

Compliance by Cooperatives to the Cooperative Code of Conduct in Tanzania: Experience from Agricultural Marketing Cooperatives in Rombo District

JOHN MOSHI¹

Department of Banking and Finance
Moshi Cooperative University
Kilimanjaro, Tanzania

Abstract:

This study was aimed at assessing compliance by cooperative societies to the Cooperative Societies Act 2003's code of conduct for management of cooperative societies. The main objectives were to examine the awareness of internal cooperative stakeholders (board members, managers, staff and members) to the code of conduct, determine the conformity by internal cooperative stakeholders to the code of conduct and to identify the main challenges facing cooperatives in implementing the code of conduct. Data was collected from 20 Agricultural Marketing Cooperatives in Rombo district, and involved board members, managers, staff and members. Findings indicate that the level of awareness of internal cooperative stakeholders to the Act is quite low, as most of the internal cooperative stakeholders have neither read the cooperative law nor the code of conduct. This was seen as a dangerous situation as it can affect the performance of cooperative societies. Additionally, the study found that most of the internal cooperative stakeholders do not comply with some of the conditions stipulated in the code of conduct. For instance, majority of the leaders do not possess the required academic qualifications, staff do not

¹ **John Moshi** is an Assistant Lecturer working with the Department of Banking and Finance at Moshi Co-operative University (MoCU). His areas of research interest include Cooperative Development and Microfinance operations. His last publication was on The Use of Mobile Money Transfer System in Savings and Credit Cooperative Societies in Tanzania (2016).

possess relevant academic qualifications for the positions they hold, leaders do not disclose their properties on annual basis and that leaders do not receive cooperative education prior to assuming their leadership roles, as stipulated in the code of conduct. It is recommended that education should be provided to leaders and staff of cooperative societies before assuming office, and that the cooperative support institutions should play their role to ensure that the code of conduct is adhered to for development of cooperative societies in Tanzania.

Key words: Cooperatives, Cooperative Societies Act, Compliance, Code of Conduct

1.0 BACKGROUND AND PROBLEM SETTING

Cooperatives, as economic enterprises and self-help organizations, play a major role in uplifting the socio-economic condition of their members and the local communities. Over the years, cooperative enterprises, especially Agricultural Marketing Cooperatives (AMCOS) have played a key role in providing access to markets, improving farmer's bargaining power and as a poverty reduction strategy with the potential to address the problem of social exclusion of the poor and disadvantaged who lack opportunities in the liberalized market economy (Magigi, 2016; Biby and Shaw, 2005; Birchall, 2004;). AMCOS have also been seen as relevant in addressing the problem of food insecurity by the World Bank in its 2008 World Development Report on Agriculture for Development.

In Tanzania, statistics indicate that, by December 2012 the total number of cooperative members was about 1.6 million. (Sumelius *et al.*, 2013). However, in a real sense cooperatives have been said to serve more people than those accounted for in the statistics. For instance, taking the mean household size to be five people in the country – the actual number of people that benefit from cooperative services, could be around 8 million

individuals. In addition, there are non-members who use cooperative services such as those who are members of pre-cooperative organizations/associations and those residing near co-operatives, which give an estimated figure of 2.5 million individuals. This brings the total number of individuals that are likely to benefit co-operatives to over 10 million individuals which is about 20% of the country's population. (Sumelius *et al.*, 2013).

The importance of co-operatives in general and AMCOS in particular notwithstanding, the performance and sustainability of co-operatives in many African countries including Tanzania is debatable since the number of co-operatives becoming dormant is increasing over time (Nkhoma, 2011). Research indicates that in Tanzania for instance, the performance of the cooperative sector has not been impressive since the introduction of trade liberalization in the 1990's (Banturaki, 2012). In this trade liberalization period, AMCOS in Tanzania have not been able to compete in the market and regain their former status in development agenda and have continued to perform poorly. For instance, Magigi (2016) reports that, between 2013 and 2015 the number of co-operatives operating in Tanzania declined from 9,604 to 8,040 while the number of members of co-operatives declined from 2.4 million to about 1.4 million. This decline has been attributed to, among other factors, poor leadership and mismanagement of the co-operatives which leads to bankruptcy and collapse. Magigi continues to stress on the problems of theft, embezzlement of funds and poor leadership in general as being among the chronic problems facing co-operatives. In addition, he mentioned the problem of poor education to leaders and staff as one of the problems which was also found by the former presidential committees appointed to investigate problems in the cooperative sector in Tanzania between 1975 and 2000.

Among the factors that have been repeatedly cited by authors as contributing to the failure of co-operatives include poor leadership / poor governance, lack of managerial skills, mismanagement, corruption, thievery, irresponsibility, low accountability etc. (Magigi 2016; Banturaki, 2012; Nkhoma, 2011; Maghimbi, 2010; Fulton, 2001; Cook, 1994;).

Due to poor performance of co-operatives, the Government of Tanzania appointed a Special Presidential Committee in the year 2000 to look into the problems facing co-operatives and advice on appropriate measures to be adopted. The Committee recommended the formulation of the Co-operative Societies Act 2003 (Maghimbi, 2010). In an attempt to curb some of the aforementioned leadership weaknesses, the Co-operative Societies Act of 2003 introduced a “Code of Conduct for Management of Co-operative Societies” which among other things stipulates the requirements for anyone aspiring to become a Cooperative leader, and the general conduct of leaders and staff while in office. The code has also been included in the new Cooperative Societies Act, 2013 with minor improvements. The assumption is that if leaders are elected, and staff employed basing on the stipulated criteria, the problems mentioned earlier will be reduced. It is more than 10 years now since the Code of Conduct was introduced in 2003, but the problems of poor leadership have persisted in Co-operatives (Magigi, 2016; Banturaki, 2012; Maghimbi, 2010; Chambo, 2009)

This study was therefore conducted to assess whether the internal cooperative stakeholders (board members, managers, staff and members) are aware of the existence of the code of conduct and to assess compliance to the code of conduct by the internal cooperative stakeholders taking AMCOS in Rombo district as a case in point. The study’s objectives were to examine the awareness of internal cooperative stakeholders regarding the Cooperative Societies Act 2003 and the code of

conduct, to determine whether internal cooperative stakeholders comply with the instructions given in the code of conduct and to identify challenges in implementing the code of conduct in cooperative societies in Tanzania.

Since many studies have been conducted to find out the reasons behind poor performance of AMCOS in Tanzania and as mentioned earlier, majority of the studies attribute the failure to poor leadership, this study went a step further in trying to uncover the reasons as to why cooperative leaders perform poorly regardless of the availability of a code of conduct for cooperative leaders. The findings show the main challenges faced by AMCOS in implementing the code of conduct and viable solutions for improving cooperative leadership and performance.

2.0 LITERATURE REVIEW

2.1 Cooperative Legislation and the Code of Conduct

In Tanzania, Cooperatives are governed by a set of laws, rules and by-laws. Most popular among these are the Cooperative Development Policy (2002), The Cooperative Societies Act (2003) and the Cooperative Societies Rules (2004). The Cooperative Societies Act was recently reviewed and a new act, The Cooperative Societies Act (2013) is now in place, though at the time of data collection for this study the new Act was not yet available to the public.

The Code of Conduct appeared for the first time in the Cooperative Societies Act, 2003. The aim of including the code of conduct was to provide guidelines on how cooperative leaders should be elected, leadership duration and how leaders should behave while in office (URT, 2003). Regarding leadership duration, the code has a provision limiting tenure to three terms of three years each. There are provisions in the code of conduct for cooperative management to require proof of

credibility on cooperative leadership and also to show the performance and experience of the leaders. The code of conduct focuses on the integrity of the cooperative leadership and the qualifications of executive staff. In the new Cooperative Societies Act (2013) for instance, a cooperative manager must possess at least secondary education. In the act there are also provisions for vetting of cooperative staff and declaration of personal property of cooperative board members and cooperative management staff. Executive staff of cooperatives will be vetted to check on their past history and qualifications, and will be employed on fixed term contracts. Leaders of cooperatives will go through training on business skills and good governance before they assume their duties (Sumelius *et al.*, 2013; URT, 2013; Maghimbi, 2010; URT, 2003). This study was therefore set to find out whether the provisions of the code of conduct are implemented in the AMCOS.

2.2 Compliance to the Code of Conduct

2.2.1 Meaning of compliance

Regulatory compliance can take two meanings depending with where the focus is being placed. In the first instance, compliance is defined as obedience by a target population with regulatory rules or with government policy objectives (OECD, 2000). In this first definition, the focus is put on the people who have to comply with the rules or regulations and why they should do so. The second definition of compliance shifts the focus from the people who have to comply, to the institutions that have to regulate or enforce compliance to the law. In this case, compliance focuses on the approaches used by the regulator rather than the response of the target population. This usage of the term “compliance” refers to a particular regulatory approach to securing compliance that relies primarily on persuasion and co-operation, rather than on legal

sanctions and punishment (OECD, 2000). Among the strategies or approaches that have been suggested to ensure compliance to the law is the provision of education (awareness creation), cooperation and persuasion (Hutter, 1997). When this is taken in the context of this study, compliance by internal cooperative stakeholders to the code of conduct can be said to depend on; (i) The knowledge and understanding of the code of conduct possessed by the board members, managers and staff such that they can submissively obey and (ii) The approaches used by regulators to ensure that the internal cooperative stakeholders comply to the code of conduct. This study will focus mainly on the first part dealing with knowledge and understanding of the law by the internal cooperative stakeholders.

2.2.2 Causes of non-compliance

There are various factors which have been identified as causing non-compliance to laws and regulations. The ones that are most relevant to this study are;

i) Knowledge of the law

One of the main reasons given for non-compliance by people to laws/regulations is the lack of regulatory knowledge or comprehension by the target group. People can not comply with the law if they do not understand what is required (OECD, 2000; FAO, 2005; Ostrovskaya and Leentvaar, 2011). This is especially the case when laws keep changing from time to time without proper information to the target population. In Tanzania, it is not clear whether the cooperative board members, managers, staff and even members have read and understood the cooperative law and the code of conduct so that they can comply to its requirements.

ii) Costs of compliance

The second reason for non-compliance to laws/regulations is the costs associated with compliance. Research indicates that voluntary compliance is likely to be low if costs of complying with a law are considered to be high (OECD, 2000). The costs can be in terms of money, time, risk, loss of image etc. In the context of co-operatives in Tanzania, complying with the code of conduct may involve several costs. These costs are such as costs for leaders and staff willing to attain the required academic qualifications, training costs for new board members, buying copies of the laws so that each member / leader can read them etc.

iii) Insufficient monitoring

According to Sparrow (2000) insufficient monitoring and enforcement of the law is one among the main factors for non-compliance to laws. This is because strict monitoring and enforcement serves as deterrence to prevent violators from breaking the law while at the same time sending a message to potential violators. This view is also supported by Silberman (2000) and Harrington (1998).

2.3 Research gap

Various research and publications in the cooperative field by such researchers as Magigi (2016); Banturaki, (2012); Nkhoma, (2011); Maghimbi, (2010); Chambo, (2009); Fulton, (2001); Cook, (1994); etc have identified factors for poor performance of cooperative societies, with poor leadership emerging as one of the top factors. However, not much effort has been put in trying to find out why cooperative leaders continue to perform poorly. This study is an attempt to fill that gap by trying to assess the quality of cooperative leaders by looking at the extent to which they comply with the set leadership standards provided in the Code of Conduct for Management of Cooperative Societies.

3.0 METHODOLOGY

3.1 Sampling and Data Collection Methods

This study was conducted in Kilimanjaro region where respondents from 20 Agricultural Marketing Co-operatives operating in Rombo district were drawn. Kilimanjaro was chosen because of its rich history in co-operatives especially the coffee marketing co-operatives hence making it possible and easy to access information relevant for the study.

All active AMCOS in Rombo district were included in the study but the respondents in each AMCOS, i.e board members, managers, staff and members were selected using a combination of simple random sampling and systematic sampling techniques.

Primary data was collected from the field using two methods: A questionnaire was issued to board members and selected ordinary members of the AMCOS. In addition, special forms used to collect information from board members and staff of AMCOS were obtained from the District Cooperative Officer (DCO) and issued to the AMCOS for collecting academic and other qualifications of board members and staff. The forms were used because the people are familiar with them as they are used by the government whenever such information is required.

Table 1: Sampling and Data Collection Tools

S. No	Data Collection Tool	No. Of Respondents
1.	Questionnaires	30 AMCOS Members 15 Board Members
2.	Board Member Verification Forms	98 board members
3.	Cooperative Employees Verification Forms	7 Employees
	Total Respondents	150

Moreover, the researcher collected, analyzed and reviewed extensive secondary materials from various reports and authorized documents in area of Cooperatives. These reports

included the Cooperative Societies Acts 2003, Cooperative Societies Acts 2013, specific cooperative's by-laws, employee records, general meeting minutes, reports on general elections etc. Various research reports, policy briefs, workshops and conference reports, as well as recent books and documents addressing the issues of cooperative leadership were also consulted.

3.2 Data Analysis and Interpretation

This study was aimed at finding out the level of compliance by internal cooperative stakeholders to some of the conditions stipulated in the Cooperative Societies Act 2013's code of conduct for management of cooperative societies. As such, the study was descriptive in nature and therefore quantitatively, data analysis was done using simple descriptive statistics. Qualitatively, data was analysed using interpretative analysis techniques by following the pre-prescribed specific objectives. From data analysis, frequencies, percentages and averages of the findings were produced. Tables have been used for data presentation.

4.0 FINDINGS AND DISCUSSION

4.1 Awareness on the existence of the law

All respondents of the study questionnaire were aware of the existence of the Cooperative Societies Act 2003 and that it was amended and a new act, The Cooperative Societies Act 2013 was now in place. However, only about 80% of the respondents agreed to having actually read the Cooperative Societies Act 2003. When this was analysed further, it was found that about 64% of the board members agreed to have read the law whereas only about 16% of the ordinary members have read the cooperative law (See Table 2). In addition, generally only 40% of the respondents possess a hard copy of the Cooperative

Societies Act 2003. Further analysis showed that of those who possess the law, 36% are board members while 42% are ordinary members. This implies that to a large extent, the internal cooperative stakeholders, although they know there is a Cooperative Act and a code of conduct and some of them have copies of the law, very few have actually read and understood the laws. This is contrary to what is stated in the code of conduct that any person aspiring to become a board member must show that he/she understands and is ready to enforce the act (URT, 2014). When this is put into the perspective of Ostrovskaya and Leentvaar, (2011) that people can not comply with the law if they do not understand what is required, one can confidently conclude that the poor performance of internal cooperative stakeholders is to a large extent attributed to by the fact that most of them have not read and understood the Cooperative Societies Act 2003 and the code of conduct.

Table 2: Respondents knowledge of the law

		Have read the Cooperative Societies Act 2003		Possess the Cooperative Societies Act 2003	
		Yes (%)	No (%)	Yes (%)	No (%)
Is a Leader	Yes	63.6	36.4	36.4	63.6
	No	15.8	84.2	42.1	57.9

4.2 Compliance to various aspects of the code of conduct

This study was aimed at finding out the level of compliance to various aspects stipulated in the Cooperative Societies Act 2003's code of conduct. The main areas of focus were the leader's academic qualifications, employee's academic qualifications, disclosure of properties by leaders as specified in the code of conduct and finally the issue of provision of education to leaders before they assume office. The findings for all these aspects are presented hereunder;

4.2.1 Leaders Academic Qualifications

According to the code of conduct for management of cooperative societies, a cooperative leader must possess at least secondary education. In addition to possessing secondary education, a cooperative leader must have attained cooperative education prior to becoming a leader. Additionally, as a member, the aspirant has to have a proven record of good performance. The findings indicate that, of the 98 board members who responded, about 72% possess primary education whereas only about 28% of the respondents possess secondary education (See Table 3). Additionally, 63% of the board members who responded to the questionnaire indicated that they did not receive any Cooperative education, before or after becoming board members. Moreover, 55% of the members who responded to the questionnaire suggested that cooperative education should be provided to the board members in order to improve their performance. These findings indicate that in general, cooperative leaders have very low levels of formal education and in particular, cooperative education is still very low among cooperative leaders. Taking into consideration that Kilimanjaro Region is among the regions that are a little bit well off in terms of literacy levels in Tanzania according to the 2012 census, the situation could be worse in other regions where the literacy level is lower. This could explain the poor performance of cooperatives in Tanzania and is contrary to what is indicated in the code of conduct for management of cooperative societies.

Table 3: Cooperative leader's academic qualifications

Leaders Education	%	Cooperative Education %	
Primary Education (Std VII)	72.45	Prior cooperative education	37%
Secondary Education	27.55	No prior cooperative education	63%

4.2.2 Cooperative Employee's Academic Qualifications

According to the code of conduct for management of cooperative societies, a cooperative employee / staff must possess relevant

academic qualification for the position being held. What this implies is that for instance, a manager/secretary, an accountant or a cashier in a cooperative society must possess adequate qualifications relevant for that position. The findings indicate that, about 14% of the respondents who are employees in cooperatives possess primary education whereas 86% possess secondary education. None of the employees (0%) who were studied possess relevant education for the positions they hold. All employees who filled the special cooperative employee's verification forms indicated that they lack the relevant qualifications for the positions they hold. This again is contrary to the directions of the code of conduct and it could be another reason for poor performance of cooperatives in Tanzania.

Table 4: Cooperative employee's qualifications

Employees Academic Qualifications	%	Relevant Education for the position held	%
Primary Education (Std VII)	14.29	Has relevant education	0%
Secondary Education	85.71	No relevant education	100%

4.2.3 Leaders Disclosure of their Properties

This is another requirement provided in the code of conduct that, every year, every member of the board shall fill relevant forms declaring property or business property he/she owns and controls (URT, 2013). The forms filled are to be read at the annual general meeting by the Registrar or his representative. This study was intended at finding out whether it is common for cooperative leaders to declare properties. The findings indicate that about 61% of the respondents declined having heard cooperative leaders declaring their properties whereas about 36% responded that the leaders do declare properties. This indicates that, even if leaders do declare their properties, it is not done as often as indicated in the code of conduct or maybe the forms are not read at the general meeting. This could explain why so many members are unaware that board

members are supposed to declare their properties every year. According to PFCMP (2015), cooperative leaders are supposed to disclose their properties as one way of showing that they are not engaging in fraudulent activities. One sign of a fraudulent leader is a sudden change in the leader's life style such as an unexplained increase of the properties he/she own. If cooperative leaders do not disclose their properties, there is a high risk that fraudulent activities may be going on without anyone noticing, hence poor performance of cooperative societies.

Table 5: Disclosure of Properties

Disclosure of properties	%
Yes	36%
No	61%

4.2.4 Compliance to other aspects of the code of conduct

The researcher was also interested to find out the respondent's general views on whether they thought their leaders complied to other aspects of the code of conduct such as leader's ethics, election procedures, respect for general meeting decisions, punitive actions for offences etc. The responses to these issues are displayed in Table 6. In general, most respondents (about 80%) seem to think that their leaders are people of high integrity, they are ethical and they can be trusted. Additionally, most respondents (83%) also think that elections in their cooperative societies are free and fair and that no illegal means are used during elections. Almost all respondents (95%) agreed that when leaders perform offences, they are punished accordingly and finally, 90% of the respondents are of the view that the decisions of the general meeting are normally respected and implemented by the board. On one side, these results seem to indicate that the cooperative stakeholders have faith in their leaders and the cooperative processes that are used in their cooperatives, which is a good thing. But on the

other side, the increase in number of cooperatives that are performing poorly due to poor leadership seems to indicate that this kind of overconfidence in the leaders may have adverse effects on the cooperative performance. When cooperative stakeholders trust the leaders entirely, they tend to leave every decision in the hands of their leaders thinking that the leaders cannot misbehave. In some cooperatives, leaders can do whatever they like and no one can ask them anything. This in most cases leads to embezzlement of funds, misappropriations and other unethical behaviours.

Table 6: Compliance to other aspects

Compliance aspect	Yes %	No %
1. Cooperative leaders are people of high integrity, ethical	79%	21%
2. Elections are free and fair	83%	17%
3. Leaders are punished when they commit offences	95%	5%
4. Decisions of the General Meeting are respected by the board	90%	10%

4.3 Challenges facing AMCOS in implementing the code of conduct

This study was interested to uncover the main challenges faced by cooperative societies in implementing the code of conduct. Among the main challenges mentioned by the respondents were:

- i) **Low level of understanding of the cooperative laws:** Respondents mentioned that the Cooperative Societies Act 2003 in general and the code of conduct in particular have not been clearly understood by majority of the internal cooperative stakeholders. One of the reasons given was that the language used in the act is difficult to be understood given the level of education of the internal cooperative stakeholders. Respondents advised that seminars should be offered regularly to the leaders to enable them understand

the laws. This is in agreement with the statement that people can not comply with the law if they do not understand what is required (Ostrovskaya and Leentvaar, 2011). This is also in line with the observations of Magigi (2016) that cooperative education is generally low among cooperative stakeholders in Tanzania.

- ii) **Unavailability of qualified members/staff to hold positions:** This was mentioned as another challenge facing cooperatives especially those operating in rural areas. Sometimes it becomes difficult to get people with the required qualifications to fill leadership positions in the board or as staff. As a result, cooperatives are forced to employ / elect leaders with less than the required qualifications. Magigi, (2016) stresses that, this is not only a problem in primary cooperatives (AMCOS), but it is a problem even in higher levels such as unions and up to the federation. Leaders and staff at these levels do not have the required academic and cooperative education hence putting a dent in the performance of cooperative societies.
- iii) **Weaknesses of the cooperative regulatory and support institutions:** Some of the respondents were of the opinion that the cooperative regulatory bodies have not been active enough in ensuring that the cooperative laws including the code of conduct are adhered to. In Tanzania, currently cooperatives are primarily regulated by The Tanzania Cooperative Development Commission (TCDC) which was formed in 2013. Prior to the formation of TCDC, cooperatives were basically regulated by the existing organs such as the Tanzania Federation of Cooperatives (TFC), Cooperative Audit and

Supervision Corporation (COASCO), the Registrar of Cooperatives and the ministry responsible for cooperatives. All these organs have objectives of ensuring that cooperative laws are adhered to, and also ensuring that adequate education and training is provided to the members and leaders. But the way it seems, these organs have not succeeded in their objectives as the level of cooperative education in the country has remained low.

5.0 CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

This study was aimed at assessing compliance by cooperative societies to the code of conduct . The main objectives were to examine the awareness of internal cooperative stakeholders to the code of conduct, determine the conformity by internal cooperative stakeholders to the code of conduct and to identify the main challenges facing cooperatives in implementing the code of conduct. Findings indicate that the level of awareness of internal cooperative stakeholders is quite low, as most of the internal cooperative stakeholders have neither read the cooperative law nor the code of conduct. This was seen as a dangerous situation as it can affect the performance of cooperative societies. Additionally, the study found that most of the internal cooperative stakeholders do not comply with some of the conditions stipulated in the code of conduct. For instance, majority of the leaders do not possess the required academic qualifications, staff do not possess relevant academic qualifications for the positions they hold, leaders do not disclose their properties on annual basis and that leaders do not receive cooperative education prior to assuming their leadership roles, as stipulated in the code of conduct.

5.2 Recommendations

From the findings obtained, and in order to improve the performance of cooperatives in Tanzania, the following recommendations are given:

- i) Provision of cooperative education to all internal cooperative stakeholders should be a continuous process and not a one-time event. The importance of cooperative education cannot be overemphasized. Lack of cooperative education has been mentioned time and again as one of the challenges hampering cooperative growth. This study recommends that cooperative education should firstly be given to members since these are the ones who are going to be elected into leadership positions. Leaders should also be given cooperative education as soon as they are elected in order to sharpen their knowledge and skills in cooperative leadership, laws and practices. Additionally, since it is known that in some rural areas it can be difficult to obtain people with adequate academic qualifications, cooperatives should strive for preparing and training their own staff so that they may acquire the needed qualifications. In this respect, cooperatives should set aside funds and have a training programme for their staff so as to ensure that their staffs upgrade themselves gradually.
- ii) Cooperative regulatory authorities and cooperative support institutions should play their roles in ensuring that the instructions given in the code of conduct are adhered to by the cooperative societies. Of current, the formation of the Tanzania Cooperatives Development Commission (TCDC) is an opportunity that can help the development of cooperative societies in the country. TCDC can see to

it that internal cooperative leaders and staff receive the required trainings before and after they are elected / employed. Similarly, other cooperative support institutions such as the Moshi Cooperative University (MoCU) should also play its role by engaging in provision of cooperative education to grass root cooperative stakeholders. A good strategy could be to develop distance education programmes that the cooperative leaders and staff can access while they are at their localities.

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