

Electoral Violence, Political Stability and the Union in Tanzania

*Hassan O. Kaya**

Abstract

The paper examines the issues on elections, constitutionalism and problems of political stability in Tanzania. An examination of the state and constitutionalism in Tanzania shows that the state in Tanzania may be characterised as authoritarian. Like in most other African countries the constitution has been frequently amended to ensure that the executive, especially the President and the ruling party Chama Cha Mapinduzi (CCM), become dominant and remain in power. State authoritarianism has been justified by the need to maintain order and by the ideology of developmentalism. Even after the introduction of the multi-party system the electoral process and election system are still dominated by the ruling party. The difference between the state and CCM is still blurred.

The conduct of elections has been a major source of discontent for the opposition. Therefore, new electoral laws and truly independent election commissions are required which ensure that the playing fields are levelled and fair to all political parties. Moreover, in spite of the amendment of the

* Hassan O. Kaya is a Professor in the Faculty of Human and Social Sciences, North West University (Mafikeng Campus).

1977 constitution in 1984 to provide more equality between men and women in all spheres of life, there is still a huge gap between law and practice with regard to the principle of equality. Women still face more problems than men in the electoral process. The latter are still more represented in both parliament and cabinet.

Furthermore, political and economic liberalisation has brought new political and social tensions in the country, based on ethnicity, race, religion, and increasing poverty. These tensions pose a great challenge to peace and stability, and to the future of the union. Sustainable solutions need to be found. For instance, people should be educated about their rights and taught to resent corruption. Moral and professional ethics should be inculcated in public servants, and job security should be provided to reduce the temptations for quick money. The state should play an active developmental role besides keeping law and order. Finally, a lasting solution needs to be found to the Union question because in this era of multi-partyism and openness, it is even more important that matters are discussed and solutions found that are based on popular will.

Brief Political and Constitutional History of Tanzania

The United Republic of Tanzania was established in April 1964, following the amalgamation of the former independent states of Tanganyika and Zanzibar. The United Republic came about after more than 70 years of colonisation. The mainland, Tanganyika, was first colonised by the Germans and later handed over to the British in 1920 under the trusteeship system through a mandate from the League of Nations. Tanganyika attained independence in December 1961 under the leadership of Mwalimu Julius Nyerere. The transition to independence, however, was achieved without the pattern of violence that dominated the struggle for independence in other African countries such as Kenya, Zimbabwe and Mozambique (Msekwa 1977).

At independence in 1961, Tanzania like the other former British colonies in East Africa, Kenya and Uganda, crafted a constitution. Common to all three is the fact that their constitutions were of liberal democratic nature. On paper, provisions were made for checks and balances among the three arms of government – the executive, the legislature and the judiciary. Apart from Tanzania, the Ugandan and Kenyan constitutions had bills of rights. Only in 1984, did Tanzania incorporate bills of rights in its constitution.

However, immediately after independence, the regimes in the three East African countries acted contrary to the constitutions. The constitutions have been amended several times to recast state power in ways that increase the incumbent regimes' abilities to cling to state power. The Kenya Constitution, for instance, has been amended 30 times and the Tanzanian one 13 times. In Uganda, the constitution was thrown out and a new one, popularly known as the 'pigeonhole' constitution, was crafted by the executive in 1967. After the 1971 coup of Idi Amin against Milton Obote, governance in Uganda was by decree. In 1995, yet another constitution was promulgated.

The first casualty of these amendments was the bill of rights, as regimes steadily marched towards one-party states. In Kenya, the Kenya African Democratic Union (KADU) was gradually absorbed into Kenya African National Union (KANU) and attempts to form a new party by Jaramogi Oginga Odinga were frustrated, leading to a constitutional amendment that outlawed other parties.

In Tanzania, although the Afro Shiraz Party existed in Zanzibar, in practice Tanzania was a one-party state. In 1977 Tanganyika African National Union (TANU) merged with the Afro Shiraz party to form Chama Cha Mapinduzi (CCM), effectively creating a one party state. In Uganda, all other parties were outlawed at the end of the 1960s. This process culminated in a military dictatorship where no dissent was tolerated and opponents of the regime were physically eliminated. After the fall of Amin, political parties were reintroduced, but these were too weak to compel the ruling Uganda People's Congress (UPC) party to create room for democratic practice.

The other plank for the constitutional amendments in these countries was the amassing of power in the executive to render other organs weak or inoperative. In all three countries, presidents could not be brought before a court of law. They had powers to appoint and discharge judges. They dissolved parliaments. This effectively meant that too much power was in the hands of the executive, and that the executive could not be checked by the legislature or the judiciary (Bazaara 2000, Ghai 1986).

The 1990s witnessed dramatic changes in the constitutional landscape in East Africa including Tanzania. All the undemocratic constitutional amendments of the first phase were challenged. There are a number of reasons propagated for this reversal. The first is the end of the cold war. During the cold war it was possible for the United States, for example, to support a dictatorship in Africa as part and parcel of its ideological crusade against communism. In post-cold war Africa, it was no longer possible to

ideologically legitimise constitutions that allowed the state to suppress its people. The second reason is pressure of civil society and opposition groups against the state. This was more pronounced in Kenya where civil society had running battles with the state to open up space for democracy and pluralist politics. Finally, donors on realising that economic development was not simply about micro-economic stability but also about democracy, pushed for 'good governance' and pluralist politics (Mwaikusa 1995, Okema 1992).

At the beginning of the 1980s, Western donor institutions such as the World Bank started to complain against the top-heavy bureaucracy which most African regimes including Tanzania had created and perpetuated on the continent. These bureaucracies were viewed as detrimental to Africa's development. They were wasteful, corrupt, inefficient and politically repressive. They stifled people's civil liberties and entrepreneurial opportunities.

However, instead of openly calling for democratic change in Africa, the western donor institutions such as the World Bank advocated 'good governance' as a cure for this malaise. Good governance here meant government that ensures relative freedom and security in society, keeping corruption at bay, delivering services and maintaining a high degree of transparency and accountability. 'Good governance' provided one of the conditionalities upon which aid would be granted. It constituted a form of pressure, which quite often speeded up the process towards holding multi-party elections (World Bank 1989). Thus it became quite possible for authoritarian regimes to hold competitive elections without necessarily giving in to full democratisation. The outcome of the convergence of all these forces has been amendments of constitutions to open up politics and to buttress democratic practices. In 1992, the Tanzanian Constitution was amended to abolish the one-party state and to allow for a multi-party system.

It is on the basis of this that Anyang' Nyong'o (1997) warns that competitive elections, while good indicators of democratic governance, are not in and of themselves what democracy is all about. The vote is not enough. Democratisation requires the establishment, not only of a series of regular elections, which South Africa had under the half century of apartheid rule, but also a wide battery of other institutions and procedures. These institutions and processes include legislative, judicial and investigative bodies within the state, plus interest groups, civic associations, and political parties within society, all of which are able to hold political executives accountable. Like their counterpart nationalist parties, recently established political parties have been given mass movements: weak in organisation, single-issue oriented

and not ideological. They have been elite-dominated, top-down in mobilising supporters, largely urban-based and with little or no elaborate programmes and policies for their projects in assuming state power.

State and Constitutionalism

The constitution of a country is the most important legal document. It is the supreme law and at times it has been referred to as 'the social contract'. It is the contract between the rulers and the ruled. It is therefore more than just a document. It embodies the wishes and aspirations of the country. All the laws, by-laws, rules and regulations find their legitimacy from the constitution.

Constitutions take various forms. There are written and unwritten constitutions. Great Britain, for instance, has no written constitution. It is guided by traditions developed over the years. However, most countries and particularly those in the developing world such as Tanzania, have written constitutions which have mostly been developed and shaped by their colonial past. For instance, constitutions of most of the former British colonies retained the Westminster tradition with clear separation of powers, independence of the judiciary and, generally, existence of checks and balances. Tanzania was formally under the British as a mandate under the League of Nations and later as a Trustee Territory under the United Nations. Its independence constitution was negotiated with the former rulers. One major concession made by the British was to allow the then Tanganyika to become independent with a constitution that did not contain a Bill of Rights (Peter 1999, Mtaki & Okama 1994).

In his discussion of the bumpy road to constitutionalism in East Africa, Bazaara (2000) emphasises the distinction that need to be made between Constitution and Constitutionalism. It is one thing to have a constitution (rules of the game) and another to have a culture of respecting it. The frequent amendment of constitutions by African leaders in order to remain in power is an indicator that they do not respect their countries' constitutions. For instance, Okoth-Ogendo (1991) uses authoritarianism as the defining characteristic of the post-colonial state in Tanzania, especially under the one-party rule. In an authoritarian state, power is concentrated in the executive arm as personified by the President, with the power, authority and prestige of the representative organs of the people such as the legislature and the courts of law diminished accordingly.

An authoritarian state is characterised by an oppressive legal system within which the law is used by the state to coerce its citizens rather than to confer rights upon them. Such a legal system confers wide discretionary powers on the president and his ministers and the central government bureaucrats under them. The corollary to this concentration of power is the restriction or outright suppression of power centres outside of state structures, such as social organisations and popular movements.

The post-colonial state in Tanzania bears a strong resemblance to its colonial predecessor. It inherited almost all the latter's laws and institutions. The Societies Ordinance, which had been the cornerstone of colonial control over civil society, was also adopted without any substantial amendments besides the removal of the more obviously colonial references such as that to 'the Governor'. The underlying philosophy of authoritarianism that had informed colonial law and practice was, therefore, retained largely intact.

State authoritarianism was justified not only by the need to maintain order but also by what has come to be known as the ideology of developmentalism. The state had to be strong, the argument went, in order to bring development to the people. Popular organisations such as trade unions, co-operatives, political parties and local governments were proscribed in the supposed interests of development. The refusal to introduce a bill of rights into the constitutional amendments of the early 1960s was also justified on these grounds, as were many other infringements of people's rights (Shivji 1995, Shivji 1985, Ake 1975).

The state justified its welfarist economic and social policies through the ideology of developmentalism as well. In this period it was virtually impossible to organise independently outside state structures. However, some non-state organisations, mostly charitable, religious bodies, involved in the provision of social services such as education and health care, existed. These were tolerated because they were almost invariably apolitical and therefore posed little threat to the existing power structure. But even these organisations were not immune from the Tanzanian state's authoritarian policies – as the banning of the East African Muslim Welfare Society and the Ruvuma Development Association in the late 1960s illustrates. Even though the formation of the latter, a peasant organisation, was inspired by the state ideology of *ujamaa*, as a non-governmental organisation it was nevertheless perceived as a threat to the state's hegemony (Peter 1999).

Under the one-party system in Tanzania constitutional processes were not consultative, and were non-participatory. The final product was just

imposed on the people. It is arguable that there would be no need for civic education on the Constitution and people's rights if they (the citizens) had themselves been the authors of these constitutions. The whole civic education campaign signifies that people at grassroots level do not own the constitution. Moreover, when the courts pass a judgement, which does not favour the state, there is either partial or no compliance to it by the state. On the other hand, the citizens tolerate this apparent disrespect of the law. Thus, the state is not exemplary in respecting the rule of law while citizens cannot rise against non-compliance because they do not own the constitution. The Constitution is not a reflection of their values, judgement, and opinions; hence both the citizens and the state do not see an obligation to safeguard or comply with it. In Tanzania, the majority of the citizens do not know what the constitution looks like, even those that know it find its language unfamiliar. Constitutions like this may be legal but they are certainly illegitimate.

Besides the problem that the rules of the game are perceived to be biased in favour of the party in power, it is alleged that the state organs in Tanzania, notably the regional and sub-regional state officials plus the police, tend to support the ruling party. The state officials including the police are suspected to act against the new political parties and other emerging interest groups, such as pro-reform civil society groups. This is exemplified by the fact that the Regional Commissioners are members of the ruling party political committees within their respective regions. It is also alleged that the new parties are denied access to the media. The police are accused of disrupting the emerging democratic political framework by particularly denying them the right of association and member recruitment by imposition of regular bans on organising rallies and demonstrations (Soremekun 1999).

Another obstacle to constitutionalism in Tanzania and Africa at large is associated with the impact of globalisation, especially the manner in which its effects have occurred in Africa via the Structural Adjustment Programmes. Globalisation and dependence on foreign grants and loans diminish not only the sovereignty of the African countries but also tend to promote a culture of not respecting constitutions. Essentially what happens is that donors can dictate a particular policy direction even if it breaks all provisions in the constitution. In addition, a country that is dependent on foreign loans and grants does not have pressure to be democratic or to respect the constitution. This is because the regime does not have to negotiate with internal political forces because they do not constitute its revenue base. This is why many states in the world that derive revenue from extracting oil (as the Middle

Eastern countries) have essentially remained dictatorial and with conservative constitutions where they exist (Bazaara 2000, Booth 1994). The following section examines the electoral process and electoral system imperatives in Tanzania.

The Electoral Process and Electoral System Reform Imperatives

Tanzania like most of the post-colonial African countries was dominated by a one-party regime in the first 30 years of political independence. In 1962, when Mwalimu Julius Nyerere assumed the mantle of political power, the country operated as a *de facto* one-party state. A *de jure* one-party state was proclaimed in 1965, after the adoption of recommendations by a presidential commission on constitutional matters.

The constitution was amended by parliament. The role of national elections was retained, although the candidates for elections were selected by the then ruling party, the TANU. There was a stipulation in the constitution that each seat could be contested only by two candidates in order to ensure that no member could be elected without commanding a majority of support. The 1965 and subsequent national elections under the one-party system were conducted under these rules. Presidential elections were held at the same time as parliamentary elections and Nyerere regularly contested elections every five years from 1965 to 1980. In 1977, the constitution further cemented the one-party rule by declaring that the single party was the supreme organ of state under which all activities were to be organised. On the basis of this provision, not only opposition political parties were disallowed but major institutions like the armed forces, labour unions, co-operatives and cultural and religious bodies were either institutional members of the only party or affiliated to it (Mtaki & Okama 1994).

The signs of success for the internal and external pressures against one-party regimes in Tanzania and Africa at large started to show towards the end of 1980s. By 1995, competitive elections had been held in at least 31 African countries. However, in spite of very vigorous pressure for democratic change, controversial elections were held which merely returned the old regimes to power, with the opposition immediately contesting the validity of the results as well as the legitimacy of the regimes in power.

Tanzania amended its constitution in 1992 to become a multi-party state and the country opened up to political liberalisation. Through that political

dispensation multi-party competitive politics were reintroduced and the evolution of independent and autonomous civil society organisations was encouraged (Republic of Tanzania 1992, Nyalali Commission 1991). The main opposition political parties included *Chama Cha Demokrasia na Maendeleo* (CHADEMA), under the leadership of its founder Edwin Mtei. Mtei was a former CCM treasury minister who had resigned after differences with Nyerere over adopting International Monetary Fund (IMF) policies. CHADEMA did not contest the presidential election, but established close connections with another opposition party, the National Convention for Construction and Reform (NCCR-Mageuzi), which put a candidate. The two parties also agreed to an arrangement that they would form a coalition if they were called to form the government. The NCCR-Mageuzi gained prominence after Augustine Lyatonga Mrema, a former CCM deputy prime minister, took over the leadership.

The party with the greatest links to Zanzibar was the Civic United Front (CUF) led by Shariff Hamid. It was the most significant party in Pemba and most observers predicted that the CCM would find it difficult to compete with the CUF on the islands. Although it did not have much support on the mainland, it fielded a presidential candidate, Ibrahim Lipumba. Some of the other major political parties included the National Resistance Alliance (NRA), the National League for Democracy (NLD), the Popular National Party (PONA), the Tanzania Democratic Alliance (TADEA), the Tanzania Peoples Party (TPP), the Union for Multiparty Democracy (UMD) and the United Peoples Democratic Party (UPDP). The large number of opposition parties, as well as opposition disunity, clearly favoured the CCM. Nevertheless, the opposition presented a potential challenge to the ruling party, CCM, and was able to point to the rampant corruption and economic mismanagement that had occurred under the aegis of the ruling party.

After 33 years of one-party rule under the CCM, presidential elections were held in 1995. In elections that were categorised as free by international observers, Benjamin Mkapa of CCM became the first president of Tanzania to be elected under a multi-party electoral system. However, the CCM, with its huge advantages over opposition parties in membership and access to campaign resources, did not face a significant challenge by opposition forces. Even with the advent of democratic elections, the CCM has been able to maintain its hegemonic position in the country. This hegemony was reaffirmed with the presidential elections of October 2000 in which President Mkapa was easily re-elected with over 70 per cent of the popular vote. Given that the

liberalisation of Tanzanian politics is being pursued in a 'top-down' way, through the cautious leadership of the CCM rather than through grassroots mobilisation and agitation, elections continue to be biased in favour of the incumbent.

For instance, the 1995 elections results for the Parliamentary seats show that the incumbent party CCM secured 3 814 206 votes equalling 59.22 per cent of votes cast, suggesting in turn that the combined 12 new parties secured only 40.78 per cent of the votes cast. The closest party to that of CCM in terms of popular support was the NCCR-Mageuzi, which won an impressive 21.83 per cent of the votes cast. Only two of the other new parties got over 5 per cent of the votes: Chadema got 6.16 per cent and CUF 5.02 per cent. The year 2000 elections showed that CCM enhanced its position by securing 65.3 per cent of the parliamentary votes, while the new parties' position relapsed to 37.7 per cent of the votes. Also in 2000 the new parties were able to field fewer candidates for the parliamentary seats than in 1995. While CCM was able to field 100 per cent of the contestants required, the closest party to field candidates was the CUF, which fielded 59.7 per cent of the candidates. The NCCR-Mageuzi, which had fielded 82.3 per cent of the candidates in 1995 as the second strongest party, relapsed to the fourth position with less than half (40.3 per cent) of the candidates they had fielded in the 2000 elections.

Furthermore, the transitional period to the multi-party system coincided with the timetable for elections that were to be held in 1995. During this time, the CCM consolidated its position and controlled all institutions. It established the rules under which new political parties were to operate and frequently intervened in the 'national interest'. The CCM represented itself as the party that upheld Tanzania's record of peace, stability and solidarity in contrast to the opposition that threatened the very fabric of the nation by articulating particular interests. The state dominated by CCM, refused media access to the opposition by not relinquishing its hold on the sole national broadcasting agency, Radio Tanzania. In addition, it refused both to repeal the 40 pieces of repressive legislation which made it difficult for the opposition to function, and to mount a democracy education programme. Critically, during the transition phase, the CCM remained dominant and the boundaries between the government and the party remained blurred.

The long transitional period meant that it was difficult for the opposition to maintain a coherent position. The initial euphoria of multi-partyism waned as the opposition was unable to provide a viable alternative set of policies.

Another problem for the opposition was that it found it extremely difficult to penetrate the rural areas where the CCM had its strongest support, making them largely an urban party.

Perhaps an even more regressive trend in the opposition parties is the crossing of key opposition leaders to the incumbent party, CCM. Top-level and founder members, that include some Chairpersons of the opposition parties, abandoned ship and crossed to the CCM. This trend, among others, has led to the fear that maybe Tanzania is backtracking to the one-party rule (Ahluwalia & Zegcy 2001).

While the multi-party elections heralded a new phase in Tanzanian politics, the most important political machinations remained within the CCM. President Mwinyi, under the stipulations of the constitution, was only permitted to serve two terms and this necessitated the identification of a presidential candidate by the CCM. In order to elect the CCM presidential candidate, the party established an elaborate procedure. Aspiring candidates' names had to be submitted to the party's Secretary-General who, in turn, submitted them to the Central Committee. The committee was empowered with the task of drawing up a short list of five candidates who were recommended to the National Electoral Commission (NEC) which could either accept or alter the list. Finally, the NEC presented these names to the party congress, which elected the candidate by secret ballot.

Although there were 17 candidates for the CCM presidential nomination, based on the party's procedures, Benjamin Mkapa was elected by the party congress. The influence of Julius Nyerere in the election was paramount. In May 1995, he castigated the CCM leadership for corruption and exposed major problems in the party. He made it clear that he would support a candidate who was untainted regardless of the political party, which such a candidate represented. Mkapa's election was endorsed by Mwalimu Nyerere.

The official election campaign was punctuated by confusion. The elections were conducted first in Zanzibar and then on the mainland. The separate Zanzibari elections were made problematic by the major debates over the way in which the union is governed, and exposed major divisions on the island. The election process was plagued from the beginning by CUF complaints that it was being hindered and intimidated by the CCM. There was a general feeling among the opposition that a free and fair election was not possible. The CUF campaign emphasised economic liberalisation and closer co-operation with the Arab Gulf states. It was precisely these close ties with the Islamic states that the CCM played upon, arguing that this was an attempt to exert

Arab control over the islands. On 25 October 1995, the CUF claimed victory. However, the final election results were delayed, and the electoral commission declared the CCM presidential candidate, Salmin Armour, as duly elected after attaining 1 565 more votes than the CUF candidate, Seif Shariff Hamad.

In the parliamentary elections, the CCM was declared to have won 26 out of 50 seats. Despite efforts to monitor the election process, it was apparent that the elections were fraught with difficulties when the number of votes counted in two constituencies exceeded the number of voters registered. It was not surprising, therefore, that international election monitors noted major discrepancies in the election process. CUF members boycotted the Zanzibar House of Representatives. The European Union and other donors cut aid in what was perceived to be fraudulent elections.

The union elections, which were held on 29 October 1995, were also disrupted by administrative disorganisation in Dar es Salaam where the elections were postponed and rescheduled for 19 November. The opposition argued that this was a means to promote disorder in areas where the opposition had support. In protest, the opposition refused to contest the presidential elections in the re-run in Dar es Salaam. This was an important mechanism for the opposition to gain legitimacy, given that provincial results ensured a CCM victory. Nevertheless, the opposition contested the parliamentary elections.

The election results witnessed the return of the CCM to power. In the presidential race, where four candidates had sought election, Mkaapa received 62 per cent of the vote while the opposition candidates amassed 38 per cent. The election results showed that the CCM was being challenged and that it could not attain the kind of popular support it enjoyed under Nyerere. In the parliamentary elections, the CCM won 186 of the contested seats with the CUF attaining 24 and the NCCR-Mageuzi 16. Because the National Assembly includes a number of nominated seats, the final configuration consisted of the CCM with 214 seats and the opposition with 60.

However, although the ruling party, the CCM, retained power, it confronted an economy riddled with problems. There was rising unemployment exacerbated by Structural Adjustment Programmes (SAPs), the collapse of infrastructure and poor industrial performance. The state was unable to provide even the most meagre of social services. This is reflected in the fall of life expectancy figures from 52 years in the early 1990s to 48 years in 2000, as well as one of the highest infant mortality rate on the continent. The decay of health services can be seen in the banning of x-ray services because of defective machines. The Tanzanian government has faced an ever increasingly

vigilant donor community demanding accountability and transparency. The most pressing concern for international agencies was the failure of the government to collect taxes and curtail the high levels of corruption. The World Bank's refusal to disburse funds was echoed by the donor community that refused the balance of support payments as a result of the Paris Club meeting in 1995.

In 2000, Tanzania held its second multi-party elections. These elections were seen as a foregone conclusion with President Mkapa assured of a second term in office. The opposition parties' inability to field a single candidate meant that Tanzanians were highly sceptical of the electoral process. For the average voter, the real issue was the continuing decline in their standard of living. Although the government adopted and met World Bank-IMF expectations, high unemployment, insufficient health care, a lack of educational facilities and sheer poverty remained.

The 2000 elections were not different from the 1995 elections with the CCM able to ensure that they were not operating on a level playing field. The abolition of state subsidies to political parties meant that the opposition was unable to fund their campaign adequately. The problem of the differentiation between the CCM and the state remained. The CCM was again able to intimidate the opposition through the use of police supervising political rallies. In addition, it denied the opposition access to the dominant government media. Although the private media have been permitted to operate, in general, it had little impact on the political agenda. Most significantly, the media, public or private, failed to raise the key issue of economic management.

The opposition, under the aegis of the National Convention for Construction and Reform-Change called for the resignation of Lewis Makame, the chairperson of the National Electoral Commission, on the grounds that he favoured the CCM. The opposition, however, was unable to make any significant electoral inroads. The same four presidential candidates ran for office and it appeared that the opposition had learned nothing from the previous election. International observer teams reported that the election was relatively fair and free on the mainland. As expected, President Makapa and the CCM easily attained power.

In the first multi-party elections in 1995, the CCM, with less than a one per cent margin, claimed victory in Zanzibar. The opposition CUF claimed widespread rigging and boycotted the assembly. This led to the suspension of donor aid to the island. The 2000 election sadly mirrored the 1995 election.

The 2000 election was marred by claims of electoral fraud and violence with troops patrolling the streets.

Although the constitution prohibits religion to be the basis of a political party, the ruling CCM accused the CUF to be an essentially Muslim party. Ironically, the label of an Islamic party helped the CUF to gain further support from the Islamic community. The detention of 18 CUF members without trial for treason exacerbated tensions further. These CUF members were declared to be 'prisoners of conscience' by Amnesty International.

The election was annulled due to irregularities in 16 of the 50 constituencies. The Commonwealth team of observers commented that the election was a shambles. Despite the opposition's demand that a new election should be held, the CCM rejected this, leading to further violence on the island. The re-run was boycotted by the CUF and Amani Abeid Karume was sworn in as Zanzibar's president and the vice-president of Tanzania. In an attempt to forge unity, Karume's first act was to release the 18 CUF members. The opposition to CCM rule on Zanzibar has nevertheless continued with clashes between the opposition and government. The repression of the opposition has resulted in the fleeing of a large number of Zanzibaris to Kenya, including 14 CUF members of parliament. This crisis represented the largest challenge to the Tanzanian government, which has always prided itself as a peace-loving nation. The events in Zanzibar represent the repressive nature of the system that continues to exist in the country.

It is on the basis of the above that Ahluwalia & Zegeye (2001) argue that politics in Tanzania have not changed substantially since the first multi-party elections in 1995. The same issues continue to dominate with some aspects gaining importance. These include the structure and position of the political parties, elections and the constitutional and legal framework to ensure the functioning of the emerging political system.

In Tanzania, both the incumbent and the new political parties are hard pressed to develop viable alternative political platforms that can attract voters as well as retain committed members. The ruling party (CCM), having abandoned 'Ujamaa' (Socialism), has joined the new parties in preaching a form of Social Democracy that meets the aspirations of both the previous world of *ujamaa* and the present demands of market-based economics and liberal democracy. Only CUF in Zanzibar stands opposed to key CCM policy issues, such as the Union and the Revolution of 1964 which removed the

Arab Oligarchy. There are concerns that a reversal of the Revolution of 1964 implies a return to Arab Colonial rule in Zanzibar and a complete break of the Union. Besides inter-party politics filtering through into ethnic and other separatist fault lines, the lack of well-articulated and alternative political platforms makes party politics shift to an arena of both inter- and intra-party politics organised around personalities.

As in other societies in political transition towards plural and competitive democracy, the debate on the constitution in Tanzania is essentially about the demand for a pact between the pro-reform groups to arrive at a consensus amongst themselves and between them and the incumbent party of the regime. This debate should guide the transition process as well as enshrine lasting rules that should be observed by all players in the political system including the rules relating to elections.

The new parties agreed both in 1995 and in 2000 that the existing constitutions of the Union and Zanzibar should be discarded completely (or at most they can serve as essential reference documents) and be replaced by new ones if elections were to be free and fair. They argued that the existing constitutions and the legislation that emanate from them, including the electoral laws that governed the elections in 1995 and were to govern elections in 2000, were founded on specific assumptions. These they argue underline in their various provisions the dominance of a *single-party system*. Ujamaa-Socialism is seen to remain Tanzania's development blue print. They further argue that to simply amend the various provisions as argued by the party in power would be the equivalent of building on and incorporating the assumptions of those provisions.

Since democratic governance is being sought in the present time and this is founded on different assumptions including competitive politics and a liberal political and economic system, they demand a more appropriate way of achieving a constitution. Their position is that democratic content requires the constitution makers to begin afresh with basic and new assumptions. The elections in 2000 took place within a general constitutional and legal framework shaped by amendments that by and large enhanced the position of the party in government. Such amendments include the 2000 13th amendment that provides for nominated seats to be filled according to the president's choice. As was the case for the constitutional and legal framework, these same conditions applied to elections of both 1995 and 2000 (Zegeye 2001).

The Issue of Gender and Election Process in Tanzania

The importance and necessity of women's participation in decision-making for sustainable development in Tanzania have been recognised in many circles. Elections are the time when the Government, NGOs and the entire civil society have the chance to put into practice what was pledged in Beijing in 1995 regarding women's political empowerment in decision making. The Beijing 4th World Women's Conference included the participation of women in decision making as one of its 12 areas of concern in the Global Platform for Action (GPA). The GPA points out that without women's participation in decision making, the goals of equality, development and peace cannot be achieved. Thus it proposes that governments commit themselves to establish gender balance in governmental bodies and committees.

Already in 1995 the Tanzanian Government guaranteed 15 per cent of parliamentary seats respectively for women. In 1996, the year following Beijing and the first multi-party elections, the cabinet endorsed and increased the number of seats reserved for women to 20 per cent. The number of women parliamentarians and the quality of their contribution combine to influence political life. Their entry to the parliamentary scene often produces a qualitative change and can balance the legislative work in support of equality. Full integration of women in political life not only favours the democratisation of politics but also enables women to take full advantage of democracy which has so much to offer in the promotion of equality.

Women's political rights must be considered in the overall context of human rights and should not be dissociated therefrom. The 1977 Constitution of Tanzania, amended in 1984, provides equality between men and women in all spheres of life, but in political reality there is a huge gap between law and practice with regard to the principle of equality. Multi-party democracy provides more opportunities for women to participate. This is especially so if enough efforts, resources and hard work are put in by women themselves and other stakeholders including the youth.

Temu and Kassim (1992) assess the participation of women in elective decision-making bodies in Tanzania by looking at the three phases of the electoral process, i.e. the pre-electoral phase which provides access to nomination and candidature; the electoral phase itself during which selection of candidates takes place; and the post-electoral phase which involves the exercise of the political mandate:

(i) Pre-Electoral Phase

Election to Parliament begins with active political involvement of local grass-roots organisations. This means that legitimate entrance into a constituency is gained. Women, however, face a number of obstacles as early as this pre-electoral phase. This is due to the fact that there are so few of them already in decision making positions within political parties to support their nominations. Those who lack full support from their political parties cannot be nominated and if there is no nomination there is no candidature.

Poverty is another big stumbling block in the way of the prospective women aspirants for parliamentary and local government seats. Most of the women aspirants have low incomes, which do not allow them to pay the fees set even by their own political parties. The parliamentary seat fees range from 100 000/= (CCM's fees in shillings) to 20 000/= (NCCR-Mageuzi's fees) and 5 000/= (CUF). For councillorship it is 10 000/= (CCM), 3 000/= (NCCR-Mageuzi) and 1 000/= (CUF). There is, however, a move by an inter-party committee that is co-ordinating efforts to empower women politically to consult the NEC to set a uniform rate for all parties. Another impediment to women aspirants is the inadequate campaigns time: New aspirants have to get introduced to voters but time is often too short for them to be able to cover enough ground.

(ii) Electoral Phase

In 2000 out of the 72 female candidates from different political parties 12 women from CCM were elected. In the 1995 elections, out of 67 women candidates, only eight were elected – seven from CCM and one from CUF.

Peter (1999) emphasises that voting is essential to ensure that women are elected. Women in Tanzania make up more than half the total population, namely 51 per cent according to the 1988 Census. While in 1995 within the different regions 43 per cent up to 52 per cent of the voters were female in 2000 the female poll decreased to about 40 per cent up to 50 per cent. Nevertheless women have not yet joined forces to support their fellow-women. There is a tendency for women to consider those running for office as wishing to be part of a man's world. In this regard female voters vote for men in preference to women. This partly explains the low number of women elected. Another factor is the multiple roles that women play in production and reproduction as well as the attitudes and power relations existing in society. In the 1995 and 2000 elections many women failed to register because they

were preoccupied with farm work. Some women who showed interest in running in the elections faced threats from their spouses to the extent of telling them to choose between marriage and politics.

In Tanzania reserved seats have been introduced to partially compensate for absence of women in elective office and senior posts. However this should only be a temporary measure, to be lifted when the objective has been reached. President Benjamin Mkapa, while addressing the International Women's Day on 8th March 2000, challenged women to go out and run in the constituencies instead of being contented with the special seats. However, in the 2000 elections the women parliamentarians joining Parliament through special seats still outnumbered by far the ones elected in the constituencies. In the new parliament 47 women are members on special seats, with 40 coming from CCM, four from CUF and one each from TLP, UDP and CHADEMA.

(iii) Post-Electoral Phase

World-wide women tend to be in the minority in national parliaments. The political space occupied by women in parliament depends as much on their numbers in relation to men, as on the qualitative impact of their participation in parliamentary activities. The constituency expects a lot from their women parliamentarians. They have to prove themselves to a greater extent than men. Between a man and a woman elected to parliament for the first time there is chance that the woman has to overcome more obstacles than the man to occupy her place to the full. Likewise the small numbers of women in parliament, coupled with attitudes and procedures, impact negatively on the post-electoral phase, especially on the appointment of women to high positions. In Tanzania the president has appointed only four female ministers out of 28.

Electoral System and Conflict Management

The issue of the electoral politics and conflict management in Tanzania, especially with regard to the Union question, is well illustrated by Haroub Othman (2001). He notes that the Union of Tanganyika and Zanzibar is the only one in Africa. The Union has been given different interpretations and characterised as federal, quasi-federal, or as an interim arrangement towards a unitary state. What the '*Articles of Union*', which are the *Grundnorm*, intended to do, was to create a single state with two authorities having a

limited jurisdiction. The intention was to retain the identity of the smaller unit. By this event, the identity of Tanganyika has not been lost, as it is sometimes claimed. It is Zanzibar's autonomy and identity that must be maintained lest, as Mwalimu Nyerere himself often pointed out, an impression be created that the larger and more populous Tanganyika has swallowed Zanzibar.

In 1983/84 and 1990/92 extensive political and constitutional debates took place in the country which deeply probed the question of the Union. The debates of 1983/84 resulted in major amendments to the 1977 Union Constitution and the formulation of a new *Zanzibar Constitution*. The Union question, however, continues to trouble the minds of many people within and outside Tanzania. While all the other political parties in the country are demanding a *federal set-up*, the ruling party (CCM) and its government are still insisting that the two-government arrangement is there to stay. A lasting solution needs to be found to the Union question because in this era of multi-partyism and openness, it is even more important that matters are discussed and solutions found based on popular will.

As already illustrated, in 1995 Tanzania held its first multi-party elections since its founding in 1964. While both local and international observers had no major criticism on the way the elections took place on the Mainland, in the case of Zanzibar the story was different. Neither the local nor the international observers endorsed the elections. The elections showed also that the country was split right in the middle, along geographical lines. One of the parties (CUF) was dominant in the island of Pemba, while the ruling party (CCM) held sway in the island of Zanzibar. What this meant in the Zanzibar context was that neither of the parties was a 'national' party.

After the election results were announced, the opposition CUF felt that its victory had been usurped, and that it was its candidate who won the Presidency. The result was that CUF refused to recognise the Zanzibar government. Its members of the House of Representatives boycotted the sessions of the House. The expectations of Zanzibaris prior to the elections, like their compatriots on the Mainland, were that they would enjoy greater democracy and more human rights. But this was not how it turned out in Zanzibar. Instead, even the small gains that had been won before the elections were lost.

What was understood from the beginning, though, was that the crisis in Zanzibar was not of a constitutional or legal nature, but of a political nature. And when the proposed solution, brokered by the Commonwealth, came, it was a political one. It depended on the political will of both parties for its implementation. That political will, unfortunately, was lacking. One did

not need to be a student of conflicts to see that with the year 2000 elections Zanzibar was heading towards a deeper crisis. While all observers commended the way the elections were conducted on the Mainland, the Zanzibar elections were characterised by the Commonwealth Observer Team as a shambles. In fact all observers were more critical this time of the way the elections were run, and they all demanded fresh elections.

This time the opposition CUF did not recognise both the Union and Zanzibar Presidents, and they demanded their members of the Union Parliament and those of the House of Representatives to boycott both legislative bodies. The two bodies have now, using the House Rules, decided to throw out all CUF representatives from both Houses. The result of this was that Zanzibar had a one-party House of Representatives.

Moreover, the police killings in Zanzibar in January 2001 cast a deep shadow over Tanzania. What was very clear was that the country lacked political leadership of the security forces, and that the security forces lacked technical means to do their professional work. There was both local and international pressure for the Tanzania government to form an independent commission of inquiry to investigate what happened.

However, this paper does not propagate that there were no tensions and conflicts in the Union under the one-party political system, but during the one-party system where the party was supreme and under the charismatic leadership of Mwalimu Julius Nyerere, it was possible to resolve some of the tensions. But new tensions emerged with the political liberalisation. Although these might have been expected, there was the belief that the society was cohesive enough to withstand them. Unfortunately such has not been the case:

First, Tanzania is a country that has been known for its non-racial philosophy. Racial schools and other social welfare amenities that were provided on a racial basis were abolished after independence. The Nationalisation of Buildings Act of 1971, though obviously affecting a particular race (Asians) in its implementation, was all the same justified on socialist grounds. But currently, there are people arguing for *uzawa* (black indigenisation) in the economy.

Second, Tanzanians have prided themselves in their religious tolerance. The independence movement was led by Julius Nyerere, a Catholic, Rashidi Kawawa, a Muslim, and Oscar Kambona, an Anglican. But unfortunately there has now emerged serious religious tensions. At the time of independence nobody would ever have thought that there would come a day in Tanzania when people would think that their positions in public life depended on their religious affiliations.

Third, under Nyerere's leadership the use of ethnic and racial origin was something of a taboo question. Even chiefdoms were abolished. It was possible for someone from Ruvuma region to stand in elections in Dar es Salaam. There are examples of people such as Julius Nyerere, Amir Jamal, Omar Muhaji and Oscar Kambona who stood, and won, in constituencies outside their home areas. Derek Bryceson is a classic example of a white, Cambridge-educated big farmer standing in a working class area, the numerically largest constituency in the whole country, and still winning massively. Presently, whenever elections approach, people retreat to their ethnic origins, and the population is coming to slowly accept looking at things through their ethnic and religious perspectives.

Fourth, in the past the education system and other forms of socialisation played an important role in the cementing of national unity. The nationalisation of religious and ethnic schools, and the opening up of their doors to all, including the allocation of 50 per cent of secondary school places for people coming from outside the region where the school was situated, created a healthy situation of bringing Tanzanians together. An important role was also played by the National Service scheme where youth of both sexes, regardless of their regional, ethnic, racial, social class or religious backgrounds, were trained together in camps, which led to the development of friendships among the youth from these different backgrounds.

Key Policy Challenges for Democratic Governance and Stability

Tanzania, like the rest of Africa, is faced by a multitude of policy challenges for the establishment of democratic governance and stability. Besides the existing racial, ethnic and religious tensions stated above, one other challenge is rampant corruption. Othman (2001) rightly states that often corruption is viewed as involving the use of money to influence a person or a decision towards a certain direction. At other times it even involves buying one's right. In politics money is indeed used, but it is not the only corruptive currency. Other factors are also involved, all of which are as corruptively effective as the use of money.

In Tanzania, corruption as in most African countries, is currently at a threatening level. It has permeated all sectors of society. Corruption cannot be fought from political platforms, especially when people's rights are being denied or sold because of corrupt practices. What is needed is educating

people about their rights, inculcating in the public servants moral and professional ethics and giving them job security which would reduce the temptation for quick money.

Moreover, in this world of interdependence, the question of human rights holds powerful sway. Indeed, the respect and defence of human rights is the foundation of any democratic nation. A country's constitution is laudable only insofar as it defends and sustains human rights; and a government is held in esteem to the extent that it implements the significant rights recognised in the world today. The world is increasingly becoming a 'global village'. The existence of information technology means that whatever happens in one part of the world, including human rights abuse and corruption, almost immediately becomes known in other parts of the world. For a country like Tanzania, which depends so much on aid from external donors, loans from foreign banks and international agencies, good governance including observation of human rights and eradication of corruption have been stated by the donor community as conditionalities for the granting of aid. Conditions must be created in which the human rights provisions contained in both the Tanzania and Zanzibar Constitutions and in the international human rights instruments to which Tanzania is a party are understood and enjoyed by everybody (Othman 2001, Mwaikusa 1995, World Bank 1989).

Furthermore, with the liberalisation of the economy in Tanzania, the gap between the poor and rich is becoming bigger. The implications of the liberal economic policies being pursued at present on the social sector are catastrophic. Poverty is forcing more and more people not only to create their own devices for survival but also into vices that were not common before such as drug trafficking, murder, and violence against women and children. These social developments if not tackled correctly, may plunge the country into serious problems and threaten its peace and stability (Booth 1994).

Since the Arusha Declaration was abandoned there has been an ideological vacuum. It was hoped that the *'Tanzania's Development Vision to the Year 2025'* would arouse the people's enthusiasm and mobilise them to greater heights, but the document failed to gain legitimacy because its formulation was another technocratic exercise with no political content. A development vision has to involve the whole people since they are the ones who are expected to shoulder and to benefit from its implementation. For such a development strategy to work, the state must play an important role. There is need to discard the notion that the role of a state is only to keep law and order, and that it must shed away its other developmental responsibilities.

The demands of the opposition political parties, civil society organisations and professional bodies for constitutional reforms need to be taken seriously because if they are not listened to with all seriousness, they may be a problem in the future. The present constitutional arrangements were formulated at the time of a one-party state for conditions that were appropriate at the time.

Since the coming of the multi-party system, the conduct of multi-party elections has been a major source of discontent. It seems that the electoral laws are deficient and the electoral commissions do not inspire confidence in their independence. What are required are new electoral laws and truly independent electoral commissions. Moreover, as part of the political culture of the country the monitoring of the whole electoral process to see that it is free and fair is the responsibility of everybody. It is important that the electorate itself must learn to resent, reject and expose any wrongdoing in the electoral practice.

The Electoral Commissions have the primary responsibility to see that the playing fields are levelled, and that each political party and each candidate is afforded a fair chance. The mass media must be ready to expose whosoever employs illegal practices in the elections; and the police should not hesitate to bring anyone before the courts if they are suspected of having engaged in corrupt practices.

Othman (2001) emphasises that the national language, the ethics of equality and human dignity, and the Union of Tanganyika and Zanzibar are what overcame the ethnic hatred, religious bigotry, regional parochialism and ethnic differences, and forged national cohesion and unity. It is these values that had made Tanzania an example in a continent beset with secessionism, ethnic cleansing and religious tensions. One hopes that despite the daunting problems facing society now, there is still the capacity and patriotism within Tanzania that will look beyond sectarian interests.

Conclusion and Recommendations

An examination of elections, state, constitutionalism and political stability in Tanzania showed the following. First, the state in Tanzania could be characterised as authoritarian. Like in most other African countries the constitution has been frequently amended to ensure that the executive, especially the President and the ruling party (CCM) become dominant and remain in power. State authoritarianism has been justified by the need to maintain order and by the ideology of developmentalism. Even after the introduction of the

multi-party system the electoral process and election system are still dominated by the ruling party (CCM). The difference between the state and CCM is still blurred.

Second, since the coming of the multi-party system, the conduct of multi-party elections has been a major source of discontent for the opposition. It seems that the electoral laws are deficient and the electoral commissions do not inspire confidence in their independence. What are required are electoral laws and truly independent electoral commissions which ensure that the playing fields are levelled and fair to all political parties.

Third, in spite of the amendment of the 1977 constitution in 1984 to provide more equality between men and women in all spheres of life, there is still a huge gap between law and practice with regard to the principle of equality. Women still face more problems than men in the electoral process. The latter are still more represented in both parliament and cabinet.

Fourth, political and economic liberalisation has brought new political and social tensions in the country, based on ethnicity, race and religion, and increasing poverty. These tensions pose a great challenge to peace and stability including the future of the union. Sustainable solutions need to be found. People should be educated about their rights and to resent corruption. Moral and professional ethics should be inculcated in public servants including provision of job security to reduce the temptations for quick money. The state should play an active developmental role besides keeping law and order. Finally, a lasting solution needs to be found to the Union question because in this era of multi-partyism and openness, it is even more important that matters are discussed and solutions found based on popular will.

Sources

- Ahluwalia, P. 1999. *Post-Colonialism and the Politics of Kenya*. New York: Nova Science Publishers.
- Ahluwalia, P. & Zegeye, A. 2001. Multiparty Democracy in Tanzania: Crises in the Union, in *Africa Security Review*, Vol. 10 (3) .
- Anyang' Nyong'o, P. 1997. *Institutionalization of Democratic Governance in Sub-Saharan Africa*. Working paper No. 36, June 1997, ECDP Publications.
- Bazaara, N. 2000. The Bumpy Road to Constitutionalism in East Africa. Paper presented at a regional Conference on 'Citizens, Communities and Constitutionalism in East Africa' organized by Kituo Cha Katiba at the Arusha International Conference Centre Tanzania, July 17-19, 2000.

- Booth, D. 1994. Economic Liberalization, Real markets and the (Un)reality of Structural Adjustment in Rural Tanzania. *Sociologia Ruralis* 34 (1).
- Ghai, Y. 1986. The Rule of Law, Legitimacy and Governance. *International Journal of Sociology of Law*, 14: 179-208.
- Mfaume, R.M. 2000. Constitutional Change in Tanzania; Some Insights into the Past and Present and Its Implication for Democracy and Constitutionalism. M.Phil. Thesis (Unpublished), University of Bergen, Norway.
- Mtaki, C.K. & Okama, M. (eds.) 1994. *Constitutional Reforms and Democratic Governance in Tanzania*. Dar es Salaam: Friedrich Naumann Stiftung.
- Mwaikusa, J.T. 1995. Towards Responsible Democratic Government: Executive Powers and Constitutional Practice in Tanzania, 1962-1992. Ph.D. Thesis, School of Oriental and African Studies, University of London.
- Nyalali Commission Report 1991. *Tume ya Rais ya Mfumo wa Chama Kimoja au Vyama Vingi vya Siasa Tanzania*. 3 Volumes. Dar es Salaam: Government Press.
- Okama, M. 1992. Tanzania: A Relatively Peaceful Multiparty Debate. *Taamuli* 3 (1&2).
- Okama, M. & Maikusa, J.T. (eds.) 1992. *Constitutions and Opposition in Africa*. Dar es Salaam: Friedrich Ebert Stiftung.
- Okoth-Ogendo, H.W.O. 1991. Constitutions without Constitutionalism: Reflections on an African Political Paradox, in Shivji, Issa G. (ed.), *State and Constitutionalism: An African Debate on Democracy*. Harare: SAPES.
- Othman, H. 2001. *Tanzania: Can Democratisation Prevent Conflict?* Paper presented at the Bergen Seminar on Development 2001, Chr. Michelsen Institute, Bergen, Norway, 18-20 June 2001.
- Peter, C.M. 1999. Constitution Making Process in Tanzania: The Role of Civil Organizations: A Case study prepared for the *Civil Society and Governance in East Africa Project* (Tanzania Side).
- Republic of Tanzania 1992. *Political Parties Act*. Dar es Salaam: Government Printer.
- Shivji, I.G. (ed.) 1985. *The State and the Working People in Tanzania*. London: CODESRIA.
- Soremekun, K. 1999. International Dimensions of the Democratic Ferment in Africa: An Insider's View, in *Governance and Democratization in West Africa*. Dakar: CODESRIA Publications.
- Temu, F. & Kassim, S. 1992. *Women and Elections in Tanzania*.
- World Bank 1989. *Sub-Saharan Africa: From Crisis to Sustainable Growth*, Washington, D.C.: World Bank.