

Party Positions and Contemporary National Debates in Tanzania

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Introduction: Constitutional Reform as Pact-Making and Decentralization

Tanzania's political development towards multiparty democracy began slowly in the 1980s, and assumed a faster pace in the early 1990s. A significant landmark in the transition process was a two-day meeting on June 21-22, 1991 organized by the National Committee for Constitutional Reform (NCCR), which brought together pro-reform groups to discuss Tanzania's political future. At that time, no one could tell what the meeting's significance would be in terms of shaping Tanzania's political development. However, in retrospect, there were two central reasons for acknowledging the meetings impact on the country's changing political scenery. The first is that despite a hostile domestic environment, a group of relatively young men and women showed remarkable resolve and commitment in coming together to discuss Tanzania's political future outside the officially sanctioned ruling party and state organs. That resolve and commitment inspired other groups and individuals in subsequent years to contribute in their own ways—as media workers, academics, and other civil society organisations—to push for reform.

The second reason was aptly reflected in the name of the umbrella organization sponsoring the meeting, which was made up of allied reform groups: 'The National Committee for Constitutional Reform (NCCR)'. As the name suggests, the meeting stressed the primacy of constitutional reforms over other agendas in their demand for a multiparty competitive democratic system.

This article examines the core issue in the current Tanzanian political debate—the Constitution. In particular, it focuses on the positions of political parties regarding constitutional reforms—the setting of new rules to govern contestations for political power, and decentralization: an issue that includes the status of the union.¹

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In Tanzania – as in other societies experiencing the transition to a plural and competitive democracy – one aspect of the debate on the constitution is the demand for a pact to guide the transition process.² This debate centres on the need to create an alternative set of rules to be observed by all players in the political system. With regard to pact-making in Tanzania, finding a consensus among the reformers has also been a major pre-occupation. This article strives to assess the prospects for the evolution of a societal consensus, or pact, concerning regime rules. It argues that a government-dominated transition is taking place, and that the relative weakness of pro-reform groups prevents them from effectively challenging the ability of the ruling party to define the nature of the emerging regime.

A second concern of political debates in Tanzania is decentralization. For the purposes of this article, the debate on the status of the Union is subsumed under the discourse on decentralisation. This is because the issues raised in the discourse about the Union – the demand for a reconstitution of the state through reworking the formula regarding how much power should be allocated to the state's constituent parts – are related to decentralization.

At the heart of this article is the implication of these debates for long-term political stability. As Larry Diamond acknowledges:

... democratic transitions or openings for democracy, unleash political and social mobilisation that often alarm established interests which translates itself into a reactionary coalition of those interests (against the emerging interests groups)... (Diamond *et. al.*, 1988: xi).

While there is the possibility that the strains and conflicts surrounding opposition efforts to challenge the ruling party's leading role in defining the emerging regime could disrupt societal order in some countries – leading to a negative impact on socio-economic development – this scenario is not probable in Tanzania.

Constitutional Reform and Decentralisation in Democratic Transition

The Constitution as Pact-Making

Beetham (1994) bases his analysis of constitutional reform on the assumption that a transition towards competitive politics must involve a debate over a new system of rules. Eventually, this debate will lead to the enshrinement of a new set of rules in the constitution. Beetham proposes two important conditions for the resulting new rules to form the basis for

a consolidation of democracy. First, the constitution must be the result of a genuine countrywide debate that encompasses horizontal and vertical divisions. For Beetham, constitutional debates need to include a wide range of political viewpoints represented by all the political factions, rather than being a product of only one set of the political forces. Secondly, the drawing of such a constitution must involve a vertical inclusion that does not restrict conversations to the elite who lead political factions. All sections of the population (rather than a narrow elite drawn from among the opposition and sections of the old authoritarian groups) need to be included.

Olukoshi (1999) cautions that the constitution-making process needs to take due regard of the content of the pacts arrived at rather than simply writing a new constitution. For him, constitutions can be instruments of exclusion, rather than inclusion. In this regard, Olukoshi emphasises the need for new constitutions to have a democratic content.³

On his part, Harbeson (1999) underlines the need to sequence the process of the democratic transition so that competitive and plural elections should be preceded by "... multiparty agreements on the fundamental rules of the game" enshrined in a constitution. Harbeson is in agreement with Beetham and Olukoshi that the actual pact-making process must be participative (involving a constituent assembly which is made up of elected representatives obtained through universal suffrage, rather than that involving a narrowly defined set of actors); wide in scope (should entail reconstituting the state rather simply reaching agreements that cover only the terms for the exercise of political power based on the vital interests of those in the assembly); and enduring (the rules themselves must be inviolable and durable rather than being temporary in nature and responding only to contingent problems of the transition).

Beck (1997) also holds similar views to the above scholars by recognising the need for pacts in transitions. She outlines the details of such pacts along the lines suggested by Olukoshi. But Beck proceeds a little further to delineate in greater detail the agendas of the constitution-making process. She suggests at least three general issues that have to be addressed in the drawing of pacts:

- Building institutions that generate a new political balance of forces as some actors win or lose their influence in the transition process.
- Eliminating perverse institutions of the old authoritarian system that are incompatible with democracy.

- Eliminating informal networks of personal patronage.

The issue of informal networks of a personal patronage nature is Beck's particular area of concern.⁴ She delineates the perverseness and co-existence of both formal and informal practices (neo-patrimonial practices) within African politics that makes it unique in the analysis of present-day transitions to democratic multiparty systems.

Decentralisation

Besides the debate on the constitution and its relationship to democratic transition, a second issue of significant interest is the need to reconstitute the state, or what we have designated here as decentralisation. Looking at Beetham again on this issue, he argues that: "... democratic sustainability is improved by a system of devolved regional government" (1994: 171). As noted earlier, Beetham's main concern is democratic consolidation. For Beetham, the pact-making process must entail a reconstitution of the state so that power can be shared between the centre and its localities, allowing democracy to take root. In Beetham's eyes, decentralisation by way of establishing local government systems accords with democracy, and is a mechanism for assuring the consolidation of democracy. According to him, the assumed superiority of regional, as opposed to central forms of government, arises from the assumption that through a system of power sharing:

... defeated candidates in an election for example, compensate for exclusion from office (a territorial parliamentary form for example) by the prospect of exercising power at sub-territorial level (Beetham, 1994: 171).

Such a system of power-sharing in turn enables the building of a consensus between the different actors in the political sphere, thereby assuring the stability of the political system.

Diamond *et. al.*, (1988) expounds on the notion of decentralisation and its relationship to the reconstitution of the state. Decentralisation is presented as an issue in the state-society relationship, whereby the central state needs to be restrained with society and local government serving as countervailing forces. Underlining the importance of this notion of shared power between society and the state, as well as different levels of the state, Diamond castigates the emergence and development of statism, and proceeds to campaign for the evolution of civil society organisations as a remedy to the

pitfalls of the 'swollen state' in transitional societies.⁵ The division of power in a federal system implies the creation of a mechanism for 'inclusion' through the granting of degrees of autonomy to specific administrative territorial units. More explicitly, Diamond *et. al.*, (1988) argues for decentralisation in political life as a means of fostering an entrepreneurial political class (ostensibly through the promotion of civil society institutions and the private sector), and the inclusion of these groups through accommodating different constituencies in the polity. This, they argue, is a sure way to legitimise the system by allowing subgroups (ethnic, cultural, regional, etc.) to feel included in the political system. Nevertheless, Diamond *et. al.* warn about the possible emergence of dissension by different territorial, regional, or ethnic constituencies in a federal system. But even under those circumstances, the argument is that decentralisation is probably the surest way of managing conflicts and dissension.

Finally, Vanhanen's (1992: 8) observations are insightful. He offers a prescription for cleavage prone societies, like those in Africa. Vanhanen suggests that federalism—as decentralisation—be adopted as a strategy to achieve democracy, since it decreases the scope and intensity of conflict between different ethnic groups by allowing 'territorial' ethnic groups (such as 'Zanzibaris' and 'Mainlanders' in the Union of Tanzania) to manage their own affairs, while participating in the government of the federal state through their own units.

Salient Issues in Pact-Making and Decentralisation

From the review above, the following salient features emerge as basic to constitution-making and decentralisation.

- First, there is a shared view that transitions to multiparty democracy that assure stability and development entail arriving at a consensus, or a pact, on a new set of rules to guide the process. Implicitly, there is the suggestion that no meaningful transition can take place through sporadic reforms or single pieces of legislation without defining a comprehensive new set of rules.
- Second, in regard to the content of the rules of the game, there is the concern that in addition to the need to draw up new rules to eliminate the past authoritarian formal and informal ones, these new rules must have a democratic content that focus not only on contingent matters, but on long-term issues. In fact, Beck (1997) suggests that the participants in pact-making should envision their duty as creating an

inclusive polyarchal vision, rather than addressing themselves simply to the immediate interests of their group.

- Third, there is the significant view that the pact-making process should precede any important actions in the democratic process, such as elections. Ideally, the rules themselves, besides being drawn anew, need to be institutionalised before they are put into practice.
- Fourth, is the question of the process, and reflects a theme common in almost all the literature on the issue that the constitution-making process should be wide in scope and participative.

The brief discussion on decentralisation highlighted the hypothesis that a system with regional governments is superior to a centralised state. All the above scholars stress that decentralisation should not simply mean the institutional form assumed by the local government system, but should go far beyond to address the following three issues:

1. State-society relations. The key point is that the state needs to be restrained in its use of power by allowing society to blossom and manage its affairs independent from the actions of the state. This is brought about through sharing power between the society and the state.
2. Dividing power within the state between central and local levels of government. In this case, decentralisation should be a mechanism to check the powers of the central government by giving political autonomy to local or regional (these may be ethnic in composition) governments in a federal type of system.
3. Establishing a balance of power between the executive, the legislative, and the judiciary branches of government by giving autonomy to the latter two branches.

While the scholars mentioned above concede that decentralisation contains the seeds of conflict between the centre and regions, they nevertheless argue that this type of system offers a more civilised alternative to secession or civil war. Also, decentralisation is considered to have inherent fundamental advantages: it has the potential to enhance democracy; it can shore up the legitimacy of the political system; and it can diffuse ethnic conflict and dissension through the principle of inclusion. Taking due regard of the salient issues noted above, we now turn to situating the debate in Tanzania on constitutional reform and decentralization.

The Debate on the Tanzanian Constitution

Public debate on the constitution in Tanzania has for a long time been confined to the Union Constitution.⁶ In recent years, however, issues have also been raised about the Constitution of Zanzibar.⁷ Due to space limitations, however, this article will be confined to the debate on the Union Constitution, making reference to the discourse on the Constitution of Zanzibar where necessary.

Background to the Union and the Zanzibar Constitutions⁸

Since independence in 1961, Tanzania has had four constitutions: the 1961 Independence Constitution, the 1962 Republic Constitution, the 1965 Interim Constitution, and the 1977 Permanent Constitution. For the sake of contextualising the current debate, a brief description of each of the four constitutions is pertinent.

The 1961 Independence Constitution featured the dominion Westminster type of government, which separates the head of state from the head of government. The system also purports to make a separation between the executive, judiciary, and the legislative branches. This constitution presupposed the exercise of competitive politics under a multiparty framework, backed up by the free play of independent civil society organisations. But for independent Tanganyika, the dominion arrangement meant retaining the recognition of the British monarch as the head of state, raising a constitutional problem regarding the sovereignty of the newly independent state.

The 1961 Constitution was amended in 1962 to provide for a republic system, which merged the powers of the head of state with those of the head of government (prime minister), to create an executive president. The constitution, however, continued to retain all the other features of the Westminster form of government, while giving the president wide-ranging powers.

The constitution was amended again in 1965 to accommodate two major political developments in Tanzania. First, was to make Tanzania a single-party state. Second, following the Union between Tanganyika and Zanzibar on April 26th, 1964 that formed Tanzania, the 1965 constitution—designated as an interim one—defined the powers of the Union government under eleven articles.

It was in 1977 that the interim constitution was replaced with a permanent one that retained many of the highlights of the 1962 and the 1965 constitutions. The

1977 Constitution went on to formally define the role and position of the single-party in relation to other organs of state. It explicitly stipulated that Chama cha Mapinduzi (CCM) – formed after the merger of Zanzibar’s Afro-Shirazi and the Mainland’s TANU – was superior to all other institutions of state, and that all political activities had to be conducted under its auspices.

On the side of Zanzibar, at independence in 1963 the country had a dominion constitution featuring a typical Westminster type of government as was the case with Tanganyika. The only difference was that the head of state in Zanzibar was vested in the Sultan, who co-ruled Zanzibar with the British till its independence. Following the revolution in January 1964, the constitution was suspended, and the executive, legislative, and judiciary powers were fused into the Revolutionary Council (*Baraza la Mapinduzi*). It was not until 1979 that a new constitution for Zanzibar was drawn up. The major highlight of this constitution was the extraction of the legislative powers from the Revolutionary Council, and the creation of a partially elected legislative body, the House of Representatives. Also, an executive organ (cabinet) was created from the Revolutionary Council. The Revolutionary Council remained as an advisory body to the government, and its number was limited to thirty-five members. In 1984, a new constitution was created that reduced the number of the members of the Revolutionary Council from thirty-five to less than twenty, and these were now required to come from the members of the House of Representatives.⁹

Two main trends emerge from the discussion of Tanzania’s constitutional development. The first is the ascendancy of presidentialism as opposed to parliamentarism. The second is the emergence and ascendance of one-party authoritarian politics over a multiparty competitive democratic system (Tordoff, 1993). Currently, the pro-reform groups have added a third feature whereby they point out that all the previous constitutional amendments since independence, with all their significant implications for the society, were arrived at without the popular consent of the public, or a pact.

The Current Debate on Constitutional Reform in Tanzania

The Tanzanian constitution has been amended twelve times to date. One of the key revisions in recent times is Amendment No. 8, which resulted from Act No. 5 of May 29th, 1992 (URT, 1992). Act No. 5 of 1992 rescinded the provision for single-party supremacy over other institutions, thereby allowing for competitive politics through a multiparty system. This opening has facilitated a more concerted demand to look at the entire constitution and all its provisions in order to arrive at a consensus on them. The agendas on the

constitutional debate in Tanzania are very wide. But for the sake of convenience, one can divide them into two main groups: the demand for a pact; and the demand for changes to specific provisions in the constitution.

The Demand for a Pact

The issues related to the demand for a pact are broad in nature. They include the status of the existing constitution, and the need to create an organ that is representative enough to be legitimately charged with the responsibility of designing a consensual constitution. There are three main groups at the centre of the debate on the demand for a new constitution and the creation of an organ with a popular mandate to draw up a new constitution: the party in government; the new political parties; and some civil society organisations, such as the Tanganyika Law Society (TLS) together with some religious groups. Each of these groups has a different perspective on the above mentioned demands; and use different kinds of resources and strategies to influence the course of the debate.

The New Parties and their Subgroups

Tanzania has twelve new parties. Four of these have a combined share of close to 20 percent of the seats in the parliament.¹⁰ Eight of the new parties (which include all the four with seats in parliament) have organised themselves into a committee known as KAMAKA (*Kamati ya Maoni Kuhusu Katiba*/Committee on Public Views on the Constitution), to mobilise public views on the need to reform the Constitution. The other four parties have also organised themselves under a different organ, UWAKA,¹¹ or Council for Constitutional Review. Although the new parties support different forums, they share a common position that the existing constitutional framework has to be discarded. These groups argue that the present constitutional framework was founded on specific assumptions of the dominance of a single party; and that *ujamaa* (socialism) would serve as Tanzania's development blueprint. They further argue that to simply amend the existing constitution would be equivalent to trying to build a multiparty system on the foundation of single-party socialism. Opposition leaders argue that democratic governance must be anchored on a new foundation that embodies pluralism.

The new parties' demand for representation is nothing short of a call for a constituent assembly or a national convention. Generally, both groupings of the opposition fear that the existing organs of peoples' representation exclude important constituencies (media, academics, labour, business

entities, religious organisations, youth, and women) that are critical players in a future system of democratic governance. Besides, they argue, the current organs of representation—the Union Parliament or the Zanzibar House of Representatives—are biased in favour of established interests that are against the pro-reform groups.

The two forums differ in their approach to rewriting the constitution. While KAMAKA prefers to start by soliciting public views on the constitution and then proceed to drawing up a completely new constitution, UWAKA wants a direct meeting of a broad-based assembly to deliberate on various areas of the constitution with the aim of replacing it with a new one. UWAKA further calls for the withdrawal of the new parties from the present parliament as a demonstration of their commitment to the demand for a completely new constitution. To UWAKA, remaining in the existing parliament amounts to recognising the legitimacy of the constitution. The four parties in KAMAKA that have seats in the present parliament reject this demand.

Independent Civil Society Groups

As mentioned earlier, besides the new parties, there are civil society organisations calling for the amendment of the constitution. Among them are well-established groups like the Tanganyika Law Society (TLS), religious groups, media organizations, and academics.¹² Unlike the new parties, these groups recognise the legitimacy of the existing constitution, and the parliament as the institution through which views should be channelled regarding amending the constitution. But on some points they concur with the new parties in demanding that the constitution be stripped of undemocratic provisions, and that the parliament be broadened to include other players.

The Party in Government

The position of the party in government, CCM, is that the 1977 constitution is a legitimate and viable instrument for the administration of the country. The government acknowledges that some parts of the constitution do not accord with the envisaged politically liberal and market-based economic system. But contrary to the demands of the opposition groups, the government emphasises that any problems with the constitution can be rectified through amendments in the current constitution.

The government further argues that discarding the present constitution

would also mean disowning the positive pillars of the Tanzania nation. CCM maintains that the drawing up of a new constitution would only be justified under conditions of a complete collapse of the state. They point out that the Tanzanian state is well established, and that all that is required are minor modifications in the constitution. The government further notes that since independence, the process of constitutional reform has been carried out through amendments, even when the changes have been fundamental, like the move to the single party-state, and the reintroduction of multiparty politics.

On the issue of representation, the party in government opposes the views of the pro-reform groups for a constitutional assembly. CCM feels that the Union Parliament and the House of Representatives are the only legally mandated bodies to enact constitutional changes, and that a constitutional assembly or national convention lacks a legal mandate. It further argues that bodies such as national conventions or constituent assemblies are inefficient and inconclusive, which in turn breed political vacuums that can lapse into civil disorder.¹³

Demand for Changes of Specific Provisions

As Beck (1997) suggests, the demand for a pact goes beyond changes to the formal rules and legal provisions. Recognising how politics are practised in society, the pro-reform groups have also targeted the informal patronage networks that complement key formal features of political practice that enable the incumbent leadership to retain power. Often this takes the form of sporadic demands for changes in specific provisions of the existing Union and Zanzibar constitutions.

The areas in the Union Constitution seen as bolstering the ability of the incumbent party to maintain informal patronage networks were nicely summarised in the government White Paper No. 1 of 1998, which coordinated public views on constitutional reforms (URT, 1998b). These are:

- the structure of the Union,
- powers of the president,
- procedure for election of the president,
- structure of representation in parliament,
- structure and appointment procedures of the Union and Zanzibar Electoral Commissions,
- appointment of cabinet ministers,
- civil servants participation in politics,
- the relation between Regional and District Commissioners and the

- party in government, and
- the declaration that Tanzania is an a socialist state.

While the above areas of contention were acknowledged by the government as subjects repeatedly brought up by public discussions, reformers consider that there are other issues, perhaps more critical, which were not recorded by the government in the said White Paper. These include: decentralisation, management of the economy, and equitable access to social services.

In the case of the Zanzibar Constitution, people started questioning the validity of retaining the Revolutionary Council as a part of the state structure even prior to the turn towards a multiparty system. This issue resurfaced after a period of subdued discussion on the subject with the emergence of the multiparty system in the mid-1990s. Opposition groups in Zanzibar, together with Mainland reformers, argue that the concept of revolution does not conform to democracy, and should not be embodied in the state in the form of the revolutionary council. Besides the subject of a revolutionary government, debate is raging over the need to revise the conditions that restrict the Zanzibar president to two five-year terms of office.¹⁴

Debate on the Constitutional Framework: A stalled agenda

The government's response to the pro-reform demands was contained in the White Paper No.1 of 1998, which clearly stated its opposition to the principle of pact-making with pro-reform groups (URT, 1998b). Instead, the government opted for a committee system to collect views from the public and channel those views, together with its own recommendations, to the parliament so as to amend specific constitutional provisions as appropriate. This meant that no other organ – and certainly not a constituent assembly – was to review the constitution. The party in government decided to identify the areas of the constitution on which to collect citizen's opinions.

While the government-appointed committee was collecting the views of the public, top party and government officials restated their position in various forums on some of the critical issues raised on the constitution, e.g., the status of the Union, and whether independent candidates could contest for councillorship, parliamentary or presidential seats. For these officials, the status quo had to remain. However, the report of the Presidential Committee contained very critical views opposing the stated positions of leading government officials. The report is yet to be presented to the Parliament for deliberation. Nonetheless, organs of the party in government and its top

leaders have already condemned the recommendations of the Committee as unjustified. It remains to be seen if the Parliament – which has only a few opposition members – can take a decision that deviates from that of the party in government. But it can fairly be concluded that as long as parliamentarians seek nominations from their party for re-election, they will always support their party's position.

As can be expected, the opposition parties reacted angrily to the government's condemnation of the Committee's recommendations. The opposition was also unhappy with some of the Committee's recommendations on specific issues, especially regarding the composition of the Electoral Commission.¹⁵ The reaction of civil society organisations has varied. Some organised seminars at which they made their own proposals based on public views that they collected.¹⁶

In summary, it would seem that the task of establishing a pact has stalled. It is difficult to determine for how long the debate will last, or whether it might lapse into some form of protest, as was the case in June 1991. Looking at the balance of power between the parties in the debate, obviously the party in government has a massive resource advantage: financial, administrative, and above all its control of patronage links to rural communities. The opposition is weak, particularly in terms of the number of people it can mobilise in support of its agenda. It suffers from problems of credibility, lack of legitimacy, and of course it lacks other resources essential for mobilisation purposes. This power imbalance will allow the party in government to have breathing space, enabling it to oppose the demand for a pact without experiencing too much strain in the foreseeable future.

Decentralisation and the Status of the Union

Decentralisation is part and parcel of the debate about the need to reconstitute the state through the creation of a viable local government system. For the purpose of this article, we broaden the concept of decentralization to involve larger issues concerning the sharing of power between society and the state. In that regard, we define decentralisation as the checking of the central government power by allowing political autonomy and policy participation, not only to physical geographical localities such as administrative districts, but also to civil society organisations, and perhaps even identity groups. Decentralisation in Tanzania reflects not only the extent to which the state has devolved powers to the regions and districts through the local government system, but also it encompasses the Union question.

Decentralisation: Local Government Reform

The question of decentralisation is probably less contested than constitutional reform. A narrow interpretation of decentralization is the re-introduction of local government system. The local government system in Tanzania (Mainland) was inherited from the colonial administration at independence in 1961. It was a system derived from British colonial rule founded on the principle of indirect rule, and operationally organised under a system of native authority (chiefdoms). In 1962, the independence government abolished chiefdoms, ostensibly due to problems of national integration arising from the chiefs' defiance, and lack of loyalty to the new government. The entire local government system was abolished in 1971, and was replaced by a system of central government control over local administrative units (regions and districts), erroneously referred to as decentralisation (locally referred to as '*Madaraka Mikoani*'). A system of local government was re-introduced in 1984.

The Local Government Agenda

Debate on local government centres on how much power should be devolved to the local authorities. Even after the formal restoration of the local government system in 1984, little was done to actually transfer powers to local authorities. With the onset of the multiparty competitive politics and the demand for more democracy, more organised pressure has been exerted to affect a real devolution of powers to the local authorities. These demands came from the usual pro-reform groups, including the new political parties and the donor community.

The pro-reform groups feel that democracy entails more participation in decision-making, which can be made possible by empowered local governments. They argue that presently, even after the formal establishment of the local government system in the country, decision-making in the regions and districts is vested primarily in non-elected central government officials who overshadow local government councils. The central government has maintained its power at the local level through ministries responsible for local government and regional administration, and their representatives in the lower level administrative units: the Regional and District Commissioners (RCs and DCs). Besides the problem of decision-making, there is the dilemma of how to allocate development resources to the regions and districts. Critics charge that after funds are allocated for the

central government administration, little is left for local government projects. Another problem raised by observers of the local government system in Tanzania is that the quality of councils, in terms of their competence as initiators and implementers of development projects, is limited when compared to central government officials.

The pro-reform groups further suggest that problems with local government are more than just organisational, and are in fact constitutional in nature. They argue that the problems arise because the constitution narrowly defines local government using just two articles (No. 145 and 146), which do not comprehensively spell out the role and place of local government in regard to the central government. In contrast, the constitution extensively covers the central government, giving it expansive powers in the administration of the state, including that of ensuring the proper functioning of the local government system.

The opposition party that came out most forcefully on the issue of local government was the Union for Multiparty Democracy (UMD). In its 1995 election manifesto, UMD proposed the establishment of the old colonial administrative provinces (*majimbo*), which were tied to the old British native authorities system. The agenda did not charm many converts, and has subsequently been dropped.

The current main concern of opposition parties is with the process of selecting local level leaders. There are two issues contested here. The first is on the management of local government elections. The law provides that the office of the Prime Minister is responsible for the management of local government elections. The opposition parties argue that local government elections need to be managed by an independent electoral commission, as is the practice for presidential and parliamentary elections. Second, the new parties argue that it is not proper to introduce partisan politics for choosing leaders at the lowest administrative unit: the hamlet (*kitongoji*) for villages, and the street (*mtaa*) for urban areas. Opposition parties suspect that the government's insistence for holding partisan elections at this level aims at 'stealing' victory in the subsequent presidential and parliamentary elections as the party in power has formal and informal networks of control and patronage over village communities. Thus, they argue, by conducting partisan elections at the *kitongoji/mtaa* level, CCM is pre-empting efforts by the opposition parties in making inroads at the local government level, which is needed in order to enhance the oppositions' chances of victory in the more

lucrative presidential and parliamentary elections.

On its part, the donor community has explicitly been involved in the local government debate arguing that with the slow pace of national development, it is imperative that more donor funds be committed to local government institutions because they have the potential to reach the rural poor and other marginalized communities.

The central government and the ruling party raise two concerns on this matter. First, while acknowledging the issues raised by both the opposition and the donor community, central government officials fear that in countries undergoing political reforms, full decentralisation has the potential for breaking up the well integrated nation-state into semi- or completely autonomous fractions. They argue that full devolution can raise problems of loyalty to the centre, and hence create the potential for dissension. Government officials fear that institutions of localisation – as advocated by groups that would like to revive *majimboism* – will encourage ethnic/tribal tendencies that can pull the society away from the centre.

Second, CCM raises a general concern regarding national development. They argue that for various reasons, the regions in Tanzania are unevenly endowed with resources: there are those with a wide tax base that can raise adequate revenue for internal development; but there are also those that are not so well-endowed and thus cannot raise enough internal revenue for development. As such, CCM and the government argue, regulatory measures have to be established by the central government so as to assist a just sharing of resources for the purpose of attaining equitable national development. It is the government's view that dismissing these two concerns may throw the entire country into a situation of civil unrest and instability.

The State of the Debate on Local Government Reform

The central government has responded to the demand for a more effective local government system in several ways. First, at the policy level, it has passed a local government reform agenda for the years 1996 to 2000. Among the key actions envisaged in this agenda is the devolution of powers to local councils. On the legal front, in 1997 the government passed the Regional Administration Act (URT, 1997) to re-organise and scale down the central government's regional administration by handing over new responsibilities to local councils and their administrative departments. The Local Government Laws (Miscellaneous) Act No. 5 of 1999, further enhanced local

government reform by providing a new legal framework to guide the operations of local governments (URT, 1999a). On the political front, local government elections were first held in 1994, and part of the first phase of similar elections were held in November/December 1999. In Zanzibar, the local government system was disbanded following the 1964 Revolution. In 1994 both district and urban councils were re-introduced through Acts No. 3 and No. 4, and elections were held for the first time in 1995 alongside those for Zanzibar's president and members of the House of Representatives.

In summary, the local government agenda appears to elicit mild concern from the opposition parties, except when it is related to elections. It is not likely, therefore, for local government reforms to cause anxiety in the form of demands for more opening up, at least not in the immediate future.

The Status of the Union

The Union question was, and remains, a central issue in Tanzanian politics. This is so because any decision on it, which is contrary to the present set-up, will have a strong impact on the Union and Zanzibar constitutions. It is for these reasons that it was also included in the Government White Paper No.1 of 1998 (URT, 1998b).

Basic to the debate on the Union was Zanzibar's initial demand for increased autonomy within the Union to make its own decisions on various internal matters pertaining to the economy, politics, and socio-cultural development. The demand for greater autonomy is based on the claim that over time the Union has increased its authority at the expense of Zanzibar's capacity for self-rule. Reference is made to the fact that at the inception of the Union in 1964, there were only eleven Articles of the Union, which defined areas under Union control. As time elapsed, however, the articles increased to twenty-two. The question about the increase is not merely about the number. Rather, it suggests that the additional articles were drawn up in order to undermine Zanzibar's ability to develop its internal capability to initiate and promote the Isles' development within the Union set-up.

Under this debate, subsidiary discussions emerged with regard to the distribution of Union resources between the mainland and islands, notably regarding the allocation of funds from foreign assistance. There was also the perception in Zanzibar that mainland Tanzania was patronising the Isles, with Mainland cabinet ministers behaving in a 'big brotherly' manner when in consultations with their counterparts from Zanzibar. In more recent times,

some in Zanzibar have argued that there is a 'secret' agenda by the Mainland to transform the Isles into one its 'province', thereby abrogating the original agreement whereby Tanzania was to be a Union of two states. Reference is made to the revised constitutional position that makes the Zanzibar president a mere cabinet member in the Union government when previously this person was a key participant in the Union presidency, occupying the post of vice-president.¹⁷

Zanzibar's grievances have spurred counter complaints from Mainlanders, which include that: (a) Zanzibar is acting unilaterally on issues where there is need to consult with the Union government; (b) the Mainland is subsidising many of Zanzibar's public services; and that (c) Zanzibar is not making its fair share of financial contributions to pay for the working of the Union.

As can be seen, the issues raised have serious implications for the survival of the Union. The Government White Paper No. 1 (URT, 1998b) asked the public's opinion about the appropriate Union structure. Most of the opinion gathered weighed very heavily in favour of the retention of the present system.¹⁸ But to the visible consternation of the Union president, the committee—which he himself had constituted—recommended that a more decentralised three-tier system should replace the existing two-government Union structure.

The committee's recommendation needs to be considered against the backdrop of a strong push from outside the government to reform the Union structure. Five years earlier, the Nyalali Commission came up with a similar recommendation of a three-tier government system (URT, 1992). Also, in 1993, a group of 55 members (the G55) of parliament presented a resolution that there should be separate governments for Zanzibar and the mainland, linked together by a federal structure. During the 1995 Zanzibar elections, the opposition Civic United Front (CUF), which secured 24 of the 50 elected seats in the House of Representatives, campaigned on a platform that advocated a three-government structure. As with the issue of pact-making, by and large the party in government would like to retain the status quo position on the Union in the face of outside pressure for change. There is no doubt that feelings from Zanzibar are so strong that one wonders whether the issue of the union can be resolved along the lines that the government seems to suggest. And so, just as the debate on constitutional reforms continues, so does the debate on the Union.

Conclusion: Prospects for a Consensus

This article has mostly been based on the assumption that the chances for continued stability and opportunities for socio-economic development in Tanzania exist, and will continue to exist when there is a consensus on the agenda in the country's transition process: constitutional reform, decentralisation, and the status of the Union. By and large, CCM's approach is to continue managing the transition in order to stay in power. This position is most visible in the demand for a pact and the question of representation, which are at the heart of the debate on the constitution. The same is true when it comes to debates over the status of the Union. Obviously, the government has outflanked the proponents of fundamental change through the use of committees to look into selected issues of the constitution instead of creating a broad based convention to decide on the rules that should guide the entire democracy project. However, in the face of government intransigence, there is the persistent demand by the pro-reform groups for alternative options. Under such circumstances, it is difficult to say for certain which way the impasse will be resolved.

However, one can at least make a general conclusion on the basis of the relative strengths of the two major contending groups. If we start with the party in government, it is endowed both with strength and weakness. It controls most of the resources necessary to continue managing the transition and retain its incumbency, including financial, administrative, and technical personnel; and a majority in parliament. But above all, as Beck (1997) suggests, the government has at its disposal a wide-ranging network of informal patronage mechanisms that enable it to retain influence over the public. This is a particularly important resource for legitimising government actions. With this range of resources, the party in government can hope to maintain stability while continuing with its programmes for socio-economic development without a lot of disturbances.

But, despite this considerable strength, one can also recognise some weaknesses that can undermine its capacity to continue exercising its grip on the transition process. There are segments within the government that quietly oppose the official position. Both in the administration and in parliament, voices can be heard in support of an alternative structure – such as that of federalism – as a solution for the serious ills in the relationship

between Zanzibar and the Mainland. Such voices include the former G55 members, and some administrative personnel that are tired of the periodic upsurges of discontent centred on the 'Zanzibar question', epitomized in the daily quest by the people of Zanzibar to attain more autonomy within the Union. These two issues, in particular, reduce the resource base of the party in government, undermining its ability to retain incumbency over the long run.

The pro-reform groups are, by and large, disadvantaged when compared to the party in government. Besides their relative lack of resources, these groups—be they political parties, the media, academics, or NGOs—have little penetration countrywide. The political parties, which have always been the main force, are split into two—if not more—factions on the fundamental issue of establishing a pact that should guide democratisation in the country. Sometimes it is doubtful whether they actually favour polyarchal institutions in their demand for democracy. In several cases, it would seem that the new parties could be as authoritarian as the incumbent one, if not more. The advantage the pro-reform groups enjoy is the obvious diplomatic and covert material support they receive from the donor community. This support, if properly harnessed, can take the pro-reform groups a long way towards influencing major societal decisions in the country.

In conclusion, basing on its relative strength, the party in government will retain its grip on the transition process to multiparty democracy in the immediate to medium term future. With the relative weakness of pro-reform groups, the likelihood of protest that could disrupt order to the extent of sidetracking the implementation of the general socio-economic project is also unlikely.

Notes

1. Tanzania, or formally, the United Republic of Tanzania (URT), is a union of the former territories of Tanganyika (Mainland Tanzania) and the Islands of Zanzibar (Unguja and Pemba) that came into being in April 1964.
2. We borrow from Bratton & van de Walle who define regime as "... sets of political procedures—sometimes called 'rules of the political game'—that determine the distributions of power. The rules prescribe who may engage in politics and how. The relevant rules may be formally codified in constitutions and other legal statutes; or they may be informal, embodying customs and habits to which all participants are attuned" (Bratton & Walle 1997: 9).

3. In this discussion, Olukoshi makes the distinction between constitutionalism and democratic constitutionalism. The former is a mere technical minutiae that do-not reflect the actual stress and strain of Africa's political space. Democratic constitutionalism highlights the centrality of inclusive participatory politics for the success of the reform process in Africa.
4. Other analysts of contemporary politics in Africa, for example Beetham (1994), have also recognised the important impact of informal and patronage networks for transitions.
5. Diamond *et. al.*, define the 'swollen' state as one that is "both too large and too weak" (1988:20).
6. Although formally Tanzania is one sovereign republic, Zanzibar is accorded a special status that includes its own constitution and autonomy over internal Zanzibari matters. The affairs of the URT are under the 1977 permanent constitution, while the Zanzibar constitution was drawn up in 1984.
7. At the 1991 NCCR meeting, the Zanzibar reformers were represented by the Zanzibar United Front (ZUF). ZUF, like their mainland counterparts, campaigned for a new constitution to facilitate the move to a plural democracy. In more recent times – as is the case for the constitution of the URT – there is pressure in Zanzibar to change its constitution in various areas including the status of ceremonial aspects of the Zanzibar state, the Revolutionary Council (*Baraza la Mapinduzi*), and removing presidential term limits.
8. Parts of this section appeared in a NGO calendar facts sheet published by the Friedrich Ebert Stiftung Foundation in 1998.
9. The Zanzibar president has the power to nominate up to ten members of the House of Representatives, effectively enabling the president to appoint unelected leaders to ministerial positions, and into the Revolutionary Council.
10. The party in government secured 80.2 percent of all the seats during the 1995 general elections.
11. KAMAKA is chaired by Bob Makani, chairman of Chama cha Demokrasia na Maendeleo (CHADEMA); while UWAKA is under the chairmanship of Emmanuel Makaidi, chairman of the National League for Democracy (NLD).
12. Some of these groups have already set up mechanisms for collecting public views on constitutional reform. TLS has organised conferences to seek public views on constitutional reform. Some media organs regularly invite and carry articles about the constitution. Religious groups, notably the Christian churches, have held several conferences and workshops at

- which issues regarding the constitution have been raised.
13. CCM's leadership cites the example of Zaïre (now Democratic Republic of Congo) as a close to home case of a failed national convention that engaged in lengthy and non-productive negotiations only to conclude in a civil war.
 14. Following the introduction of multiparty politics in 1992, both the Union and Zanzibar constitutions restricted the president to two five-year terms. The current move in Zanzibar to review this provision is aimed at removing term limits.
 15. The opposition parties campaigned to be included in the Electoral Commission as members. However, the Commission has retained the present composition where members of political parties are barred from serving.
 16. For example, TLS conducted zonal workshops to collect views on the Union constitution. Echoing the views of the Presidential Committee, TLS recommended a three-tier state structure for the Union.
 17. Under the single party system, if the Union president came from the mainland, then the vice-president was to come from the isles. With multiparty politics, it was realised that the Union and Zanzibar presidents could come from different political parties, making it difficult to form a coherent government. The resulting compromise was to have each party nominate one of its candidates for the presidential or vice-presidential position from the Isles, and the other from the Mainland. But this provision generated a fresh problem because the Zanzibar president is elected in separate Zanzibar elections, and therefore can be from a different party than the one that controls the Union government.
 18. The findings of the Presidential Committee on the constitutional review are that 88.5 percent of the respondents would like to maintain the two-tier government structure. (Report of the Presidential Committee on White Paper NO. 1, of 1998 on the Co-ordination of Public Views on the Constitution of the United Republic of Tanzania, 1977: Dar es Salaam: Government Printer).

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