointing its top leadership. Related concern has been that most of these officers are silent cadres of the ruling party. This proposition is supported by an incident in which one of NEC commissioners, judge Mark Bomani resigned and sought presidential nomination through CCM in 1995 (Makulilo, 2009:442). These officials are therefore accused of acting in favour of the ruling party particularly during the elections time and in setting constituencies' boundaries and establishing new constituencies (gerrymandering). TEMCO identifies various factors prejudicing the commissions' independence to include;

- a) All members of the commissions (NEC and ZEC), including their chief executives are appointed by incumbent presidents who are also the chairpersons and vice chairpersons of the ruling party. The composition of NEC is provided for in article 74 (1) of the union constitution, as amended by Act No. 4 of 1992 and Act No 7 of 1993.
- b) The dependence of both NEC and ZEC on government financing as they have no special vote in the government budget, which is voted for and approved by parliament (TEMCO 2001:20)

As regards the local government elections, a concern about partiality seems to carry more weight. As indicated earlier, the minister responsible for local government and regional administration is an officer in charge of local

government elections. The minister's powers are provided for by the Local Government Elections Act Cap, 292 of 2010. The minister has also the power to set rules and procedures for conducting these elections. However, this minister bears various attributes that make him/her fail the impartiality test. In the first place, the minister is an appointee of the president who is also the chairman of the ruling party. In addition, according to Tanzanian arrangements, all ministers are supposed to be members of parliament. In this regard the minister for local government is also a member of parliament in the ticket of the ruling party. The outcry from opposition parties has always been that much role of political leaders in electoral processes implies lack of political neutrality in management of elections.

2.1.3 Incumbency corruption

Participating in elections involves committing a lot of resources both human and financial. Every candidate therefore needs to be well prepared financially to make sure that he/she can effectively support his/her campaigns. For instance, in Tanzania, some presidential candidates from small political parties such as Sauti ya Umma (SAU), United Democratic Party (UDP) and the Progressive Party of Tanzania (PPT) have been failing to travel to various parts of the country to conduct their campaigns due to financial constraints. They have been thus limiting their campaigns to urban areas particularly in major towns and cities. There are even some leaders of the opposition political parties who are not known to the public in some areas as they do not have financial resources to enable them visit various parts of the country, especially in rural areas or to pay for media campaigns. To the contrary, the presidential candidate from the ruling party enjoys an incumbency advantage during the elections. It is alleged especially by opposition political parties that CCM presidential candidate is treated by public officials as the president not as the candidate even before elections are held. Public resources such as cars are therefore used to facilitate the campaigns of CCM candidate and public officials at all levels are blamed of failing to observe neutrality in the way they treat candidates. There is also a concern over the lack of objectivity in explaining to the public how public resources are separated from those of the ruling party during elections. For instance, in the 2000 presidential and parliamentary elections in Zanzibar, opposition parties complained, among other things, of the ruling party's privileged access to and abuse of the state owned media, public funds and vehicles. It was further alleged that while the police were quick to insist on the ending of opposition rallies at exactly 18:00 hours, they did not display a similar zeal with regard to rallies of the ruling party (Commonwealth, 2001). The police also seemed to teargas the opposition's peaceful rallies easily, while leaving CCM rallies to disperse peacefully (EISA 2006:25).

2006 TEMCO report for 2005 general elections shows that the ruling party had the advantage of incumbency in 2005 general elections. One of the cited examples is that immediately after Kikwete was nominated as CCM's presidential candidate, public institutions started to send and print in papers congratulatory messages to Kikwete for his nomination. However these institutions did not do the same to candidates from the opposition. The then president of United Republic of Tanzania Benjamin Mkapa was also reported to campaign for CCM candidates and held internal meetings which were attended by CCM leaders, candidates in the region and government officials in the respective regions(TEMCO 2006: 74-75).

Similarly, TEMCO's interim report on performance of Tanzania's 2010 general elections highlights various incidents of incumbency advantage to include; Regional and District Commissioners placing state resources (vehicles etc) in campaign processions of the presidential candidate defending his position, the presidential candidate in power addressing public meetings outside the legal campaign time (beyond 6.00pm), a practice which was then imitated by other presidential candidates (especially that of CHADEMA), cases of making a decision or reversing a government decision previously made in campaign meetings – which violated the code of ethics (TEMCO 2010:7-8).

2.1.4 Self defence corruption

There has been a close link between business and politics in Tanzania. Since government's pursuance of nationalization policies few years after the country attained its political independence in 1961, those who were seriously hit by nationalization have remained apprehensive. It is beyond doubt that Tanzanians of Asian origins were the main victims of nationalization policy. Things were made worse in 1980s as the country took various steps to deal with what it perceived as economic sabotage in which as a result many business persons lost their properties. It is no wonder that with the reintroduction of multiparty politics in Tanzania, many businesspersons were against the ruling party. This outrage was revealed by their support to NCCR-Mageuzi, the then main opposition party in the country in the 1995 general elections (TEMCO 2001:10). Since those elections, the climate seems to have changed as the business community seems to be in good terms with the ruling party.

Big business people particularly those of Asian origin are said to be more generous to the ruling party in providing financial support during the campaign period. It has been evident that the ruling party has been using a lot of

resources to finance its campaigns in comparison with its opposition counterparts. Caps, T-shirts, Khangas and other items such as posters and leaflets have been distributed in abundance across the country. Supply rates of these items have tended to be very high in those constituencies that have stiff competition. Voters have been scrambling to get hold of these rare free of charge goods from their benevolent party or candidates. Although the ruling party has various sources of revenues such as monthly subsidies, rents and members subscriptions, the amount of money spent in elections has suggestively proved to be more than these sources. An allegation accounting for the party's strong financial base has been that some business people have been offering a prospective support to the ruling party with the hope of defending their investments in one hand and recovering their contributions through different means after elections on the other. As it was observed by TEMCO, there is an outcry from opposition parties that CCM has the monopoly of all business people in the country who have been supporting the ruling party out of their free choice as they have fears of being 'fixed' (TEMCO 2006:74). A clear mark of the use of threats to voters was when the then prime minister in the third phase government Mr. Fredrick Sumaye warned the business community in Kilimanjaro that if they wanted their business to prosper they had to vote for CCM (TEMCO 2001:88). This voting tendency seems to fail Guy Hemet's test of free election. Hemet (1978) argues that one of the indicators of free and fair election is voters' freedom to make choice among competing parties free from external hindrance. Supporting a party on the basis of one's survival contravenes with the freedom of expression.

2.1.5 Unequal access to public media

As pointed out earlier, corruption does not only involve paying and receiving bribes but it also includes the use of public offices to favour or discriminate against certain segments of the society. There have been complaints that during elections in Tanzania opposition political parties are not given equal opportunities like the ruling party in public media. The ruling party enjoys much coverage during the campaign period and when the opposition parties are featured, their coverage is very limited. Opposition parties are thus unable to extensively explain their manifestos to the public. However, this argument is continuously opposed by the ruling party on the view that the party is paying for air time. From the experience of three past multiparty elections it is obvious that the ruling party's presidential candidate is given more coverage by public media than his rivals. A legacy of perpetuating the interests of one party during the single party rule is still manifesting itself in current multiparty arrangements. It is also a fact that public media such as TBC Taifa and TBC1 have no absolute autonomy. The national Television and Radio stations are under the auspices of the minister of information who also is a cadre of the ruling party. For instance, monitoring of the Swahili news bulletins of Radio Tanzania Dar es Salaam (RTD) showed that the CCM and its presidential candidate dominated the bulletins in the first two weeks of the campaign. In week two, 63 percent of the news stories were on CCM and 53 percent for its presidential candidate, against 25 percent for the NCCR-Mageuzi and 20% for its presidential candidate during the 1995 general elections (Commonwealth 1996:18). In 2000 elections, public media were still biased in favour of the ruling party. As TEMCO report indicates, CCM presidential candidate in Zanzibar Amani Abeid Karume was given more coverage than his CUF counterpart Seif Shariff Hamad. For instance, on Television Zanzibar (TVZ) in October 2000 Karume received 3867 seconds of news coverage compared with 1082 seconds for Seif Shariff Hamad (TEMCO 2000:184). Similarly in the ongoing campaigns for 2010 general elections, media bias in favour of the ruling party has been well documented. According to synovate weekly reports (Reports No 11 of 9th-15th August, 2010, No14 of 30th August-5th September, 2010 and No 16 of 13th-19th September, 2010) on Tanzania Media Coverage, CCM had an average of 43% of media coverage while CHADEMA and CUF had 23% and 12% respectively. A related incident of the biasness of public media in favour of the ruling party was an editorial in the Daily News paper (the government newspaper) of 23rd September, 2010, issue No. ISSN 0856-3812 headed "Leave *Daily News* out of that hopeless adventurism, please" in which the editor wrote;

"And the truth of the matter is that Dr Wilbrod Slaa will not be the fifth president of Tanzania. The Chadema candidate has a lot of issues to settle, beginning at the family level, from which he will need to practise leadership upwards. He will indeed garner some voters in October, just like Mrema in 1995, but that will be it, and the media behind the former priest can quote us on that". Daily News, 23rd, September, 2010

The editor while contravening the freedom of expression was reacting to the news from the tabloids which had indicated that Dr Slaa, a candidate for the opposition party Chama Cha Demokrasia na Maendeleo (CHADEMA) was ahead of the ruling party's candidate in the opinion polls whose results were not yet public. This editorial clearly contravened with Section 28(2) of the Election Expenses Act No.6 of 2010 which provides that the government media shall include in their publications information related to the electoral processes without bias and that such publication shall not tamper with information or discriminate against any candidate. There were however no punitive measures taken by the registrar of political parties against the paper.

3. The Persistence of Corruption in Elections in Tanzania

As pointed out earlier in this paper, corruption continues to take root in elections in the country. It is however obvious that one of the reasons attributable to this plague is lack of autonomy for anti-corruption institutions. Tanzania has Prevention and Combating of Corruption Bureau (PCCB) as the leading institution in the war against corruption and it is located in the president's office. Its director general is also appointed by the president. Being an ombudsman-like institution, PCCB is expected to play a major role in the war against corruption. Despite the establishment of this bureau, corruption in the country has continued to grow.

Corruption in Tanzania during the general elections has been so open to the extent that suggests no need of an extra energy for its detection. For instance, the problem has been common during the intraparty nominations of candidates especially in the ruling party in which candidates have been openly using money to solicit for votes. The incidents of corruption have been repeatedly reported by the media but the role of PCCB in combating them has been invisible. In some cases corruption has been so much to the extent that the ruling party has been punishing those who are accused of the scourge by denying them the right to represent the party even when they emerge as outright winners during the nominations. This was the case in 2005 as some unlucky candidates who were implicated in corruption were penalized by the party. The inability of PCCB to fight corruption in elections is attributed to a claim that its top leadership is either given a "keep your mouth shut" warning from higher authorities or the heads of the bureau have no courage to scrutinize the boss. It is logically possible that in a situation where PCCB has simply the juridical autonomy but its powers are empirically constrained, the bureau cannot immerse itself in an antagonism with the party whose chairman is the same person that appoints its top leadership.

The continuation of corruption in elections in Tanzania is also a result of the politicization of the bureaucracy. The credibility of the returning officers who are supervising the elections has always been under question as most of them are blamed of favouring the ruling party during elections. At the constituency level, the District Executive Director (DED) is a returning officer who acts on behalf the National Electoral Commission (NEC). Other officers are Ward Executive Officers (WEOs) and Village Executive Officers (VEOs). Before the 1995 elections, the posts of Regional Election Co-ordinator (REC) or liaison officers, Returning Officers (ROs), Principal Assistant Returning Offices (PAROs) and Assistant Returning Officers (AROs) were advertised in the mass media and the successful applicants were appointed as NEC personnel for the purpose of elections. But with subsequent amendments all are now to be appointed from city, municipal, Town and District Executive Directors (Elections ACT 7 (1), 1985). With the exception of District Executive Directors, the rest are presidential appointees (TEMCO 2001:20). This double loyalty (i.e. to the appointing authority and to NEC) makes their neutrality and non partisanship highly questionable (TEMCO 2001).

These officials, together with other NEC officials are all blamed of favouring CCM. Circumstantial evidence shows that some officials are not politically neutral. It can be recalled that during single party rule civil servants were highly politicised. There are still some circumstances which make these officials work in favour of the ruling party. For instance DED is a local government official in the prime minister's office and she/he is as well under the minister of local government and regional administration, both of whom are proper cadres of the ruling party. These officials are accused of performing their electoral duties basing on the orders from their appointing authorities. It is on this basis, for instance, that TACCEO recommend for electoral reform to put in place an independent commission that can objectively supervise the election and whose tenure of its staff is not vague. It also suggests that District Executive Directors who are government employees should not be part of the commission at the constituency level (TACCEO, 2010).

Despair and/or lack of confidence in the representatives has been also cementing corrupt tendencies in the elections. Public trust on political representatives has been declining due to increasing allegations of dishonesty and a spirit of self aggrandisement among these officials. The drive for self enrichment and personal gain has been eroding the notion that members of parliament are there to represent public interests, a phenomenon that attest the observations made by Joseph Schumpeter and Anthony Downs on the fallacies of representative democracy. (Note 2). This state of affairs has led to the emergence of a new public orientation towards their representatives. The attitude of "we know they have been eating, it is now our turn" is currently growing in the country. Many people have been raising complaints against the members of parliament arguing that once elected they do not devote much of their time to deal with the problems facing the public. It is along these lines that there has emerged a spirit from the public of *finishing the business* with candidates before they cast their ballots. (Note 3). As a result, most of the people are ready to take whatever comes from the politicians irrespective of any negative consequences. Unethical reciprocal relations between the public and the politicians imply that fighting corruption in Tanzania remains a nightmare. In addition to lack of confidence in the representatives, most of the people in Tanzania are poor. As a result of poverty, they are forced by their destitute situation to surrender their democratic rights for the sake of earning living. Given

the fact that most of the candidates have been visiting the constituencies with a giving hand, the elections period for poor people has been a reaping season.

4. Limiting the Money Factor in Electoral Processes in Tanzania

Although a lot has been said concerning corruption during elections in Tanzania, there have been no firm measures to address the problem since the country reintroduced multiparty politics. Politicians in a number of occasions have been reasserting their commitment to fight corruption but they have failed to match their words with deeds. In order to prove its pundits wrong, the government passed the Election Expenses Act No.6 of 2010 as a framework for controlling political parties and candidates from illegal mobilization and use of financial and other resources during elections. The motive behind the introduction of this law remains a parable. Hofnung (2008) for instance, argues that regardless of the type of electoral system the main objective of finance regulation is to maintain the principle of one man one vote and to ensure that financial might is not the ultimate factor in deciding the outcome of the electoral process. Eom and Gross (2007) similarly identify three rationales for financial regulations to include the reduction of corruption or at least public perceptions of corruption, to make the fundraising process more democratic by forcing candidates to raise money from a broader base of support and the reduction of overall level of candidate spending by making fundraising more burdensome. Whether the Act was introduced for fairness purposes or simply for calculated political ends remains a puzzle. The election expenses Act has various provisions that aim at controlling corruption in elections. Some of these provisions include; Section 5 which confers powers of inspection of election expenses of any political party to the registrar of political parties, section 9 which demands the political parties to disclose their funds before election campaigns, section 12 which prohibits foreign funding to election expenses and sections 26 and 27 which stipulate general offences and penalties against any party or individuals that violates the provisions of the Act.

Since the Act came into force, there have been different developments. One side of these developments has been the more active role of PCCB in monitoring corruption in primary nominations within CCM. In the 2010 primaries, many CCM candidates were arrested and some were interrogated by the bureau on corruption allegations while others were sued in courts. This was indeed a positive landmark in the country's anti corruption history particularly due to the following reasons. For the first time since the country reintroduced plural politics, the ruling party allowed an external actor to at least monitor party's nomination processes. Secondly, the disciplinary role against the candidates who were alleged to participate in corruption was transferred from the party to the judiciary. In the previous elections, it was the party that solely dealt with any misconduct charges against its candidates. On the other hand, CCM primaries provided a lesson that laws on their own cannot stop corruption. As it was observed, the party's nomination processes were marred by corrupt practices that eroded the credibility of the exercise. What is worth noting is that this Act does not seem to apply in intra-party nominations and therefore the involvement of PCCB in 2010 CCM's primaries was because of an invitation from the party's top leadership.

An experience from CCM primaries sheds light on the country's new anti corruption initiatives particularly over the role of the election expenses Act in electoral politics in Tanzania. It is imperative to note that there are plenty of uncertainties particularly on whether this Act will help to curb corruption in elections in Tanzania or not. This is basically due to the fact that there are many countries that have had similar laws but have failed to combat corruption. Tanzania does not seem to be an exception in this case. Before we discuss the challenges most likely to face the implementation of the Election Expenses Act, the next section highlights the controls of elections financing in other countries

4.1 Elections Financing in Other Countries:

4.1.1 A poignant case

The control of Elections financing seems to be a global challenge as both in the developed and developing countries there are control flops. For instance, in Croatia, the system of controlling party funding is said to be characterised by many weaknesses some of which include; general intrasparency of funding from private sources, the system of funding parties and elections does not apply any disclosure and the regulatory policies containing bans and limits on party and election campaign finance are nonexistent (Petak 2003:69). Petak further criticizes the Croatia system particularly for its failure to control business sources. Explaining this weakness, he points out that the donations from the businesses have to be hidden under the item "other sources", but due to the lack of any clear accounting standards they are sometimes expressed as "contributions" or "transfers". Different figures that have been disclosed on this source of funding by the two leading political parties confirm the existence of the problem. The Social Democratic Party (SDP) disclosed 4.6 million of kunas received in 2003 from the business sector and did not report any item under the label "contributions". At the same time the Croatian Democratic Union disclosed just 1 million of kunas under the item "other sources" and 7.8 million of kunas under the item "contributions". (Petak 2003:70-71)

Controlling elections financing is an area that is yet to get the required attention in most of African countries (Austin, 2003). He maintains that the raising of funds by parties and candidates is a matter of unregulated self-help. Fewer than one in five African states has comprehensive laws to govern the raising of revenue, detail permitted sources of revenue, prohibit others (such as foreign and corporate donations) or impose ceilings and specify sanctions (ibid). Even those countries that have tried to introduce such laws they have never taken serious steps to make sure that these laws are adhered to. Various reasons are attached to this state of affairs one of which is an absence of a clear dichotomy between the operations of public bureaucracies and those of the ruling parties. With a tendency of power fusion, the ability of anti-corruption institutions to effectively discharge their duties is highly dependent on the willingness of the ruling parties.

Given the nature of political wrangling in most of African countries, it is always the ruling parties that are most likely to get attractive donations from the so called staunch supporters. In that regard, any serious follow-ups and application of the financial controls is likely to be detrimental to the survival and wellbeing of these parties. Hence the best option is to have these laws existing but with no determination or interest to have them effectively applied. As Booth & Robbins (2010:633) correctly observe, when parties face restrictive campaign finance guidelines the odds of survival often decrease as their ability to collect sufficient funding diminishes.

Consequently, laws demanding for the disclosure of the sources of party funds are kept in recycle bins to be recovered only when the political climate calls for that. Saffu (2003:22) provides a review of African experience in controlling elections financing by focusing on Mali, Benin, Ghana, South Africa and Kenya. He reiterates that in Mali, for instance, there is a ban on foreign donations to political parties but there are no provisions regarding other aspects of political financing. In Benin there are also limits on campaign expenditure and has provisions on public financing but there are as well no controls on other areas of political financing. Similarly, Ghana has the laws that require political parties to disclose their sources of funds but there are no limits on campaign expenditure. South Africa on the other hand has no bans or provisions on general disclosure or bans on foreign donations but it has provisions for substantial public funding and accounting requirements with respect to public funds. Kenya used to have provisions on campaign spending on parties and candidates but these were removed in 1992. However the Kenyan parliament approved a bill in 1999 for public funding of political parties. The experience from these countries is a true reflection of the failure of most of African countries to effectively monitor election expenses. Irrespective of the fact that curbing illegal election financing is a daunting challenge as the above experience has shown, there are still some countries that have made big progress in regulating elections financing as put forth below.

4.1.2 The promising experience

Scandals in France, Germany, Italy and other countries demonstrate that no system of party campaign finance is perfect (Roper 2002:186). However, the degree to which countries fail or succeed in designing mechanisms of controlling campaign finance is reflected in the actual conducts of elections. For instance, having practised three methods of party financing i.e. private system, public system and a hybrid one, Israel introduced the reforms on public finances by passing the Finance of Parties Law in 1994 (Hofnung 2008). This law guaranteed parties extra money from the government to run their activities and cover their deficits especially during election times. The law sets low ceilings of legal contributions to parties i.e. \$580 in election years to \$290 in non election years. Under this law, contributions from associations and corporations are not accepted (Ibid). It is only the Israelis who are allowed to provide donations to their parties. Any violations of this law may result into prison sentences. With the 1994 reforms, Israeli parties now rely almost entirely on public funding with private contributions accounting for only 1-2% of the reported campaign expenses. One of the significant implications of this law to electoral processes in Israel is that parties are no longer preoccupied with fund raising activities. Individual contributions are however allowed during intraparty nominations (Hofnung 2008).

In order to ensure effective check of parties' finances in Israel, political parties are required to manage two accounting systems in which one is for national elections and the other one is for routine party funding. In this regard, they are supposed to limit their spending to pre determined ceilings in which overspending might result in heavy fines. As a mechanism to ensure that political parties disclose their financial resources, funding and enforcement of political activities is carried out by the state only with relation to national parties. Parties are thus supposed to report to the respective authorities about any donations they receive failure of which may result into heavy fines. For instance, following the elections of 1999, the controller slapped the labour party with a large sum of 2.8\$ Million due to its violation of financing regulations (Hofnung: 2008).

Likewise, in Spain there are laws that impose restrictions on income and expenditure for political parties. The most common rule is a complete ban on donations by public enterprises, government contractors and foreign institutions,

with an exception of European parliament. Parties can thus receive very minimal offers from private sources. Similarly, in France since 1995 candidates and parties are no longer allowed to receive funds from private corporations, public sector or foreign donations. (Nassmacher 2003:128). As a mechanism to ensure that financial reports submitted by parties are genuine, the Law on State Subvention to Political parties (1999) requires parties to have their reports audited by a registered accountant (ibid: 133). In order to ensure more transparency of funding, political parties in Germany are required to publicly account for their sources and use of their funds and for their net assets. They are further required to submit annual financial reports which are subject to verification by chartered accountants (Nassmacher, 2003:11). As the above experiences have indicated, it is imperative to note that the ability of countries such as Israel to control party funding in election is anchored on the readiness of the authorities responsible for monitoring and enforcing financial control laws to make sure that all parties perform their duties in accordance with the provisions of the laws. This habit is quite uncommon to most of African countries as much of electoral malfeasance is either largely sanctified or bluntly left unchecked.

5. Tanzania's Election Expenses Act No.6 of 2010: Implementation Challenges

It is too simplistic to argue that tighter regulations are the key to eliminating corruption (Roper 2002: 186). This is basically because having laws and implementing them might be two different things. An argument of this nature is well substantiated by an experience from Africa in which most of the countries in the continent have been unable to implement laws or policies made to address a myriad of problems facing the continent. There has always been a discrepancy between what laws provide for and what is actually taking place on ground in Africa. On this regard, despite the fact that the Election Expenses Act of 2010 has various provisions that aim at controlling election financing in Tanzania, there are various challenges whose implications are likely to stall the implementation of this law.

One of these challenges is the inability of the office of the registrar of political parties to effectively monitor parties' mobilization of funds. Given the fact that corruption incidents have been reported countrywide during elections, it is clear that the office of the registrar will not be able to carry out its responsibilities effectively. Section 4 of this Act provides that the registrar of political parties shall be responsible for supervision and administration of election expenses. The office of the registrar is located in Dar es Salaam and it is poorly or not established in other regions and districts outside. As a result, it is made to rely on other institutions to carry out this responsibility on its behalf. These institutions are blamed for not having been keen enough to fight corruption in previous elections and they thus cannot guarantee a very organized and serious battle against corruption. A related challenge to the registrar's ability to monitor corruption is the modalities of campaigns conducted by political parties. For instance, in the 2010 general elections ruling party's chairman and presidential candidate, Jakaya Kikwete appealed to CCM members to conduct house to house, man to man and bed to bed campaigns so as to ensure that the party gets a landslide victory. This was on 19th, August when he returned the nomination forms to NEC. Some candidates from opposition parties such as CUF were also reported by the media to be using the same strategy. What stands as a dilemma is the possibility of implementing this campaign strategy without enticing corruption and whether or not the office of the registrar of political parties can monitor such kind of campaigns.

Furthermore, although the Act provides for disclosures of funds by political parties, it is more unlikely that the office of the registrar of political parties will track and control the amount of money each party or candidate gets and spends. The Act empowers the prime minister to specify the amount of money to be spent by parties and candidates in elections. In light of this statutory requirement, the prime minister issued the Election Expenses (Maximum Amount of Funds) Order (supplement No 26) of 2010 which specifies the limits of candidates and parties' expenditures. According to this order, the maximum amount for the office of the president is Tshs 5, 000,000,000/=, that of the Member of Parliament is ranging between 30,000,000/= and 80,000,000/= million Tanzanian shillings (Tshs) depending on various factors such as the size of the constituency, the population of the constituency and the level of communication infrastructure. The order also prescribes the maximum amount of funds for women special seats to be 10,000,000/= Tshs. At the councillorship level the maximum amount for urban areas is 7,000,000/= Tshs while that of the rural areas is 5,000,000/= Tshs. Maximum amount for councillor's women special seats for urban areas is 3,500,000 and that of rural areas is 2,500,000/= Tshs. As regards intraparty politics, the order sets political parties' expenditure limits during the nomination processes at all levels as outlined below. Presidential candidate, 2,000,000,000/=Tshs, Members of Parliament 2, 500,000,000/= Tshs, Members of Parliament (women special seats) 700,000,000/=Tshs, Councillors 1,500,000,000/= Tshs, Councillors (women special seats) 300,000,000/= Tshs. The order also prescribes maximum amount campaign expenses for every political parties to be 15,000,000,000/= Tshs.

It is however ambiguous and very difficult under current establishments to track the amount of financial resources each party or candidate uses. A confusion lies on the methods that will be used to monitor the contributions from individuals who might be used by the contestants as supply channels of illegal money to the electorate. In the

previous elections there were incidents of using individuals who were not even in the campaign teams of the candidates to supply “envelopes” to the electorates. This experience leads some analysts to cast a shadow of doubt on the possibility of the law to turn back Tanzania’s corruption page. Although political parties and candidates are required to submit reports of expenditures incurred in the election campaigns to the office of the registrar of political parties who in turn is to give them to the office of the Controller and Auditor General for auditing, it is still not convincing enough that massive expenditure of money during the campaigns will be thoroughly checked. The process is more of a formality that is politically orchestrated than the actual move towards behavioural change. This conclusion is supported by the fact that in spite of applying the election expenses Act in the 2010 general elections, it was clear that much money were used more than was expected. As the TEMCO report shows, big parties particularly CCM used more election materials than the previous elections (TEMCO 2010:8). In Tanzania, the ruling party has had a big network to finance its campaigns that cannot be easily monitored and controlled by the office of the registrar. For instance, as the TEMCO report aptly explains, during 2005 general elections CCM had the advantage of having networks of supporters who were claimed to contribute substantial amounts of money (TEMCO 2006:73).

In addition, for many years there has been no collective initiative to tackle corruption in elections among various institutions responsible for this role. The Prevention and Combating of Corruption Bureau (PCCB), the police, the civil society and other institutions have not been joining hands to fight the scourge. It is thus unclear whether with this new law a collective spirit in fighting corruption in elections will be reinvigorated. As corruption is a criminal offence, the police and PCCB had an obligation to fight it in elections even with the absence of election expenses Act. Astoundingly, in the previous multiparty elections these institutions assumed a spectators’ role than that of refereeing. Basing on the country’s recent anti-corruption history, a possible effect of election expenses Act in the war against corruption is an emergency of a blame game among the responsible institutions as each of these might abdicate its duties with a claim that other institutions should have acted.

Whether the Act proves any positive results or not depends to a great extent on the political will of political leaders, particularly the top officials of the ruling party CCM. The ruling party has an obligation of facilitating the implementation of the election expenses law due to two reasons. The first reason is that it is the same party whose most of its members have been implicated in corruption scandals both during intraparty and interparty competitions. Top leadership of the party therefore has a duty of cleansing the party’s closet prior to looking at outside culprits. Secondly, as foreign donations to political parties during elections are prohibited, all parties rely on internal sources to finance their campaigns. CCM has been receiving many donations from various sources than other parties most of which are financially weak. It is therefore understandably compelling that the party that receives many donations has to be given extra scrutiny.

A related challenge regarding the political will in the implementation of the Act was a reaction of the CCM’s top officials after the 2010 general elections. Having its percentage of victory plummeted from 80% in 2005 to 61% in 2010, CCM has had mixed reactions over these poll results. In explaining the decline of their share of nationwide votes, some of the party’s top leaders have been linking these results with the decision of the party to allow the PCCB to monitor its intraparty nominations. A thrust of their argument has been that exposing their candidates to the anti corruption bureau in which some of its candidates who were implicated in corruption were dropped from the race, made some of those who were rejected to defect to opposition parties. It is also argued that voters who were supporting the rejected candidates voted for the opposition as an expression of their dissatisfaction with the nomination processes. With this kind of interpretation of the poll results, there stands a great possibility of the party to relinquish its stance over the role of PCCB during the nomination processes in the next elections. This is possible due to the following reasons;

First, the party might attempt to prove its theory right on the argument that those who voted for the opposition were its supporters and thus the best option is to ease their anger over the nomination process. This can eventually make the party revert to its traditional nomination practices thus making the election expenses Act redundant.

Two, in order to keep its potential candidates, the party might forego the ethical aspects during the nomination as a mechanism to avoid defection cases.

One of the factors that facilitate smooth implementation of election expenses laws is the role of the public in demanding for fair competition and transparency of electoral processes. In most of the developed countries, the public is more politically aware and people are able to exert more pressure to politicians particularly in ensuring that they do not violate political ethics. It is thus clear that the role of voters in curbing corruption during elections is very eminent. Given the fact that many Tanzanians especially those in rural areas have low level of civic competence, their role in fighting corruption is still very minimal. The challenge in the implementation of the

election expenses Act is that the majority of the people especially in rural areas might negatively perceive the Act in the view that it deprives them of a seasonal harvest from greedy politicians.

5. Concluding Remarks

In spite of positive effects that are associated with liberalization of politics in Tanzania such as opening up the political space for competition and an increased guarantee of civic and political liberties, some negative outcomes have also been affecting the exercise of citizens' democratic rights. One of these vices is corruption which seriously influences the country's electoral politics. What is worth noting is that although corruption incidents have been reported among opposition parties, it is to a great extent the ruling party whose candidates are highly blamed for entertaining the scourge both at the intraparty and interparty competition levels. The ruling party has also been the main beneficiary of a systemic support from public offices as it enjoys incumbency advantages. Ultimately, the measures that have been taken to address the problem seem to be not working properly as the problem has been increasing over the years. Given the fact that the allegations and incidents of corruption during elections have been increasing, it was a good idea to introduce the Election Expenses Act as a deterrent to unethical political practises. Nevertheless, this law is somehow weak for it does not provide any relief to young parties that are very financially weak. It could have been more realistic if the election expenses law had provided recourse to continuing outcries about an imbalanced competition among parties as determined by a financial resources factor. In most of the countries that have strict controls of campaign financing, public financing of parties' election expenses is used as an option.

As Van Biezen & Kopecky (2007) point out, in newer democratic regimes in Eastern and Central Europe, the state has had a crucial role of party financing mainly because public funding of political parties is seen as a key mechanism for achieving equality of competition and hence as an important instrument for the establishment of effective multiparty democracy. This option does not only relieve parties of the hassles of looking for benefactors, but it also at least opens a room for balanced competition among political parties. The Tanzanian experience in which only six (6) out of 18 registered parties are entitled to monthly subsidies calls for an alternative measure that can guarantee weak parties an opportunity to sell their manifestos to the electorate.

As the Election Expenses Act was cheerfully introduced with the expectation that it would curb corruption in elections especially by controlling the misuse of money to solicit for votes, there are blurred hopes for this optimism. Various impediments that suggest the possibility of the continuation of the problem in Tanzania's electoral processes are eminent. It is therefore not surprising that even with the newly introduced elections financing law the 2010 general elections were very far from being labelled as corruption-free.

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Notes

Note 1. Sekkat and Meon point out that “the grease the wheels hypothesis” was developed by various scholars such as Leff (1964), Leys (1965) and Huntington (1968)

Note 2. Warioba (ibid)

Note 3. In his seminal book titled *Capitalism, Socialism and Democracy*, Schumpeter (1942) argued that democracy is not rule by the people, but rather by politicians who compete for the people's votes. He thus conceived of politics as a career in which politicians deal in votes just as businessmen deal in oil. Similar observations were made by Anthony Downs in his formulation of "an economic theory of a political action in a democracy" in which he concluded that any political action is motivated by self interests.

Note 4. Finishing the business or in swahili "kumaliza biashara" is a jargon which simply means striking a deal between two sides (in this case candidates and voters) in which votes are negotiated and a consensus reached like in any other business transactions