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Conflicts and Constitutional Issues in Tanzania

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Introduction

Scholars who have attempted to explain the causes of conflicts in Tanzania have generally pointed out that conflicts occur due to dissatisfaction with the current political order. In this article, I wish to reflect on a number of conflicts as well as variances in political practices. I begin with a definition of conflict. I then present a brief overview of the state of democracy in Tanzania. The major argument presented here is that liberal democracy is becoming the dominant paradigm in Tanzania and this is likely to be a source of conflict in the future because it does not ensure that politics or the organization of state power will guarantee popular participation in matters crucial to people's livelihood.

The *Oxford Dictionary* defines the word conflict as a serious disagreement between two parties, a struggle or fight, or a serious difference of opinion. What this definition essentially communicates is that conflict is a situation in which a minimum of two parties strive at the same moment to acquire the same set of resources. The point of departure, arguably, for discussing contemporary political conflicts and other socio-political issues is globalization. The post-cold war global political economy is one that is increasingly being globalized in which political, economic, cultural, and social events become more interconnected and societies are affected more and more extensively and more deeply by events of other societies (Baylis & Smith, 2001). As several writers have pointed out, in general, globalization is trade driven, technology driven, and policy driven. For example, the argument advanced by Francis Fukuyama in his "end of history" thesis is that the power of the market is resulting in liberal democracy replacing all other types of government. In short, the direction of history is towards the expansion of a single economic market throughout the world (Fukuyama, 1992). In short, globalization is viewed as a structural transformation of the international system away from the traditional sovereignty to new forms of governance. In many respects, globalization must be seen as a long historical process, but, also, it is qualitatively new. To be sure, Africa has been long integrated into the world economy from the time of slavery, colonialism, and neo-colonialism to the current era of globalization. The real issue for Africa is how to

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minimize the negative effects of globalization in the face of the Bretton Woods institutions and the World Trade Organization, who are the governors of globalization.

For years Africa has been subjected to an imperialist ideology. International financial institutions are in fact working for the big states and corporations, dictating both economic and political policies. Globalism, from the perspective of national economies is the current hegemonic development paradigm and it entails as its ideology the core growth of a world market. From the above one can ask: is Tanzania sovereign and independent enough to pursue its own development agenda? A few years ago, Nyerere gave an answer to this question in the context of worries that were raised to the effect that South African investments in the country were reducing Tanzania's sovereignty:

"If South Africa is going to be your engine of development, accept the reality, accept the reality, don't accept this nonsense of sovereignty, South Africa will reduce your sovereignty ... What sovereignty do you have? Many of these debt-ridden countries in Africa now have no sovereignty; they have lost it. *Imekwenda. Iko mikononi mwa IMF na World Bank. Unafikiri kuna sovereignty gani?*" (Nyerere, 2000: 23)

More recently, President Mkapa came out in the open to support South African investment in Tanzania. Opening a tourism investment conference in Arusha, he urged Tanzanians to accept South Africa as a partner in development.

"Those of you who follow events in this country will not have missed the criticism – in the media and in certain political circles - leveled at my Government concerning increased South African investment in Tanzania. I have only one answer to such criticisms. I wish we could have more South African investments in this country. ... We would be patently foolish not to access South African capital for our development. ... Post-apartheid South Africa is our friend, and our partner in development - bilaterally as well as in the context of the Southern African Development Community, the African Union, and its economic programme, NEPAD" (*Sunday News*, 2002).

As it stands, this is the global order that Tanzania finds itself in affecting its attempts to undertake development. It is important that we link some of the socioeconomic issues in Tanzania with global problems, particularly if we agree that the world has become a global village. But, first, a brief overview of the political development of Tanzania.

Politics: The Independence Period

The period from 1961, when Tanganyika became independent, to 1967 can be categorized as a period in which the country had a weak party without a defined ideology. The main preoccupation of the new state in the first six years of independence was the consolidation of political power. In 1967, the Arusha Declaration was promulgated outlining the ideology of Ujamaa (Nyerere, 1967). This ideology was committed to building a socialist society and was reaffirmed in other policy statements, for instance, the Arusha Declaration Ten Years After (1977), and the Chama Cha Mapinduzi (CCM) Constitution (1977) (Nyerere 1977). In this respect, public policies such as decentralization, villagization, and the promotion of parastatal corporations were intended to contribute to Tanzania's efforts to realize a socialist country. It was during this period that the Nigerian scholar Claude Ake (1976: 198-211) argued that Tanzania's move to this form of mild socialism was "a move of defensive radicalism undertaken to mobilize mass support and legitimize a regime under the threat of economic purpose." In his view, the Arusha Declaration institutionalized state capitalism and made the ruling class more secure politically and economically (Ake, 1979: 125).

Space does not permit us to go into the monumental literature on the post-Arusha Declaration period in Tanzania. What should be emphasized here is that the state continued to intervene in economic matters while closing avenues for popular political participation. This was the period that witnessed an expansion of the state sector, the total control of democratic institutions, and the demobilization of civil organizations. A key factor in this process of statism was the Ujamaa ideology endorsed vigorously by Nyerere.

In 1985 Ali Hassan Mwinyi replaced Julius Nyerere, who retired from the presidency. Immediately after assuming office, President Mwinyi's administration signed a series of agreements with the IMF and World Bank paving the way for market oriented reforms and the institutionalization of trade liberalization measures. All the measures adopted fall under the rubric of structural adjustment. This period witnessed not only economic reforms but also a series of political events, principally focused on dismantling the single party state.

The significance of these reforms was that even CCM itself dropped the paraphernalia of a socialist party, although it continued to retain the description "socialist" in its constitution. Article 3 (1) of the constitution of the United Republic of Tanzania provided that the United Republic is a democratic and socialist state, which adheres to multiparty democracy.

At a meeting held in Zanzibar on 23 February 1991, CCM's National Executive Committee did away with a prohibition on its members preventing them from undertaking private capitalist activities such as owning rental property, having private business interests, and earning more than one salary. In the following years, the World Bank demanded the liquidation of all parastatals. To implement this new policy, a Presidential Parastatal Reform Sector Commission was formed and has since been selling public owned enterprises to private interests. Is this socially acceptable when the general population has sacrificed since 1967 to establish and keep running these parastatals?

As far as Mushi (1997: 9) is concerned, the Mwinyi era (1985-1995) was the liberal decade *par excellence* with the spiralling of economic liberalization and de-statization of the economy. This era coincided with the reluctance to situate politics in its proper historical context, namely the fact that the structure of the domestic economy was completely subjected to international capitalism (or to use the current jargon, globalization). An understanding of this reality is crucial for comprehending the current socio-political issues in Tanzania. Undoubtedly, one reason why President Mwinyi accepted this ideology was to endow his leadership with legitimacy. The second reason was that Mwinyi acquiesced to the pressures of the international institutions, which demanded economic liberalization. In the words of Mushi (1997: 9):

"The party lost control over national policy. Whereas in the past all major national policies and programmes had been initiated by, or had received the authorization of the party, the bureaucracy and external agents (IMF, World Bank, and bilateral donors) took over these functions under the Mwinyi administration. These new actors were certainly not more democratic than the party."

It was during this period that Mwinyi was given the name of "Bwana Rukxa" for saying, "yes" to every request and he did not object to such a label. From the above discussion, it is evidently clear that even before the introduction of the multiparty system, CCM was no longer following the Ujamaa ideology as a principle for its continuation. To a certain extent, it had adopted wholesale liberal reforms without a clearly articulated strategy.

To understand political conflicts in the country one has to appreciate the important role played by the late Nyerere. To begin with, although he retired from the presidency in 1985, he continued to be the Chairman of CCM up to 1990. During this era of party supremacy, Nyerere never

hesitated to defend causes he supported. One major intervention was the reintroduction of plural politics in Tanzania. Here, Nyerere the architect of the one-party state, made an acrobatic u-turn and advocated multiparty politics by stating that the single-party system had produced complacency, bureaucracy, and corruption. Another forceful intervention occurred in 1993 when 55 members of parliament (popularly referred to as G55) demanded the restoration of the Tanganyika government in a resolution submitted to the National Assembly. In principle, the government accepted the motion. However, Nyerere intervened to kill the motion, arguing that the two-government structure was CCM's policy. During this political conflict two presidential aspirants, the then First Vice President and Prime Minister John S. Malecela and the then Secretary General of CCM, Horace Kolimba, were called hooligans and not fit to be leaders of Tanzania. The rest is history. Their presidential ambitions came to a dead end (Nyerere, 1994).

In a major respect, President Benjamin William Mkapa, who was elected in November 1995, followed the liberal reforms that began during the Mwinyi era. In his first term of office, President Mkapa's government intensified efforts to pursue policies to attract foreign investment, aid, and it tried to be consistently in line with the policy requirements of the international financial institutions, most notably in regard to privatization.

Farazmand (2002: 355-371) has explored the policy implications of privatization in the less industrialized world. Briefly, the ideology of privatization is anchored on the inspiration of the pre-eminence of the market as an all-encompassing institution for the functioning of the economy. This ideology has been promoted to the extent that the entire world should tag along following the dictates of the market. Fundamentally, privatization is a strategic tool of globalization. However, in the context of Tanzania, it should be pointed out that the privatization is blemished with problems that have adverse political consequences. For our purposes, three consequences can be mentioned. First, with across-the-board privatization, the state is reduced to maintaining law and order and social control over the segment of the population who were hurt economically and socially. What this entails is that the state assumes the role of the promoter of corporate capitalism. Second, with privatization, society is stripped of its most valuable national asset and faces the risk of manipulation and dictation by global corporate elites. Several examples can be cited to illustrate this point. Recently there was a war of words between the workers and the government over the privatization of Tanzania Telecommunications Company Limited. As reported in *The East African* (2002), the workers asked President Mkapa to force the

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multinational Mobile Systems International Cellular Investment/Detecon (Dutch based) and the World Bank's International Finance Corporation (financial partner) to pay the long outstanding US\$ 60 million for the purchase of 35 percent of the shares in the telephone firm. All along the workers have been complaining that the foreign company wants the telephone firm on a silver platter. However, in retrospect it is unlikely that President Mkapa will listen to the workers. During the tug-of-war between the workers and the government over the authority of handing over the management of Tanzania Electric Supply Company (TANESCO) to the South African Net Group Company, some CCM members of parliament registered with the Speaker requesting a debate in the parliament over the issue. President Mkapa, who was in Dodoma, reminded CCM MPs that he couldn't accept party members opposing their government. That was the end of the debate about TANESCO and the South African Net Group. Third, privatization reduces the public arena for citizen participation. One implication of this is that corporations and business leaders take centre stage in deliberating public issues. In terms of political culture, this may lead to citizen distrust of their government because they feel marginalized. Although risk taking and business acumen is certainly socially acceptable, an extremely unequal distribution of wealth, which creates a division of haves and have-nots, is inherently politically dangerous in a democratizing society.

According to the current trend in political discourse, the liberal measures introduced by Mwinyi have resulted in better days for Tanzanians and therefore it is unthinkable even to talk about the merits of the Arusha Declaration. If this indeed is the case, cannot one find a supporter of the Arusha Declaration? Quite interestingly, the late Nyerere, the architect of the Arusha Declaration, continued to offer a supporting view:

"The Arusha Declaration offered hope. A promise of justice, hope to the many, indeed the majority of Tanzanians continue to like this hope. So long as there is this hope, you will continue to have peace It did not do away with poverty but it has given you all in this hall, capitalists and socialists alike, an opportunity to build a country which holds out a future of hope to the many ... Therefore we cannot say we have reached a stage when we can forget the Arusha Declaration. Don't fool yourselves. This would be like that fool who uses a ladder to climb and when he is up there kicks it away. All right you are up there, you have kicked away the ladder, right, so stay there because we will cut the branch. You are up there, we are down here and you have kicked away the ladder. This branch is high up we will cut it. Your fall will be no ordinary fall either" (Nyerere as quoted in Shivji, 2000: 35-36).

Undoubtedly, the major ideological view that characterizes Tanzania is the support of the *status quo*, while arguing that Tanzania is an independent and sovereign state. This view supports policies which liberalize the economy to attract foreign investment, aid, grants and above all, keeps the country in the good books of the Bretton Woods institutions. In short, this view continues to accept the premises of liberal democracy. The ideological view in opposition argues that any ideology or vision of democracy must address the basic issues of popular power. This view argues that development must operate in a democracy that places emphasis on concrete social, political, and economic rights to empower people to participate in decision making at all levels of the government (Ake, 1996). It must provide an acceptable mode of politics and for the organization of state power (Shivji, 2000: 25). From my perspective, these two viewpoints are the immediate and future clash for Tanzanians in terms of defining a future ideology to guide democratic struggles.

Zanzibar and the United Republic of Tanzania

For historical reasons, Zanzibar continues to occupy a central position in discussing political conflicts in Tanzania. The issue of Zanzibar's autonomy and its overall position in the union has been a source of political conflict since the proclamation of the Ujamaa ideology in 1967. More pointedly, it continued to be an unfastened link into the era of liberalization and multiparty politics.

The union between Tanganyika and Zanzibar in 1964 was created after a bloody revolution in Zanzibar. President Abeid A. Karume of Zanzibar and President Julius K Nyerere of Tanganyika, who signed the agreement called the Articles of the Union, viewed it as part of the wider project of Pan-Africanism. One of the recent intriguing aspects in the history of the union was the role played by the United States, which encouraged the union in order to contain the left leaning leadership of the Zanzibar Revolution.¹ A careful reading of documents related to this period suggests that Nyerere was not troubled about this strategy. This issue on whether the union with Zanzibar should be seen in the light of Cold War politics rather than a case of pan-Africanism is now being enriched with historical research (Wilson, 1989).

Be it as it may, there are three important facts that need our attention. First, the agreement established a two-government structure, with two political parties: the Tanganyika African National Union (TANU) and the Afro Shirazi Party (ASP). Secondly, Karume used the agreement to consolidate his internal power and did much to prevent further economic and political unity between mainland and Zanzibar. Thirdly, once that was achieved, Zanzibar more or less pursued independent policies without regard to the Articles of the Union, which defined union matters.²

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In 1983, the Zanzibar question became vital in constitutional debates when the National Executive Committee of CCM issued proposals to amend both the Union Constitution (1977) and the Zanzibar Constitution (1979). Of substance is the fact that the debate broadened and people insisted on more democracy than the ruling party had anticipated. During the debate on the proposals there was a strong demand to democratize the state, entrench a Bill of Rights, and for Zanzibar in particular, it wanted more sovereignty. While the party state did not accept all the democratic views expressed, the Zanzibar issue continued to be newsworthy until the party elections of 1987, which led to the expulsion of the then Zanzibar Chief Minister, Seif Shariff Hamad, and other leading politicians from their state posts and CCM membership. Five years later, they re-emerged politically as the nucleus of the Civic United Front (CUF), the major opposition party in Zanzibar.

Multi-party elections have been witnessed in Zanzibar during the struggles for independence in the 1950s and early 1960s, and the 1995 multi-party elections brought into the open divisions that had been hidden under the one party system. The result of the elections revealed nearly equal strength between CCM and CUF. In the presidential election the CCM Presidential incumbent, Dr. Salmin Amour, won with 50.2 percent of the popular vote, while the CUF aspirant Seif Shariff Hamad got 49.8 percent. When the presidential results were announced, CUF believed that the state manipulated the results in favour of the ruling party and thus refused to recognize the results or Salmin Amour as the President of Zanzibar. To bolster this belief, elected CUF Members boycotted sessions of the House of Representatives until June 1999 when a peace agreement brokered by the Commonwealth Secretary General was signed. However, the peace accord did not resolve the political conflict in Zanzibar, as evidenced by the 2000 elections, and the events that happened when the results were announced.

On 27 January 2001, the opposition CUF organized demonstrations in Zanzibar and mainland Tanzania, insisting on a repeat of the October 2000 elections. The government banned the demonstrations and proceeded to violently break up the demonstrators. At least 22 people were shot dead by armed police on Pemba Island in conditions suggesting unlawful use of lethal force. There were mass arrests and an estimated 2000 protesters sought refuge in neighbouring Kenya. On 10 October 2001 the ruling CCM signed another agreement with the CUF to end the political deadlock following the January violence. The agreement touched on a number of human rights issues, including establishing an independent commission of inquiry into the January killings and providing compensation to those affected by the violence.

Do We Need a New Constitution?

Since independence, popular demand for democratization has often focused on the constitution. Various demands have ranged from the need to entrench a Bill of Rights and the democratization of civil organizations, to the introduction of multiparty politics. To be sure, up to 1992, single party supremacy was Tanzania's ideology.

Tanzania mainland began with a historical transition from colonial rule to national independence. The Independence Constitution of 1961 provided for an elected government, parliamentary supremacy, competitive multi-party politics, and a liberal democratic political and juridical tradition. A year after independence, The Republican Constitution of 1962 was enacted ushering in the presidential system with the executive president having the powers of the head of state and the head of government. The president was to run the country according to his own discretion and was not obliged to follow advice tendered by any other person. To pave the way for a strong presidency, one piece of repressive legislation was enacted, namely the Preventive Detention Act, which gave the president the power to arrest and imprison any person regarded as a danger to the state.

On 14 January 1963, almost a month after becoming president, Nyerere announced that TANU's National Executive Committee decided that Tanganyika should become a constitutional one party state for the interest of national unity and rapid economic development. Emphasizing what he called the unique identity of African society, he argued that in contemporary Africa, just as in egalitarian societies, there were no real class conflicts and therefore a multiparty system had no reason to exist: "In African society, the traditional method of conducting affairs is by free discussion. Elders sit under the big tree and talk until they agree" (Nyerere, 1966: 105-106).

When on 26 April 1964 Tanganyika and Zanzibar united, an important feature of this constitutional development was the establishment of the two-government structure, with two political parties: TANU on the mainland and the Afro Shirazi Party (ASP) in Zanzibar. Other constitutional changes provided in the Acts of the Union were adopted by changing the Tanganyika Constitution, which became the Interim Constitution of the United Republic of Tanganyika and Zanzibar, 1964.

If the Republican Constitution of 1962 created what some scholars have called the imperial presidency, then the Interim Constitution of 1965 created the one party state, an idea that Nyerere had favoured as early as a year after Tanganyika's independence. The coming into being of the permanent Constitution of the United Republic of Tanzania, 1977,

consolidated what had been undertaken and led to a merger that saw the birth of CCM as the single party in the country. The ultimate purpose of the permanent constitution was to strengthen the ruling party (Makaramba, 1997). The one party ideology dominated the practice of politics in post-independent Tanzania up to July 1992.

One of the most anti-democratic changes, and a source of conflict in the current constitution, is the 8th amendment that bars independent candidates. To be sure, despite doing away with the one party monopoly, the 8th amendment created a multiparty monopoly in which fully registered political parties control political activities. Fundamentally, the constitution denies citizens the right to engage in politics in their individual capacities outside an institutional framework of political parties. Thus, if one wants to run for political office, one is compelled to join a political party.³ Isn't this a violation of the constitutional right of an individual to freely associate? Needless to say, doesn't freedom of association include the freedom not to associate or the right to refuse to join any organization?

Given this state of affairs, there has been a call for a new political order in the country focusing on the creation of a new constitution that can contribute to building democratic institutions and a democratic culture. At least two views govern this discourse. One view wants to involve the people in the making of a new constitution. This view got an impetus when the Nyalali Commission recommended that the constitution of the United Republic of Tanzania should be completely overhauled (*Jamhuri wa Muungano wa Tanzania*, 1991). Indeed the Commission provided for a procedure to be adopted in creating such a constitution. The essential argument of this view is that since independence, the people of Tanzania have never been consulted or directly played a part in the writing and adoption of their country's constitution. Thus, participating in making a new constitution would help them recapture their sovereignty and take control of their destiny.

The second view does not see the need for a new constitution but advocates amending the constitution as the need arises. This has been the approach and practice of CCM and its government, arguing that there is nothing wrong with the current constitution and that the people of Tanzania, through their representatives, have in fact participated in making changes in the constitution. Indeed, this was the strategy used by the CCM government when it issued the Government White Paper No.1 of 1998 in which Tanzanians were asked to suggest constitutional changes to a 16-member commission led by the Hon. Justice Kisanga of the High Court of Tanzania. Space constraints prevent a detailed discussion of the Commission's advice to the government and the government's rejoinder.

However, when the Commission's Report was presented to the government, President Benjamin W. Mkapa was the first person to attack it openly because it allegedly misled the public on a number of issues, including the need to adopt a three-government structure instead of the present two government one. Following this, the President informed the country that the report would be sent to CCM before being sent to the National Assembly:

"Before it is sent to Parliament, the report and the views of the Cabinet must pass the test of the CCM Central Committee and the National Executive Committee to ensure that it is in agreement with party policies" (The Guardian, 1999).

As expected, the government selectively introduced proposals, like the 13th Amendment, to amend the constitution. The 13th Amendment touched on four vital areas. First, a presidential candidate need not get an absolute majority of the votes cast to be declared a winner in a general election as had been provided for by Article 41(6) of the Constitution. Second, the President of the day was given powers to nominate up to 10 Members of Parliament. Third, there was an increase in the number of preferential seats for women from the existing 15 per cent to between 20 and 30 per cent as the National Electoral Commission may declare in accordance with the direction of the President. Fourth, is the creation of a Human Rights and Good Governance Commission under the Office of the President. Taken together, with the exception of increasing women representation (and even this could be considered a move away from democratic pluralism), these changes, that were enacted in the 13th Amendment in the first session of parliament in the twenty-first century, were a move away from democratic pluralism to a concentration of power in the institution of the presidency.⁴ Or else, how are we to understand the re-introduction of presidential powers to nominate individuals to an elective legislative body? Isn't this a negation of the popular will that legislators are representatives of the people and should be elected by the people? Isn't this a chance to strengthen political patronage, abuse power, and expand cronyism?⁵ With respect to presidential election, it is now possible to elect a president who was voted against by more than 50% of the electorate.

Accordingly, the shortcomings of a patched constitution were not resolved with the advent of a multiparty political system. Judging from the content of the constitution, a major goal is to prevent a divided government and promote national unity. For example, under the new regulations for registration, political parties have to be national in character. But this alone does not do away with the prospect of the United Republic being ruled by one political party and Zanzibar by another. This scenario appears to go against the amendment to the constitution requiring that if the

presidential candidate is from the mainland, then the vice-presidential running mate must be from Zanzibar, and vice versa. This amendment was deliberately enacted to safeguard the union but what happens if different political parties win the Zanzibar Presidency and House of Representatives? When in 1995 the Government abolished the two offices for the vice-presidents, it produced an even more patchwork government even though it retained the Zanzibar president as a member of the union cabinet.

But the real upshot of this style of constitution making is threefold. First, there has been a general lack of a constitutional democratic culture in the governance of Tanzania. Second, an already powerful presidential institution was given more powers at the expense of other institutions, particularly a weak parliament. Interestingly enough, Article 90 (2) of the Constitution of the United Republic of Tanzania, 1977 provides various circumstances in which the president can actually dissolve the National Assembly if, for example, it refuses to pass a bill which according to the government is vital. Third, the lack of popular participation in the creation of a constitution raises the question of political legitimacy of the constitution, which is the basic law of the state.

Conclusion: Is Tanzania Heading to Single Party Rule?

Up to November 2001, the opposition had 21 Members of Parliament. Under Section 11 (4) of the parliamentary rules, 20 MPs are required to constitute the official opposition in the National Assembly. However, in November 2001, CUF expelled three MPs from the party for violating party norms and according to Tanzanian law these MPs automatically lost their parliamentary seats. On 1 February 2002, Tanzania's official opposition in parliament ceased to be recognized after falling short of the numbers set under parliamentary rules, leading one observer to proclaim that the country is back to single-party rule (Wambali, 2002). Thus, to some Tanzanians, the thrill of introducing multiparty politics in 1992 is giving way to disillusionment as the ruling party continues to grow in strength. In the wake of this development, leaders of opposition parties have raised their concern about the direction of multiparty politics in Tanzania. In the words of the Tanzania Labour Party's chairperson, Augustine Mrema: "Now we have a one-party parliament, thus killing all the spirit of building democracy in Tanzania and CCM is rejoicing" (Wambali, *ibid.*).

In view of the transition to a multiparty system, can a case be argued that because of an increase in the number of political parties, Tanzania has been more democratized? Munishi (1996: 11-29) has pointed out that effective political opposition can occur in Tanzania when there is a number of political parties with permanent power bases located in civil society. Under

such a scenario there are policy issues of contention other than solely focusing the debate on enacting a new constitution of the republic. There exists a citizenry well informed about the critical political issues of the country; and finally parties have been born out of ideological differences. With the exception of CCM, all the opposition parties were created with the advent of pluralism in 1992. However, are they in fact different from CCM in terms of ideology?⁶ The evidence from their constitutions and practice in past elections does not portray any ideological difference.

Although it is a fact that there are 15 fully registered political parties in the country, only five are represented in the union parliament. To be sure, opposition parties were very vocal and active in calling for more democracy in 1992, when they first came into sight. Indeed, the performance of some parties in the first multiparty elections in 1995 was relatively strong. For example, the National Convention for Construction and Reform-NCCR Mageuzi did well on the mainland while the Civic United Front almost one took power in Zanzibar. However, after the elections all opposition parties experienced internal conflicts.¹ These conflicts have left the parties weak, leading to a very poor performance in the 2000 elections. The net result is that the ruling party enjoys unlimited power and practices politics as was the case during the one-party system. The contradictory aspect of the transition to multi-partyism is that CCM's legitimacy as the main dominant political force in the country has been enhanced.

What, then, is the implication of this trend? What is the relevance of elections in democratic transitions? Aviakin (1996), for example, is of the view that elections are not the means through which basic decisions are made but rather serve the purpose of legitimizing the system and policies of the ruling class as well as giving them a the mantle of a popular mandate. He thus wonders: Why participate in an electoral exercise that confers constitutional legitimacy to a state that is likely to remain unrepresentative? If the current practice of opposition parties is an indicator to go by, then we might witness CCM winning by an even bigger margin in 2005.⁸

To a considerable degree, political parties in Tanzania are platforms for their founding leaders who have constructed structures whose rules become null and void if and when they conflict with the founder's interests. Some leaders of the opposition parties, such as Augustine Mrema of Tanzania Labour Party (TLP), are individuals who were disaffected members of the CCM and have carried with them personal rivalries into opposition

parties. Indeed, a case can be made that the life expectancy and prospects of a political party is tied to its leader's fate. Because of this, it is imperative that political participation by independent candidates be allowed. By limiting political participation, such as running for office to sponsorship by a fully registered political party, one is in fact, repressing the democratic process.

Another alarming trait of the opposition parties is a lack of intra-party democracy, particularly during elections. For most parties, party founders have overwhelmingly broad powers and, therefore, literally handpick candidates. A careful comparison of the fully registered political parties that participated in the two multiparty elections leads to the conclusion that, although not free of all ills, CCM was more democratic and offered a more competitive internal system in candidate nomination than the rest. Undoubtedly, this type of behaviour has an implication for the opposition parties. First, their non-democratic methods of selecting candidates undermine the democratic process. Second, it makes it difficult to hold responsible the ruling party for its antidemocratic tendencies. In short, the opposition parties' legitimacy as advocates for a transition to a democratic society does not augur well, judging by their practice.

Notes

¹ For example, Abdurrahman Babu of the Umma Party was the Foreign Minister of Zanzibar permanently posted to the mainland. He served as cabinet minister for years but after Karume's assassination in 1972, he was detained on the mainland for six years thereby avoiding his trial in Zanzibar where he was accused of being involved in the overthrow of the Zanzibar Revolutionary Government. In abstention, Babu was sentenced to death. Salim A. Salim, another Umma leader, was posted to United Arab Republic in 1964 as an Ambassador at the tender age of 22 years, only to return to Tanzania in 1980 after fifteen years in the Foreign Service.

² In my view, this tradition has been internalized in Zanzibar since Karume's era. It explains in part why Zanzibar authorities decided to join the Organization of Islamic Countries without informing the union government, despite the fact that joining an international governmental organization is a union matter.

³ One, Rev. Christopher Mtikila, challenged this particular provision in the High Court of Tanzania. In a ruling delivered on 24 October 1994 the High Court ruled that the requirement that one has to belong to a political party to run for political office was unconstitutional, undemocratic, and contrary to freedom of conscience guaranteed by Articles 18, 20 and 21 of

the constitution of the Republic of Tanzania. However, soon after this historic decision, the state responded by amending the High Court decision through the 11th constitutional amendment that continued outlawing independent candidates. Thus, in the 1995 and 2000 general elections, all candidates who ran for any elective office had to be sponsored by fully registered political parties.

⁴ CCM legislators have openly accused President Mkapa of amassing huge powers, which have been an obstacle in handling crucial development issues. See *The African*, (Dar es Salaam) 11 November 2002.

⁵ To date the President has used these powers to nominate eight CCM members to the National Assembly. This number includes two former opposition leaders who defected to CCM. Additionally, three nominated MPs have been appointed to the cabinet: Hassan Ngwilizi (President's Office), Omari Mapuri (Prime Minister's Office), and Abdulkadir Shareef (Deputy Minister, Foreign Affairs and International Cooperation). And in January 2002 the President appointed Hamad Rashid Mohamed from the opposition CUF.

⁶ During the 1995 elections, opposition parties won 45 seats in the National Assembly with a popular vote of 38.2 percent. In the 2000 elections they won 28 seats with a popular vote of 28.3 percent. In contrast, in the 1995 elections, CCM won 214 seats with a popular vote of 59.2 percent rising to 257 seats and popular vote of 65.2 percent in the 2000 elections (See the National Electoral Commission Reports for the 1995 and 2000 Elections). Currently there are 14 fully registered political parties. With the exception of Democratic Party, CHAUSTA, and Demokrasia Makini, the rest have all been in existence since the 1995 multiparty elections.

⁷ A good example was the rivalry in NCCR-MAGEUZI. Although it received 27.8 and 21.83 per cent of the electoral vote for the 1995 presidential and parliamentary elections respectively, the party was paralyzed in the post-election period because of disagreements between the founding Secretary General and the then National Chairman. On three important occasions, they were unable to sign forms for their parties' prospective candidates for the Ludewa, Makete, and Muleba by-elections as required by the Political Parties Act, 1992. Lacking their party leaders' signature, candidates were disqualified from contesting. In such a situation it is the voters who are denied the right to choose. Eventually, the disagreement led to the National Chairman, Augustine Mrema defecting to the Tanzania Labour Party and in 2000 Mabare Marando was voted out of office.

⁸ In the 2000 Local Government elections, the ruling CCM won 2327 councilors out of a total 2537. This was equivalent to 91.72 percent. In the parliamentary elections CCM won 202 out of 231 seats or 87.45 percent. And in the presidential elections, President Benjamin W. Mkapa of CCM won 71.7 percent of the total votes compared to a combined 28.3 percent for the opposition parties. This was an improvement from the 61.8 percent he received in the 1995 elections.

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The State of Political Parties in Tanzania

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Introduction

As this work was getting under way there was a wide spread feeling among the opposition parties that the ruling party was suppressing them, particularly in the run up to the elections in October, 2000. In an article in *Majira*, a popular national Daily, on November 23, 1999, it was reported that the ruling party, Chama cha Mapinduzi (popularity known by its acronym CCM) had established youth vigilante groups (UVCCM – Umoja wa Vijana CCM) in every region with the aim of preparing them to confront the youth of the opposition parties in the forthcoming elections. It was further reported that a training camp had been set up in Mbeya (in the south-west) to provide basic military and fitness training for the CCM youth to prepare them to restrain all those who might want to "... spoil the CCM's victory in the national elections." "If a CCM member is hit with one stone in the face you must retaliate with two stones. Do not follow what is written in the holy books that you should turn the left cheek when hit on the right cheek." The Deputy Secretary General of CCM was quoted as saying.

The newspaper report essentially summed up the pervasive feeling among members of opposition political parties that the ruling party is determined to hold onto power by ruthlessly suppressing the opposition and ensuring its victory in the elections by hooks or by crooks. To this end the opposition parties and leaders believe that CCM has devised mechanisms ranging from intimidation to outright rigging in order to ensure that the other parties do not record a significant vote in the forthcoming (2000) elections. CCM, according to the opposition, would like to revert to a de-facto single-party political system. At the time of writing this article at least four leaders of opposition parties had either been arrested, convicted, or were appearing in courts.

The government has denied any assault on the opposition. Addressing journalists on December 18th 1999, the Prime Minister stressed the point that when leaders of opposition have been arrested, it is because they have contravened the law. He insisted that CCM leaders committing similar

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