



## Where is socialism in Tanzania?

Victoria Boniface Makulilo  
University of Bayreuth, Germany.

### ARTICLE INFO

#### Article history:

Received: 21 February 2012;

Received in revised form:

15 April 2012;

Accepted: 3 May 2012;

### Keywords

Ideology,  
Socialism,  
Liberalism,  
Privatization,  
Constitution,  
Policies,  
Political Party.

### ABSTRACT

*After independence Tanzania adopted a socialist ideology, 'Ujamaa'. 'Ujamaa' was a political decision to societal development. It is obvious majority poor were complacent to it. This made many Tanzanians to identify themselves as "wajamaa." Nevertheless, the economic crisis of 1970s swayed Tanzania to adopt Structural Adjustment Programmes (SAPs)<sup>1</sup>. SAPs are grounded in liberalism. This situation led Tanzania to a dilemma of having liberalism and abandoning socialism since the two ideologies are disputable and can never be applied at the same setting. Apparently, the socialist ideology is identified with Mwalimu J.K. Nyerere, the founder of the ruling Chama Cha Mapinduzi<sup>1</sup> (CCM). It is logical that to abandon "Ujamaa" is to illegitimise CCM from the majority Tanzanians. Instead, Tanzania decided to adopt the SAPs in 1980s and remain with Ujamaa on paper for legitimacy. In 1991 Zanzibar Resolution was drawn to entomb core values of "Ujamaa". It is this particular event which is claimed as marking death of "Ujamaa" in practice. Mwl. Nyerere himself commented in 1993 that "Ujamaa" had been warped. Yet, CCM would argue for existence of "Ujamaa". The bases for the argument are Article 9(j) of the Constitution of the United Republic of Tanzania 1977 (URT Constitution) and Article 4(3) and 5(3) of the CCM Constitution 1977 (CCM Constitution). This paper argues that Tanzania has currently a "myeloma" in ideology. And thus, it suffers a crisis. Its praxis is absent. Concomitantly, the praxis of liberalism through privatization policies and legislation is repugnant and thus unconstitutional. This leaves the general public confused. Moreover it makes investors lose confidence in business as a result. The paper recommends a wider debate involving all stakeholders be held in guiding the country to one clear direction on ideology.*

© 2012 Elixir All rights reserved.

### Introduction

Tanzania officially adopted "Ujamaa" in 1967 as an ideology towards development. It came as a political reform strategy to colonial legacies. That means, it aimed at restructuring political and socio-economic structures that were imposed by colonialists. The colonial structures created among other things, classes and uneven distribution of resources. Consequently, the country's economies were underdeveloped; social services were unequally accessed; massive exploitation of resources persisted; and the country depended heavily on external aid. Moreover, the colonial governments introduced capitalist institutions, economy, political systems, and social systems. For example, they established administrative companies like the German East African Company and Imperial British East African Company. These institutions deformed the political, economic, and social structures of Tanganyika and Zanzibar. The structures resembled the capitalist system. The impact of this is two-fold. First, the capitalist system drained wealth from colonies to Europe. Whatever was produced in colonies was meant to feed European industries leaving colonies economically baseless. Second, the established political and economic structures did not reflect those from pre-colonial societies. The pre-colonial socio-economic structures were agricultural orient. The agricultural development during that time was not ripe for commercial purposes. I mean large produce for exportation. The colonialists therefore wrecked the

existed ties and introduced theirs. In effect, they created uneven development in the colonies. For example, while the sisal plantations were established along the coastal regions Kigoma (in the western Tanzania) became a labour reserve area. Hyden (1980) argues that, Germany colonization of Tanganyika effectively put an end to the prosperity of the indigenous pre-colonial economies. In 1961 Tanganyika gained independence after TANU's long struggle since 1950s. It became necessary to restructure Tanzania's economy based on Karl Max's argument, that, it is the economy which determines the superstructure. Therefore, a restructure of the economy would mean redefining the socio-political aspects.

The purpose of socialism in Tanzania was to create a classless society where individual citizens enjoy equally the resources of the country. Towards this accomplishment a range of strategies were designed. These included: creation of a 'big state', establishment of leadership code, creation of one party state, formulation of various policies like villagization of 1967 and self-reliance policies. Using the Arusha Declaration of 1967 the government became the sole control of major means of production through nationalization of private properties; the party became supreme in 1975; the stipulated six codes of leadership were adhered; and the implementation of self-reliance policies was put in place. For example, it is explained in

the Arusha Declaration that 'TANU is involved in a war against poverty and oppression in our country....., we have been exploited a great deal, we have been exploited a great deal, and we have disregarded a great deal. Now we want a revolution'. One may argue thus the prime objective of socialism revolves around here and the proposed revolution stated, is the effective implementation of Arusha Declaration. It was strongly believed by the founder of socialism, Mwl. J.K Nyerere that through Arusha Declaration an equal but better life of individual citizens is guaranteed. This actually formed the basis of socialism in Tanzania. To make Arusha Declaration authoritative, it was/is incorporated in the URT Constitution, Article 9, yet it informs, in principle, all other laws made by legislature.

All over a sudden, and without changes being effected in the constitution, Tanzania adopted, in 1980s, a practice of liberalism which fundamentally contradicts the principles of socialism. Such adoption led to the privatization of national properties in a way of allowing competitive markets hence effective and efficient consumer produce. It presupposes maintenance of quality and quantity, and thus, guaranteeing individual liberty. This article stems to trace systematically the development of socialism in both theory and praxis in a view of identifying discrepancies overtime between the two; and rationale and justifications if any. The paper argues that Tanzania has lost focus on ideology towards development. She identifies socialism as a national framework in theory and practices liberalism through various privatization policies and legislations such as the Public Corporations Act, Cap 257 R.E 2002. The implications of this are two. First, the country would remain underdeveloped and externally dependant. Second, the practice of liberalism is unconstitutional since in principle any law contradicting the provisions of the constitution must be declared void. More important, investors will have no confidence in business in an environment where such a practice is repugnant. In achieving this wider objective the article is portioned into sections. These include an introduction which introduces the main objective of socialism in Tanzania. Second, conceptual framework defines concepts in this work for a better understanding while in use under this work. Third, in search for socialism in Tanzania discusses the bases of socialism as transformative. It discusses the role of government, leaders, party and implementation of socialist policies of self-reliance. Fourth, socialism at work and liberalism huddles describes a start point of contradiction between theory and practice of socialism. Fifth, constitutional socialism and the practice of liberalism assesses what is acceptable, i.e. the theory of socialism and/or praxis of liberalism, by the constitution of Tanzania. Sixth, the rationale and significance of socialist gestures discusses the reasons around socialist-liberalist ideological confusion. Lastly, the article concludes that Tanzania has currently no ideology; she is neither socialist nor liberalist.

### **Conceptual Framework**

Political ideology is a guiding framework that every society adopts for its survival. Loewenstein (1993:691) defines it as a consistent and integrated pattern of thoughts and beliefs, explaining man's attitudes toward life and his existence in a society, and advocating a conduct and action pattern responsive to, and commensurate with, such thoughts and beliefs. It is, thus, a set of ideas that constitutes society's goals, expectations and actions. Political ideology usually draws boundaries of legitimate actions and defines what the best form of government and economic system is, and thus formulation of policies. In social studies, it is a certain ethical set of ideals, principles,

doctrines, myths, or symbols, of a social movement, institution, class or large group that explains how society should work, and offer some political blueprint for a certain political order. However, many political parties base their political action and program on an ideology. In this way there is a formal relationship between political party and ideology of a respective society. Moreover, political ideologies are concerned with many different aspects of a society, for instance, the economy, education, health care, labour law, criminal law, the justice system, the provision of social security and social welfare, trade, the environment, minors, immigrations, race, the use of the military, patriotism and the established religion. Worldwide known political ideologies are socialism and capitalism (or liberalism as the latest form of capitalist ideology).

Socialism is a political framework that advocates for a system of collective or government ownership and management of the means of production and distribution of goods and services. The term is alluding conceived. While others emphasize on the role of government, others refer to belief hence relates to morals. A rupture of both leads to principles of socialism. These principles are used to differentiate socialism from capitalism. Mises (1951) defines socialism as a policy which aims at constructing a society in which the means of production are socialized. He adds that socialism believes that socialization of means of production is a system which would bring wealth to all. Two points can be depicted from Mises's definition. First is that socialism is a belief. Nyerere (1968) describes further that the basis for socialism is a belief in the oneness of man and the common historical destiny of mankind. That basis is, in other words, human equality. Second is that socialism authorizes a socialist government to control means of production for the benefit of all. Elucidating the same, Mises puts it that, "socialism must be conceptualized as an institutionalized interference with or aggression against private property and private property claims". Additionally, Kolko (2006) slips in to attest that socialism from its conception was hobbled with incomprehensible Marxist method and mysticism. However, Marx believed in a classless society with no exploitation of man by man. It may be argued that, socialism is a belief towards human equality. TANU (1967) defines socialism in simple terms as a way of life. It adds to it that socialism cannot simply come into existence. It can only be built by those who believe in, and who themselves practice, the principles of socialism. It therefore means that socialism is a belief and life. This is one reason that socialism is related to morals (religion). In religious grounds, a person believes in the God's Ten Commandments and lives by them promptly. This is so with socialist principles. One may argue thus, the emphasis of socialism is on the practice of its principles for which leaders have to accept and live in accordance to the principles. It is appropriate to attest that the belief embedded in socialism is vested to its government through leaders. The general principle of socialism is economic equality. This has been described in different strategies. These include socialization of private property, creation of a classless society, creation of only one ultimate organ of control which combines all economic and other governmental functions, democratic government, government involvement in production of goods and services (Marx and Engels, 1848; Mises, 1951; TANU, 1967; Nyerere, 1968; Brus, 1992; Schumpeter, 2003; Gabriel, 2006; and Cohen, 2009). All these strategies aim at maintaining equality in the society. One may, ameriolatively, argue that the general objective of socialism is to maximize wealth and opportunity, or minimize human suffering, through public control of industry

and social services. Nyerere (1968) posits that the purpose of socialism is the service of man, regardless of colour, size, shape, skill, ability, or anything else. In order for a socialist state /government to serve for a man it should be elected henceforth accountable to the people. It is plausible to argue that socialism must apprehend democratic principles. Therefore, a true socialist society is also a democracy. In support of this, TANU (1967) argues that socialist state is not simply because all, or major, means of production are controlled and owned by the government. TANU further explains that it is necessary for the government to be elected and led by peasant and workers. This is to argue thus the core value of collective ownership and management of goods and services remains invalid if not for humanity. Thus the acceptance of human equality is absolutely fundamental to socialism. It can be submitted that socialism is a political framework that has to be built under certain principles of equality. In order to achieve equality within a society the elected government has to work for the benefit of the people through a control of all or major means of production.

In contrast, liberalism has evolved overtime. Such evolution can be traced back to early liberals, to include Thomas Hobbes, John Locke, and Baruch Spinoza. They put much emphasis on liberty and equal rights as core to liberalism. Wolin (2004) posits that liberalism thus appeared caught between libertarian principle and in egalitarian consequences. It stems from the attempt to deal with the social and political consequences of combining free political economy with an administrative state that had come to assume significant welfare responsibilities. However, liberal ideology disagrees totally with the ownership and management of means of production and distribution of goods and services by the state. One of the arguments provided is in defense of individual liberty. In a lighter view, Wolin (ibid.) explains that for social and economic inequalities to be remedied or eased by state action assumes that the state, as representative of the political, possesses a significant degree of autonomy to perform that function. But the free politics of a liberal society allows, indeed presumes, that those who control economic power are naturally entitled and expected to promote corporate or self-interests through the political process. Solemnly, Cohen starts by attesting that 'capitalism celebrates greed', and thus 'self-sustaining'. He clarifies that by nature human beings are greedy and capitalism fosters human greedy. Hoppe (2010) without evading this fact, explains that capitalism is a social system based on the explicit recognition of private property and of nonaggressive, contractual exchanges between private property owners. It means that capitalism rejoices inequality in the name of ownership of capital. There is no harm with capitalism when exploitation of man by man persists as long man preserves self-interest. Schumpeter (2003) vigorously, dominates the discussion by deriving how greedy is capitalism. He deciphered the descendant of capitalism without vitiating the inherent greedy nature of the system. He says capitalism grew out of feudal state. He went further to show that through primitive accumulation the feudal exploiter was able to raise capital. Nicolus, et al. (1990) explains that capitalism involves the production and exchange of commodities with the aim of accumulating a surplus value, that is, profit. The profit is realized in the market, and some part of this profit is reinvested in order to maintain the conditions of future accumulation. It simply, means that capitalist as an ideology believes in the establishment of markets, investments, and areas for raw materials. It is thus, a political system that is deeply founded in exchange of commodities in unequal terms. For example, an exchange between minerals such as Gold with clothes and foods

the one who takes Gold will have more profit than the one taking clothes and foods. This is loot wrung in a legalized political framework. According to Karl Marx, the capital (*Das Kapital*) was used, by feudal exploiter who, later on, became capitalist exploiter to create 'surplus value' (*mehrwert*) through exploited labour power (*arbeitskraft*) of the proletariat (workers). However, Mises chopped to conclude that, "capital is not only personal; it is a social power". It is conspicuous that the capital accumulated through surplus value is vividly expressed by greedy in capitalism. It looks at personal rather than societal gains. For this reason capitalism extols greedy more than how socialism sees it absurd. Liberalism has no less than what capitalism embraces or cherishes. It only employs more complicated strategies that are not plainly seen as exploitation or subjugation. This is the focus on the market. Cohen comments that, the natural tendency of the market is to increase the scope of social relations that it covers. It means that, the individual motives are still embedded in the market. Market is used as a framework that an individual capitalist can work effectively under the state's care. The role of the state at this juncture is reduced to a regulator. Brus skylines the pertinent role of the state. He says the active role of the state in economic life is of a regulator, establishing and safeguarding the rules of functioning of the market. He goes ahead outlining those functions. They are contract enforcement, promoting competitive conditions, guarding the balance between the right to commercial secrecy and accountability. Additionally, Mkenda (2009) assets that the role of the state is reduced to enforcing property rights. Learning from all these new functions of the state in liberalism under market forces, one may argue that, they are perfectly set to prosper individual interests rather than the whole society. Mises conclusively, assets that liberalism, based on classical economy, maintained that the material position of the whole of the wage earning classes could only be permanently raised by an increase of capital. Liberalism is therefore, a political framework that advocates for free political, economic, and social systems. The framework intends to remove all obstacles to global politics (i.e. state boundaries), free markets, investments, and movement of people, technology and the like. This is to create a minimal state that functions to benefit individuals who are capable of sailing in competitive free markets globally. For example, the existence of European Union (EU) is a function of liberal ideology. It is proper to argue that liberalism and socialism are fundamentally antagonistic ideologies. While socialism advocates for the necessity of the role of state in socio-economic and political issues so as to maintain equal treatment of people in the society liberalism on the other hand critically see the minimal role of the state. In terms of emphasis, socialism put much emphasis on collective benefits while liberalism emphasizes individual freedom.

#### **In Search for Socialism in Tanzania**

Tanganyika and Zanzibar got independence on 9th December 1961 and 10th December 1963 respectively. The two countries united on 26th April 1964 immediately after Zanzibar's Revolution forming the United Republic of Tanzania. Before independence both Tanganyika and Zanzibar were under capitalist ideology. After independence Tanzania through TANU laid down the socialist foundations for people's development. These socialist foundations aimed at making Tanzania and its people self-reliant. Expressing the same, Okoko (1987) puts that one of the key policy statements of the Arusha Declaration was the theme of self-reliance. TANU (1967) outlines the Policy and Objectives of TANU. It is commonly known as the TANU "Creed". The outline included

principles of human rights and the vital role of the state. It specifically stipulates that 'the state must have effective control over the principle means of production and that it is the responsibility of the state to intervene actively in the economic life of the Nation so as to ensure the well-being of all citizens and also prevent the exploitation of one person by another person or one group by another and lastly prevent the accumulation of wealth to an extent which is inconsistent with the existence of a classless society'. This means that TANU aimed at two important duties. These are eliminating capitalist tendencies that were left out by colonialism and building a socialist state. To achieve such broad objectives it has to define what the state stands for, its powers, functions, and the obligations of citizens. In the same vein, TANU emphasizes on development basing on four prerequisites. These are People, Land, Good Policies and Good Leadership. Therefore, agriculture becomes the basis of development.

In the preparation of good leadership the National Executive Committee (NEC) met in Arusha January 1967 and made the following resolutions. First, every TANU member and government leader must be either a peasant or a worker, and should in no way be associated with the practices of capitalism or feudalism (exchange of commodities for business). Second, no TANU or government leader should hold shares in a company. Third, no TANU or government leader should hold dictatorships in any privately owned enterprise. Forth, no TANU or government leader should receive two or more salaries. Lastly, no TANU or government leader own houses which he rents to others. In addition, NEC resolved that members should get thorough teaching on party ideology so that they understand it, and always be reminded of the importance of living up to its principles. Therefore, the socialist policies exerted much emphasis on code of ethics so as to create good leadership. This is also manifested in defining socialism in Tanzania. That socialism is a belief. And this belief should be imparted to committed members of TANU. In addition, TANU (1967) expresses that, the successful implementation of socialist objectives depends very much upon the leaders. However, since then every citizen was a member of TANU.

Generally, to a larger extent TANU achieved its objectives. The government involvement in the economy started by nationalization of private properties. For example, the banking system, insurance firms, the key export-import business firms, milling firms, schools, and health centres, to mention a few (De la Rue, 1973; Okoko, 1987). Therefore, the government became the sole financier and producer of goods and services. The well-being of people was improved as access to social services was desirable. For example, access to education was made free of charge in all levels including higher education. To picturesque this, at independence there were only 41 public and private secondary schools with a total enrolment of 12,000. By 1971 there were 114 public and private schools and a total enrolment of 43,352 (Okoko, 1987). Also, by 1976 literacy rose up to 60% from 25% in 1967 (Green, 1979). This drastic increase was contributed heavily by education for self-reliance policies. In addition, Green explains that government concern to increase access to public services was increasingly concentrated on achieving universal provision of the whole range of basic services: primary education, adult education, preventive and simple curative medical facilities, pure water, access to transport, and decent housing. In actual sense, people tend to compare the livelihood during TANU and the current CCM and draw a conclusion that it was much better during TANU. Another point of credit that must be given to TANU is the

ability to dismiss classes that seemed to emerge during colonialism through uneven distribution of resources. For example, in areas served for provision of labour were left undeveloped relative to areas provided colonies with raw materials like coffee, tea, tobacco, to mention a few.

The implementation of the Second Five-Year Plan (1969-1974) was faced with economic challenges necessitated Tanzania to restructure its economic policies. The plan outlined "Ujamaa" development strategy as a compact package of socialist policies. The focus of "Ujamaa" was to develop rural communities where majority Tanzanians reside. The plan defined the objectives of "Ujamaa" policy, as "to create a society based on co-operation and mutual respect and responsibility in which all members have equal rights and equal opportunities, where there is no exploitation of man by man, and where all have a gradually increasing level of material welfare before any individual lives in luxury" (Okoko, 1987). However, the policy led to a creation of "Ujamaa" villages where people were persuaded to live together in communes. The rationale behind "Ujamaa" villages was to make sure that the benefits from agricultural development could be shared communally. For example, social services like hospitals, schools, water and the like were to be evenly distributed among communities. Notwithstanding, things did not become as planned instead the productivity went lower in relation to population growth. For example the agricultural output increased only by 2.7 percent between 1967 and 1973 (Okoko, 1987). There were a number of reasons to explain the low productivity. Due to limitations of time and space, this paper will not dwell itself into such discussion. The impact of low productivity became food crisis. The government resorted to importation of food. Consequently, the government expenditure leapfrogged. For example, Sendaro (1988) explains that in 1973 Tanzania spent 27mil. Tshs in foreign exchange while in 1974 and 1975, 733mil. Tshs and 766mil. Tshs were simultaneously spent to import food. More particularly, about 25,000 tons of Maize in 1973 and 483,000 tons in 1974 was imported (Ergas, 1980). Apparently, Tanzania as other countries faced economic crises that were highly contributed by the world depression as a result of oil crises in 1973. During this time CCM was born in 1977. It became the only party discharging duties in Tanzania mainland and Zanzibar. One interesting point to note is that CCM maintained the TANU policy and objectives on building socialism and self-reliance. It is stipulated in CCM's Constitution that CCM aims at promoting the building of socialism and self-reliance on the basis of the Arusha Declaration. In 1978/9 Tanzania fought a war in Uganda. All these events led Tanzania to more economic problems. In 1980's Tanzania experienced much economic hardship despite the implementation of economic projects like the National Economic Survival Programme (NESP) of 1982. This time around there was no any other option than to seek assistance from financial institutions like the World Bank and International Monetary Fund (IMF). These institutions had conditions that must be fulfilled in order to get financial assistance. One of the conditions was to accept the liberal ideology in various forms such as free markets/trade, free politics, free economy, and the like. All these are embraced under the capitalist jargon globalization (a global village). This event marked the end of socialism in mind. It was hard for the founder of socialism Mwl. Nyerere to accept the conditions as he always assailed capitalism as well as any political system that applause inequality. He polemically wishes for Tanzania not to accept the conditions from the financial institutions that would eventually allow capitalist fanatics. His political polemic

towards capitalism made him step down from his presidential position to allow somebody else who would actually accept the conditions from World Bank and IMF. This was because socialist policies were antiquated to solve the prevailed economic conditions. These conditions were in fact the last nail in a coffin to socialism in Tanzania. They originate from the very opposite ideological framework. In 1992, Arusha Declaration was "killed" officially in Zanzibar. The basis for this argument is based on deformation of foundations of TANU policy and objectives that CCM promised and yet promises to stand for. Argumentatively, CCM maintains a stance that socialism still exists. The rationale for this stance will be discussed in the following sections.

#### **Socialism at Work and The Liberalism Huddles**

Socialism in Tanzania has its foundations in 1967. It was stipulated in the TANU's Constitution. The constitution laid down the principles of socialism. These principles are:-

- (a) that all human beings are equal,
- (b) that every individual has a right to dignity and respect,
- (c) that every citizen is an integral part of the Nation and has the right to take an equal, part in government at local, regional and national level,
- (d) that every citizen has the right to freedom of expression, of movement, of religious, belief and of association within the context of the law,
- (e) that every individual has the right to receive from society protection of his life and property held according to law,
- (f) that every individual has the right to receive a just return for his labour,
- (g) that all citizens together possess all the natural resources of the country in trust for their descendants,
- (h) that in order to ensure economic justice the state must have effective control over the principal means of production, and
- (i) that it is the responsibility of the state to intervene actively in the economic life of the nation so as to ensure the well-being of all citizens and so as to prevent the exploitation of one person by another, and so as to prevent the accumulation of wealth to an extent which is inconsistent with the existence of a classless society.

The above principles lead to two main propositions concerning the core values of socialism. First, all people are equal in terms of race, gender, wealth, access to basic services and the like. This shows that there is no exploitation of man by man. One indication of such exploitation is the accumulation of wealth by one man in such a way that classes of the haves and the have-nots emerge. It is arguable that a socialist state is a classless society and that neither capitalism nor feudalism can accommodate socialism. Second, this is fundamental to socialism, the role of the state. It is stated in the last but one principle that the state must have effective control of resources so as to ensure equal distribution of the same. This means that when the state is ineffective in the control of resources then it loses the ability of ensuring equality to access such resources by the people. Consequently, there exist classes of those who own resources and those who own nothing. Schumpeter calls classes of owners and non-owners. Karl Marx calls them classes of capitalists and workers respectively. In fact, all names refer to differentiation of wealth in the society. In simple words, one may call classes of the haves and the have-nots. A society with classes is disqualified to be a socialist society. Expressing the same, TANU (1967) explicitly, states that a truly socialist state is the one which does not have two classes of people, a lower class and upper class. Lastly, it concerns about democracy. The socialist government must be elected. This is because when a

socialist government controls resources it is the people themselves in control of the resources. It is thus necessary for such government to be elected by the people themselves. In a bold statement, a socialist government must be a democratic one. For that it will be able to distribute resources equally to its citizens. However, unelected government can never be socialist. It was put by TANU (1967) that there cannot be true socialism without democracy. It is noteworthy that fascism and socialism have nothing in common. In fact no fascist state would claim to accommodate socialism.

There are other two important documents that outline the principle of socialism in Tanzania. These are the URT Constitution and CCM Constitution. Article 9(j) of the URT Constitution states, "the economic activities are conducted through ways that do not lead to accumulation of wealth or the major means of production are controlled by a few people". This clause specifically points out that there will be no private ownership and that all economic activities will be under control of the Tanzanian people through their government. This is one crucial aspect of socialism. On the other hand the CCM Constitution provides under Article 4(3) "...to annihilate all forms and manifestations of exploitation of man by man, and to combat and quell any attempt by an individual or group of individuals or any national institution to intimidate, oppress or suppress the people or to undermine the economy or national development." It continues to state, "it is our intention that the Party we are establishing shall have complete and supreme authority over all public affairs so as to safeguard and further the authentic interest of the workers and peasants". Again, the clause explicitly includes socialist aspects of creating a classless society, eliminating all forms of exploitation including unequal exchange of trade, and more significantly the state under the party (CCM) will have supreme control of public affairs including resources for the benefit of the citizens. In Article 6(3) of the same CCM Constitution is stipulated, "the aims and objectives of CCM shall be to promote the building of socialism and self-reliance on the basis of the Arusha Declaration". One may argue that CCM as a ruling party will carry out the mission created by the Arusha Declaration on socialism and self-reliance. Theoretically, CCM has, prudently, been able to maintain that mission. This is because till today CCM has the same clause in its constitution. On top of that the CCM Manifesto of 2000-2010 section 50 stipulates, "CCM maintains the policy and objectives of building socialism and self-reliance as it was stated in Party manifesto of 1990s". Another important document that outlines the existence of socialism is the Zanzibar Resolution of 1991. The CCM chairman and the president of Tanzania of the second regime, Ali Hassan Mwinyi, when giving a speech to citizens at DIAMOND Jubilee Dar es Salaam 25th February 1991, said "The Arusha Declaration exists, I repeat, the people who are responsible for this understanding are the CCM members." The speech was meant to delude the public about what has happened in the Zanzibar Resolution of 1991. In fact, the president was circumventing the matter from CCM members and the public in general. Notwithstanding, the Zanzibar Resolution of 1991 tactically came to dismantle the foundations of Arusha Declaration. To be precise, it came to end socialism in Tanzania. It required the government to adopt liberal ideology in all spheres of life of Tanzanians under SAPs.

These programs intended to warp the role of the state becoming a minimal state. Notwithstanding, one of the main principles of socialism is significant role of the state in the economy. The socialist state must have supreme control of means of production. It therefore means there must be

fundamental adjustments in the Tanzanian structures. From here fuzzing started. It was either to abandon socialism and side with liberalism or maintain socialist policies and forget about financial assistance from the World Bank and IMF. The situation put CCM and its government in dilemma. Abandoning socialism would illegitimise CCM from the people as it is to abandon the fore founder's hard work on building socialism in Tanzania for which majority have strong belief in him, At the same time accepting the assistance from financial institutions was not optional basing on the fact that the government was in 'preenclopsia' economic crisis. The government without circumspection accepted SAPs and maintains the policy in theory. One may argue that such a tizzy decision led Tanzania to grandiose ideology. It is neither socialism nor liberalism. It is very dangerous for a country to have no ideology since it is a framework through which a society survives by. Ideology gives direction to all issues concerning politics, economy, and society in general. No country develops without a direction. Arguably, Tanzania has lost focus pertaining development.

The praxis of SAPs manifests in the formulation of policies and enactment of laws. A good example is privatization policy and legislation in 1990s. The proper citation of the Act is the Public Corporations Act, Cap 257 R.E 2002 (the Public Corporations Act). The purpose of this Act is among other things to streamline privatization of public corporations. Analytically, it may be argued that the Act came to transfer ownership of public corporations (major means of production) to private ownership by individuals or a group of individuals (under a company). This transfer of means of production from public to individual is what disqualifies socialism as a framework towards economic development in Tanzania. It is equally worthy to note that private ownership is a distinct feature of liberalism. By implication, Tanzania has adopted liberalism as an ideology. It is obvious that liberalism is characterized by two classes. A class of those who own and those own nothing. It is the class of rich and class of poor. This is highly condemned by socialism. In fact, a class society (like liberalist) has no equality in terms of wealth and ultimately access to social services.

In order to facilitate the exercise of privatization of public corporations, the Public Corporation Act established the Presidential Parastatal Sector Reform Commission (PSRC). The status of PSRC is an autonomous organ of the government. It is a body corporate with perpetual succession and common seal and capable in its corporate name of (a) suing and being sued (b) taking, purchasing or otherwise acquiring, holding, charging and disposing, of both movable and immovable property (c) borrowing and lending money (d) entering into contracts (e) doing or performing all other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done by a body corporate.

Alongside its powers the PSRC was vested with the following functions to discharge. (a) to prepare and maintain an up to date list of all public corporations and make recommendations to the Minister on which public corporation should be declared to be specified public corporations (b) to formulate and execute detailed plans for the restructuring of all specified public corporations (c) to supervise, monitor and enforce the restructuring procedures and agreements in relation to specified public corporations (d) to liaise as necessary with responsible ministries and other organs of the government with a view to ensuring that the objectives of the commission are achieved (e) to initiate, advice on and facilitate the establishment or restructuring of regulatory bodies for the infrastructure and

utility sectors (f) to make any other recommendations which it considers necessary to enable the commission to achieve its objectives under this Act. In general, the PSRC came as a statutory body that transfers ownership of means of production from the public to individual holdings. In simple terms, it transfers ownership of parastatals to private individuals. This has come to be known as privatization. Privatization can simply be defined as a reform measure. And specifically, it is a reform measure to socialism. It reforms the foundations of socialism in all areas of life. That means it came to reform the political, economic, and social sphere. With liberalism massive privatization of public corporations have taken place in Tanzania. Bunnett (1997) defines privatization, to refer to conceptions of many people, as divestment of ownership of state-owned enterprises. He further defines divestment as transfer of state-owned assets to private ownership, whether by sale, restitution, give-away or liquidation. Similarly, explains that privatization involved the transfer of all or any kinds of property rights from the state to the private sector, ownership rights, operating rights, and development rights. In clearer terms, Ramanadham (1995) asserts that privatization represents conceptual continuum, ranging broadly over divestiture and non-divestiture options. In a way of blending the above definitions, privatization may be defined as a process of transferring ownership from state to private individuals. The ownership can be, in general, companies, land, social services (like schools, water, houses, etc), and public enterprises. Consistently, AFRODAD (2007) explains that privatization in Tanzania took a range of forms. These were outright sale of government's entire stake; partial sale to concessions, leases, and management contract; hiring off and sale of non-core business activities; and opening of previously restricted sectors to the new private entrants. One may argue that, the discharging functions of the Public Corporations Act are fundamentally inconsistent with the URT Constitution.

The implementation of the Public Corporations Act started effectively in 1993. It started with a supersonic pace. For example, between 1993 and 2001 over 300 parastatals were privatized out of 410 enterprises earmarked as divestiture and 499 non-core assets were sold (AFRODAD, 2007; Tsikata, 2003; see also PSRC, 2001; Chaligha, et. al 2002). By 2003, more than 380 parastatals were privatized. This includes large enterprises like NBC, TICTS, and TTCL (AFRODAD, 2007). One may question the speed towards the transfer of ownership from the public to private sector. Two arguments can be provided to explain this situation. First, the government argues that the public enterprises were performing at a loss meanwhile the government was suffering from economic hardships. The poor performance of parastatals is associated with the technical as well as management problems. Lyimo (2009) provides a prologue of those problems. He states that "the nationalized entities failed because of corrupt, thieving, and inert managements, usually appointed on the basis of nepotism, 'ndugunisation', and Old Schoolboy Networks". In general, AFRODAD (2007) puts it that shortage of working capital and foreign exchange to import industrial inputs, obsolete technologies, poor management and inadequate and erratic supply of infrastructural services such as electricity and water contributed to parastatal under-performance. Additionally, Mamuya (1993) pinpoints limited markets and pricing policy as contributory factors to parastatals under-performance. For example, Tanganyika Packers, Sunguratex, and Kiltex (Dar) were among the big public holdings that operated at a loss. The under-performance of these parastatals impacted highly to

government budgets. The government had to spend much fiscal resources supporting their operations. For example, Semboja in Mamuya explains that, in 1982, 88% of foreign exchange allocated to manufacturing sector went to public enterprises. The percentage leapfrogged to 92 in 1985. This impact was also unfolded in domestic credits. These parastatals requested for loans from the banks. In 1986, the parastatals accounted for 60% of total lending from NBC (Mamuya, 1993). One of examples is the National Milling Corporation. In general, these corporations had debts for which could not be retired. AFRODAD (2007) and CHC (2007) explain that, from a survey conducted in 1992, 6 corporations out of 10 could never retire their debts while were credit worthless. The total debt by parastatals amounted to 1.4 trillion Tshs.

Second, the analysts argue that it was a pressure to adopt liberal ideology by the World Bank and IMF. One of the probing reasoning is to seek investment areas. It is evident that the process of privatization had limitations on stakeholder participation. The controversies revolved around privatization of DAWASA, NBC, TANESCO provide us with good examples. Additionally, AFRODAD (2007) explains that the IMF had for more than 5 years since 1997 been insisting on privatizing DAWASA, as a condition to include Tanzania in the HIPC initiative. This, however, was rather a move to many African countries. Another supporting argument is that questioning the whole process of transferring ownership from the public to private sector. It was precisely stated by the second regime president Ali Hassan Mwinyi (the president who accepted SAPs) when giving a speech to citizens at DIAMOND Jubilee Dar es Salaam 25th February 1991, that the Zanzibar Resolution of 1991 allows citizens (CCM members and non-CCM members) to buy shares from the government. He emphasized that, "What the Zanzibar Resolution did, was to allow citizens to participate in national investments through privatization." Technically, he added that "the policy allows transfer of ownership shares to private individuals only within the country or outside the country." One may argue that the president was very tricky because he knew it was almost impossible for a poor citizen to buy shares of a public corporation. This is due to the fact that the country was experiencing economic difficulties so with the citizens. Moreover, both the workers and peasants depended heavily on government. In addition to that socialist policies could never allow any citizen (a worker or a peasant) to have surplus for investment. Moreover, it was plainly stated by AFRODAD (2007) that due to income poverty, only the minority may afford to participate effectively in private ownership. This is supported by the mere fact that most of the big corporations were privatized to foreign companies. For example, NBC was sold to Solutions Network Group of South Africa; CRDB was sold to DANIDA of the modern state Denmark; TANESCO was privatized under management contract of 10 years to TANESCO-Solutions Network Group of South Africa; DAWASA was privatized under a lease contract between Biwater International Ltd (80%) of England and Wales, and a partner Gauff Ingenieure & Co. KG-JBG (20%) of German Corporation; and TTCL was sold to Consortium of Celtel International BV of Netherlands and DETECON GmbH of Germany, to mention a few. It may generally be argued that, the socialist policies that have been stipulated in the Arusha Declaration 1967, the URT Constitution, and in the CCM constitution are not seen in the implementation of privatization policies and Public Corporations Act. This mismatch has legal implications that are to be discussed in the following section.

### **The Constitutional Socialism and the Practice of Liberalism**

Tanzania is one of the countries that adhere to rule of law. The rule of rule of law can be defined as a principle that emphasizes on supremacy of law. That means nobody should be above the law. Dicey (1885) defines rule of law referring to supremacy of parliament. He provides three main principles of rule of law. These are that everyone is equal before the law, no one can be punished unless they are in clear breach of the law, and there is no set of laws which are above the courts. Congruently, the URT Constitution in the preamble states that, "WHEREAS WE, the people of the United Republic of Tanzania, have firmly and solemnly resolved to build in our country a society founded on the principles of freedom, justice, fraternity and concord. In addition, it continues "NOW THEREFORE, THIS CONSTITUTION ASSEMBLY OF THE UNITED REPUBLIC OF TANZANIA, on behalf of the People, for the purpose of building such a society and ensuring that Tanzania is governed by the government that adheres to the principles of democracy and socialism and shall be a secular state". It can be depicted from the two provisions that Tanzania is governed through principles of democracy, rule of law inclusive, and thus parliament is supreme. It is supreme for one main reason that it is the representative body of the people. The members constituting this body are elected directly from the people by the people themselves. Edmund Morgan in Kramer (2004) conquers by phrasing it that "government requires make believe that the people have a voice or make believe that the representatives of the people are the people". Explicitly, Article 8 of URT Constitution vests powers to the people through principles of democracy. For example, paragraph (a) states that, "sovereignty resides in the people and it is from the people that the government through this constitution shall derive all its power and authority. This clause declares the source of Constitution to be the people. This means that the people through parliament vest their sovereignty to the Constitution. Implicitly, the constitution becomes supreme of all. Nevertheless, the Constitution expresses sovereignty of the people that, 'for that reason, an act of Assembly inconsistent with the Constitution, is void, and cannot be obeyed without disobeying the superior law which we were previously and irrevocably bound' (Kramer, 2004). This proposition has two implications. First, the power under Constitution will always be the people. Second, the Constitution existed before Parliament or any other branch of government. It is the constitution which creates parliament, executive and judiciary. And thus, parliament can never discharge functions that results to a contradiction with its creator the Constitution (superior law).

All these established bodies have particular functions to discharge. For example, Article 63(3) outlines functions of parliament. Paragraphs (c) and (d) specifically outline law making function of the parliament. The parliament makes laws of the land and no any other body. Article 107A (1) states that, "the Judiciary shall be the authority with final decision in dispensation of justice in the United Republic of Tanzania". However, in the process of dispensing justice the Judiciary has the final interpretation of laws made by the parliament. Kelsen (2005) defines judicial interpretation of laws as an intellectual activity, which accompanies the process of law application in its advance from a high level to a lower level. It is worth noting that Judiciary is independent in that process of dispensing justice. The rationale behind Judiciary independence is to apoliticize the process of dispensing justice and make more efficient. In support of such, Bradley (2004) says that, "the independence of Judiciary is no more transparent, adequate

authority. That means Judiciary's independence presupposes the definiteness of the law to be faithfully (apolitical if you will) applied". In addition, Devins and Fisher (2004) put that state actions inconsistent with the Constitution would clearly not be valid and judges would consider them as null and void. Article 107B complements the above propositions. It states, "in exercising the powers of dispensing justice, all courts shall have freedom and shall be required only to observe the provisions of the constitution and those of the laws of the land". Apart from being independent the clause points out that the Judiciary should interpret laws in respect to Constitution. This brings another aspect of Constitutional supremacy. Connected to this context is the principle of constitutional supremacy. Rawls (1993) explains that, "the Constitution is not what the Court says it is. Rather it is the people, acting constitutionally through the other branches, eventually allow the Court to say it is". In principle, all other laws are derived from the constitution. The principle of constitutional supremacy states that every law should be derived from the constitution, any which is repugnant is 'unconstitutional'. Sailing in the same, Article 30(5) states that,

"Where in any proceedings it is alleged that any law enacted or any action taken by the government or any other authority abrogates or abridges any of the basic rights, freedoms and duties set out in Articles 12 to 29 of this Constitution, and the High Court is satisfied that it conflicts with the Constitution, is void, or is inconsistent with this Constitution, then the High Court, if it deems fit, or if the circumstances or public interest so requires, instead of declaring that such law or action is void, shall have to decide to afford the government or other authority concerned an opportunity to rectify the defect found in the law or action such manner as the High Court shall determine, and such law or action shall be deemed to be valid such time the defect is rectified or the period determined by the High Court lapses, whichever is the earlier".

This clause declares supremacy of the Constitution in that both the parliament and executive have to discharge their functions in respect to what the Constitution stipulates. Whereas, government actions and decisions as well as laws made by parliament when contradict or appear inconsistent with the Constitution should be declared null and void by the High Court. However, these actions, decisions and laws must have effect only to basic rights and freedoms specified in Articles 12 to 29. It must be acknowledged that this clause is broad in terms of coverage i.e. actions and decisions of executive and laws made by parliament, but is narrow in terms of focus. It focuses only on conflicts to rights and freedoms. Article 64(5) significantly provides a broader focus though narrow coverage. It broadly focuses on all other laws made by parliament in particular. It therefore goes beyond rights and freedoms to include laws of the land. It states that,

"Without prejudice to the application of the Constitution of Zanzibar in accordance with this Constitution concerning all matters pertaining to Tanzania Zanzibar which are not Union matters, this Constitution shall have the force of law in the whole of the United Republic, and in the event any other law conflicts with the provisions contained in this Constitution, the Constitution shall prevail and that other law, to the extent of the inconsistency with this Constitution shall be void".

As far as the URT Constitution is supreme, the two clauses are working complementarily. That means no law, decision or action by parliament or government (executive) shall be left to prevail while contradicting the URT Constitution. This has to be determined by the High Court of Tanzania. In addition, the High Court can never declare any law, decision or action by

parliament or government void if not someone has filed a petition of the same. This presupposes a society with legal knowledge. There are various examples where the High Court has declared law, decision and action by parliament or government void. The first is Takrima case of Legal and Human Rights Centre, Lawyers' Environment Action Team and National Organization for Legal Assistance v. The Attorney General, Miscellaneous Civil Cause No. 77 of 2005, The High Court of Tanzania (Main Registry), (Unreported). The petitioners challenged the constitutionality of the provisions of section 119(2) and (3) of the National Elections Act of 1985, as amended by the Electoral Law (Miscellaneous Amendments) Act, No. 4 of 2000. The petitioners conceded that the provisions were violative of Articles 13, 21 and 29 of the Constitution for being discriminatory in effect, thus inhibiting the low-income candidates' right of enfranchisement and the right of citizens to enjoy fundamental rights. The ruling of the High Court was declared that section 119(2) and (3) of the National Elections Act of 1985 with its amendment in 2000 void based on the fact that the parliament contravened section 13(2) of the Constitution by enacting Takrima provisions. Second is the independent candidate case of Rev. Christopher Mtikila v. Attorney General, Miscellaneous Civil Cause No. 10 of 2005, The High Court of Tanzania (Main Registry), (Unreported). The petitioner, Rev. Mtikila filed a declaration that the Constitutional Amendment to Articles 39 and 67 of the URT Constitution as introduced by amendments contained in Act No. 34 of 1994 is unconstitutional. The basis for petitioner's submission was that the said amendment is violative of Article 20(4) of the Constitution which prohibits the enactment of laws forcing people to join any society or corporation. And thus, the provisions limit people's participation in contesting for political posts unless possesses party membership. The petitioner had in 1993 filled a petition to seek among other reliefs, a declaration that citizens of Tanzania have the right to contest for political posts (presidential, parliamentary and councillorship). The learned Counsel quoted several principles laid down by Lugakingira J. (as then he was) in Rev. Mtikila v. Attorney General [2005] TLR 31. The learned Counsel further submitted that since Rev. Mtikila v. Attorney General (supra) upheld the fundamental rights contained in the Constitution, the legislation of Act 34 of 1994 was void on the score of repugnancy. The verdict of the High Court declared in the present case was the same as it was declared in Rev. Mtikila v. Attorney General [2005] TLR 31, that, "...it shall be lawful for independent candidates along with sponsored candidates by political parties to contest, presidential, parliamentary, and local council elections". In the same vein, privatization and Corporation Act are void hence unconstitutional. This must be proved by the High Court of Tanzania. Notwithstanding, in 2010 the Court of Appeal nullified the two judgments (1994 and 2005) made by the High Court of Tanzania concerning independent candidate in Tanzania. The ground for the ruling is that the court had no jurisdiction on the matter since independent candidate matter is political and not legal. And thus, it must be dealt with by the parliament. The ruling of the Court of Appeal raises myriad of questions. First, are there 'political' or 'legal' matters that are/not specified by the constitution for the High Court to discharge? Responding to this question, one may cite Article 107B of the constitution where it is explicitly stated that "courts have freedom and shall be required only to observe the provisions of the constitution and those of the laws of the land" and concludes that there are no political matters that courts including the High Court can handle. The independent candidate



case is all about a contradiction of amendments of Act No. 34 of 1994 made by parliament to the constitution. As far as this is concerned, the High Court has jurisdiction to decide. Second, has the parliament a jurisdiction to dispensation of justice (particularly, political rights)? The answers to this question can be found under Article 63(3) of the constitution. The section skylines prime functions of parliament. It is quite astonishing to say there is nowhere indicated that the parliament has such a jurisdiction. One may wonder how the Court of Appeal vested the parliament a jurisdiction to decide on independent candidate case for which the constitution does not provide. One may go further asking how it is possible for a judge to be of his /her own case. This is far beyond the principles of justice. Arguably, the myopic ruling of the Court of Appeal has extensive political explanations. It is not possible to cover all of them here rather to highlight some. First, the Court of Appeal expresses fear towards parliament. The reasoning behind this is simple, in any democratic system with adherence to separation of powers with checks and balances, all actions and decisions made by one body of government should be checked by another. The Court of Appeal, instead, suggests parliament to check itself. This is unbecoming and shows a sense of incapacity of judiciary. One may delineate this fear from the powers of the government (executive). It must be acknowledged that CCM is the ruling party and has majority members in the parliament. Any decision or law passed by parliament constituted by majority CCM members is equally categorized as CCM decision or law. Second, it must be noted that the independent candidate is a threat to CCM. There are so many CCM members who are not satisfied with ill-making decisions of CCM as it can be clearly seen by intraparty factions. Therefore, allowing independent candidate to co-exist with party candidates makes an opportunity for some CCM members to leave the party. This is to prepare a coffin for CCM. In the same spirit of enjoying executive powers, CCM, opts to influence the judiciary on decisions. For example, the Court of Appeal relegates its prime role of directing and giving orders to 'advisory'. Makulilo (2011) argues that it is a shortcoming of appellate Court not to assert its powers that have been stipulated in the Constitution.

#### **The Rationale of Socialist Gestures and its Significance**

The socialist clauses and policy statements found in the URT Constitution, CCM Constitution and other documents are of no significance rather to serve for CCM's political gains. There are a number of supporting arguments to this proposition. First, socialism was/is approved by majority Tanzanians as a perfect political framework. Second, socialism is identified as wisdom of Mwl. J.K. Nyerere. Third, socialism is part and parcel of TANU and later CCM. In general, it may be argued that the clauses legitimize CCM to the people. Their removal could mean a crisis for CCM especially in this era of multiparty system where there are alternative policies. CCM came to replace TANU (Tanganyika) and ASP (Zanzibar) in 1977. It has been explained in previous sections how TANU successfully managed to give citizens good living at least since independence to 1970s. The succession of CCM in 1977 was still approved by many Tanzanians with greater hope of having good life. CCM was born out of one-party system. The supremacy of party was a necessary means to development through socialism and self-reliance policies. During this time the party was fused to state. It means that the party was able to utilize resources of the government as well. In that case the party and government were one and same in terms of powers. The fusion continued even after the introduction of liberal framework through plural politics. This was after the 8th Constitutional amendment that

declared Tanzania as a multiparty state. This is supported by Act No. 4 of 1992 as amended by Act No. 1 of 2005. The first multiparty elections were in 1995. CCM and other political parties (labeled opposition parties) contested for the elections. Unlike other elections during party supremacy where CCM contestants could hardly struggle to win elections, because of absence of competition, there exist competition in terms of candidates and party policies. It should be noted that one main objective of any political party is to acquire state power. This means that all parties should struggle by all means to this end. CCM was/is on advantage side when it comes to use of all means to realize an end. CCM as a ruling party and with the 'hangover' of party supremacy uses all powers she has to realize a better end. State-power fusion is an ad hoc strategy used by CCM to win elections. State-party fusion is a very broad topic that has been intensively dealt by Makulilo in two major writings. To a benefit of all, state-party fusion explains various means used by state party, i.e. CCM to win elections at tremendous percentages. For example, in 1995 it won approximately by 80% in parliamentary and 61% in presidential elections, in 2000 by 87% in parliamentary and 71% in presidential elections, in 2005 by 88% in parliamentary and 80% in presidential elections, and in 2010 by 79% in parliamentary and 62% in presidential elections (NEC, TEMCO, AFRICA ELECTIONS DATABASE, 1995, 2000, 2005, 2010).

It is from these data that it may be argued thus, CCM uses, among other core means, socialism as a guiding framework to attract voters. For example, it was identified in 1991 that Tanzanians who wanted a single party system maintained were 80% (Nyalali Commission, 1991). This yields to two explanations. One explanation focuses on citizen's political awareness. Some analysts tend to argue that citizens were ignorant to multiparty politics and thus could not have a critical mind. The second explanation is centred on the socialist ideology embedded in CCM. Socialism was introduced as a belief, the belief that people lived by for about 20 years. It is convenient to argue that it circulated like blood inside human being. Socialism to some citizens is theory and real. They believed and lived socialism. There are some who concretize socialism by describing the free and equal access to social services. Chaligha, et. al (2002) points out that socialism managed to deliver a measure of social welfare and to ensure a degree of economic equality as such literacy was 90% in 1970s and life expectancy was 52 years. However, after political reforms literacy declined to 63% and life expectancy to 47 years. Convincingly, people would see socialist policies better than other alternatives. Therefore, the second explanation is directly connected to legitimacy of CCM especially after multiparty politics were alternative policies. It is arguable that to please the 80% of Tanzanians, who wanted a continuation of CCM in power, the socialist clauses are deliberately left in the constitutions and CCM party manifestos. In support of this argument, CCM has been using various policy statements that are consistent with socialism. For instance, the policy statement "better life for all Tanzanian" was widely used during 2010 election campaign for the purpose of winning voters' hearts. Notwithstanding, such a policy statement is part and parcel of socialist principles. More specifically, it falls under the main principle of equality. It implies that CCM and government would strive to maintain equality among Tanzanians. This is only possible through socialist policies for which the CCM Constitution, manifesto as well as URT Constitution stipulate. Arguably, the clauses are more relevant to rural communes. Since majority Tanzanians live in rural areas, for example it is

about 78% (Chaligha, et. al 2002; CIA, 2011), then most of votes are expected to come from rural population. Part of the reason is that socialism had a positive impact to rural Tanzanians especially in the provision of social services. Following this impact, people in rural areas are pleased to socialist policies. It is logical to argue that, removing socialism in the URT Constitution, CCM Constitution and Party Manifesto implies illegitimizing CCM from people in rural areas. The consequence of this is the automatic downfall of CCM in elections. This is the least thing that CCM could do. It is rather to delude the population by maintaining socialist clauses in all necessary documents as explained prior. It must be noted from election results that the winning chance for CCM has not been constant rather fluctuating from one general election to another in a decreasing trend. This is explained by different scenarios. These include an outline of intraparty factions, underperformance (unable to fulfill people's expectations), and presence of alternative party policies that may seem more appealing. It was revealed by a research conducted by Afrobarometer in 2001 that Tanzanians are very dissatisfied by their national economy, and thus, about 59% of them say that the blame should be directed to the government. Another deduced explanation in support of winning situation of CCM party is derived from the state-party fusion through legal and institutional framework. CCM uses police force, media, public resources including human resources and army to provide a prime chance for victory in elections. All these are working in favor of CCM. In general, elections are conducted not in a level playing field hence CCM always wins.

On the other hand, the legal provisions may have a serious impact on privatization process. This is because the principles of constitutional supremacy suggest a declaration of the Corporation Act void. This Act is the one which gives privatization process a go ahead. Thus, when the High Court of Tanzania declares it void it means investors are in danger of losing their companies. It is either not a guarantee that what happened during the Arusha Declaration might not repeat itself. Currently, Tanzania is a multiparty state. There are other political parties which have alternative policies. It is also not a guarantee that CCM will stay in power forever as lessons can be taken from Zambia, Kenya, and Zimbabwe where the ruling parties have lost elections though some maintained their state-power fusion strategy and led to a coalition government. It is quite interesting to note that people have started questioning the ownership of means of production. For example, there are debates on who owns the minerals and for whose benefit. These debates click an alarm to investors. The investors in turn lose interest in investing Tanzania.

### Conclusion

The URT Constitution and CCM Constitution are the two main documents that provide for socialism in Tanzania. In principle, socialism is the guiding framework and that every other law enacted by parliament should be in line with the principles of socialism. That means all other laws should apprehend the significant role of the state in economy including ownership of means of production. They should also complement a realization towards classless society through equality. Since privatization and Acts do not fall in socialist principles instead exerting a challenge then privatization and Acts are repugnant. Any law which is repugnant is unconstitutional. They must be declared void by the High Court of Tanzania. This article argues that Tanzania is presently suffering from an ideological crisis. It is clear that Tanzania is sailing in a decay of ideology. Neither socialism nor liberalism

is a reality in the country. This situation is dangerous in any developmental agenda. The absence of a clear ideological framework towards development leaves a loophole for implementation of somebody's agenda. The increased corrupt tendencies in government provide us with good examples. The increased debates on who owns the means of production and for whose interest suggest a call for national debate including all stakeholders. This article recommends that the government should work seriously towards a clear ideological framework. This can be done through involvement of the general public since it concerns the nation as a whole.

### References

- Abercrombie Nicholas, Stephen Hill and Bryan S. Turner, eds. (1990) *Dominant Ideologies*, United Kingdom: Uniwin Hyman Ltd.
- Actionaid (2004) *Turning Off the Taps: Donor Conditionality and Water Privatization in Dar es Salaam, Tanzania*.
- Africa Elections Database: *Elections in Tanzania*, accessed at [www.africanelections.tripod.com/tz.html](http://www.africanelections.tripod.com/tz.html)
- AFRODAD (2007) *A Report on Tanzania's Experience with Privatization Policies: A Case Stud*, accessed at [www.afrodad.org/downloads/Tanzania.pdf](http://www.afrodad.org/downloads/Tanzania.pdf)
- Bunnett, Antony (1997) 'How Does Privatization Work?' in Bunnett, Antony (ed.) *How Does Privatization Work: Essays on Privatization in Honour of Prof. V.V. Ramadham*, London and New York: Routledge.
- Bradley, Gerand V. (2004) 'Is The Constitution Whatever the Winners Say It Is?' in Wolfe, Christopher (ed.), *That Eminent tribunal Judicial Supremacy and the Court*, Princeton, New Jersey: Princeton University Press.
- Brus, Wlodzimierz (1992) 'The Compatibility of Planning and Market Reconsidered' in Aslund, Anders (ed.), *Market Socialism or the Restoration Capitalism?* Cambridge, Britain: Cambridge University Press.
- CCM (2006) *Ujamaa: The Basis of African Socialism*, accessed at [www.ccmtz.org/ujamaaeng.htm](http://www.ccmtz.org/ujamaaeng.htm)
- Chaligha, et. al (2002) *Uncritical Citizens or Patient Trustees? Tanzanians Views of Political and Economic Reform*, Afrobarometer Working Papers No. 18, March
- CIA (2011) *The Fact book*, accessed on [www.cia.gov/library/publications/the-world-factbook/geos/tz.html](http://www.cia.gov/library/publications/the-world-factbook/geos/tz.html)
- Cohen, G.A (2009) *Why Not Socialism?* Princeton and Oxford: Princeton University Press.
- De la Rue (1973) 'Ujamaa on the March', in Lionel Cliffe and John S. Saul (eds.), *Socialism in Tanzania: An Interdisciplinary Reader*, Vol.2 Policies, Dar es Salaam, Tanzania: East Africa Publishing House.
- Davins, Neal and Fisher, Louis (2004) *The Democratic Constitution*, Oxford, New York: Oxford University Press.
- Dacey, Albert Venn (1885) *Introduction to the Study of the Law of the Constitution*, London: Macmillan and Co., Limited.
- Ergas, Zaki (1980) "Why Did the Ujamaa Village Policy Fail? – Towards a Global Analysis", *The Journal of Modern African Studies*, Vol. 18 No. 3
- Green, Reginald herbold (1979) 'Tanzanian Political Economy Goals, Strategies, and Results, 1967-1974: Notes Towards an Interim Assessment' in Bismark U. Mwansasu and Cranford Pratt, (eds.), *Towards Socialism in Tanzania*, Buffalo, Toronto: University of Toronto Press.
- Hoppe, Hans-Hermann (2010) *The Theory of Socialism and Capitalism*, Massachusetts, U.S.A: Kluwer Academic Publishers.

- Hyden, Goran (1980) *Beyond Ujamaa in Tanzania*, London and Nairobi: Heinemann Education Books Ltd.
- Kelsen, Hans (2005) *Pure Theory of Law*, Clark, New Jersey: The Lawbook Exchange Ltd.
- Kolko, Gabriel (2006) *After Socialism: Reconstructing Critical Social Thought*, London and New York: Routledge.
- Kramer, Larry D. (2004) *The People Themselves: Popular Constitutionalism and Judicial Review*, New York: Oxford University Press.
- Legal and Human Rights Centre, Lawyers' Environment Action Team and National Organization for Legal Assistance v. The Attorney General, Miscellaneous Civil Cause No. 77 of 2005, The High Court of Tanzania (Registry)
- Loewenstein, Karl (1993) "Political Systems, Ideologies and Institutions: The Problem of their Circulation", *Western Political Quarterly*, Vol. 6, no. 4, p. 689-706
- Lyimo, Karl (2009) 'Was Privatization a Must in Tanzania?' Dar es Salaam, Tanzania: The Citizen, 13th of August.
- Makulilo, Alexander B. (2008) *Tanzania: A Defacto One Party State? Germany: VDM Verlag Dr. Muller Aktiengesellschaft & Co. Kg.*
- Makulilo, Alexander B. (2010) *State-Party and Democracy: Tanzania and Zambia in Comperative Perspective*, (unpublished) PhD Project
- Makulilo, Alexander B. (2011) "Join a Party or I cannot Elect You: The Independent Candidate Question in Tanzania", *CEU Political Science Journal*, Vol.6, No.1, p. 111-137
- Mamuya, Ian (1993) *Structural Adjustment and Reform of the Public Sector Control System in Tanzania*, *Etudes Africaines Hambourgeoises 2*, Hamburg: Institut für Afrika-Kunde.
- Marx, Karl and Engels, Friedrich (1848) *The Communist Manifesto*, London: Pluto Press.
- Mises, von Ludwig (1951) *Socialism: An Economic and Sociological Analysis*, New Haven: Yale University Press.
- Mkenda, Adolf (2009) 'The Ideological Crisis: A Rejoinder to Minja's Financial Crisis' in Issa Shivji, Adolf Mkenda and Opportuna Kweka, (eds.), *Fountain of Ideas (Chemchemi)*, Mwalimu Nyerere professional Chair in Pan-African Studies, Issue No. 1, University of Dar es Salaam, Tanzania.
- National Election Commission (NEC) accessed at [www.nec.go.tz](http://www.nec.go.tz)
- Nyerere, Julius Kambarage (1968) *Freedom and Socialism*, London and Nairobi: Oxford University Press.
- Okoko, Kimse A.B (1987) *Socialism and Self-Reliance in Tanzania*, London and New York: KPI Limited.
- Ramanadham, V.V (1995) 'The impact of Privatization on Distribution of Equity' in Ramanadham, V.V (ed.), *Privatization and Equity*, London and New York: Routledge.
- Rawls, John (1993) *Political Liberalism*, New York: Columbia University Press.
- Resnick, Idrian N. (1981) *The Long Transition: Building Socialism in Tanzania*, New York and London: Monthly Review Press.
- Rev. Christopher Mtikila v. The Attorney General, Miscellaneous Cause No. 10 of 2005, The High Court of Tanzania (Registry).
- Sendaro, M. A. (1988) 'Planning and Management in Tanzania' in Hodd, Michael (ed.), *Tanzania After Nyerere*, London and New York: Printer Publishers Limited.
- Schumpeter, Joseph A. (2003) *Capitalism, Socialism and Democracy*, London and New York: Routledge.
- TEMCO (1997) *The 1995 General Elections in Tanzania: Report of Tanzania Election Monitoring Committee.*
- TEMCO (2001) *The 2000 General Elections in Tanzania: Report of Tanzania Election Monitoring Committee.*
- TEMCO (2006) *The 2005 General Elections in Tanzania: Report of Tanzania Election Monitoring Committee.*
- TEMCO (2011) *The 2010 General Elections in Tanzania: Report of Tanzania Election Monitoring Committee.*
- The Arusha Declaration and TANU's Policy on Socialism and Self-Reliance, Adopted by NEC of TANU in January 1967
- The Attorney General v. Rev. Christopher Mtikila, Civil Appeal No. 45 of 2009, Court of Appeal of Tanzania (Registry).
- The CCM Constitution of 1977, May 2005 edition
- The CCM Manifesto of 2000-2005
- The CCM Manifesto of 2005-2010
- The Public Corporations Act, Cap 257 R.E 2002
- The Zanzibar Resolution, 1991: A Speech delivered by the CCM Chairman and President Ali Hassan Mwinyi to Tanzanian Community, Diamond Jubilee, Dar es Salaam, on 25th February 1991.
- Tsikata, Yvonne M. (2003) 'Owning Economic Reforms: A Comparative Study of Ghana and Tanzania' in Kayizzi-Mugerwa, Steve (ed.), *Reforming Africa's Institutions: Ownership, Incentives, and Capabilities*, Tokyo, New York, Paris: United Nations University Press.
- Tushnet, Mark (1999) *Taking Constitution Away from the Courts*, Princeton, New Jersey: Princeton University Press.
- URT (2007) *Consolidated Housing Corporation*, accessed at [www.chc.co.tz/Privatization.html](http://www.chc.co.tz/Privatization.html)
- URT (1977) *The Constitution*
- URT (1993) *International Covenant on Civil and Political Rights Report*