

The Right to Vote in Tanzania Multiparty Elections: Lessons from Nyerere's Perspective

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Abstract

This study discusses the right to vote in Tanzanian multiparty elections in line with Mwalimu Julius Kambarage Nyerere's [hereinafter "Mwalimu"] perspective on multiparty democracy and elections in Tanzania. The study further seeks to examine how Mwalimu's perspective, would foster democracy in Tanzania. Accordingly, survey of accessibility of the right to vote in Tanzania was conducted. The study shows that Mwalimu's perspective on this regard generates lessons that enhance democracy in Tanzania. However, there are some challenges. They include, but not limited to, problems associated with voting process, problems associated with eligibility of voters, and problems associated with voting methods. This is because, not every voter, due to circumstances (which can be successfully dealt with by the electoral laws) beyond their control, gain an opportunity to vote in general elections. The author employed observation method in obtaining primary data. But also, documentary review to access both primary and secondary data. These methods has been useful as has enabled the author to see how democracy is practised in Tanzania, and also, to peruse

various laws and publications relevant to this study. It is recommended in this work that electoral laws need to be amended to accommodate various voters. Additionally, the Tanzania National Electoral Commission and the Zanzibar Electoral Commission need to find appropriate voting methods that can be successful applied to accommodate majority of voters. The found methods shall be incorporated in the electoral laws.

1.0 Introduction

This article discusses the right to vote in multiparty elections (MEs) in respect of the lessons from Mwalimu's perspective on multiparty democracy and elections (MDEs). The Right to vote in Tanzania is a constitutional right entitled to Tanzania citizens. It is immaterial whether or not the citizenship was acquired by virtue of birth. According to Part III of Constitution of the United Republic of Tanzania, 1977 [hereinafter "the Constitution"], this right is given under the ambit of blanket right, namely the right to freedom of conscience. This blanket right affords individual citizens to participate in public affairs pursuant to Article 21 (1) and (2) of the Constitution. Participating in public affairs includes, but not limited to, exercising the right to vote as per Article 5 (1) and (2) of the Constitution. Right to vote is crucial as through votes governments are elected, re-elected or replaced pursuant to Article 8 (1) (a) of the Constitution. And it extends to the right to choose appropriate candidate. Accordingly, the state must ensure that this right is accessible to eligible voters, and, any conducts that is likely to hinder or contravene this right must be avoided. A contravention against right to vote, may invite a court of law to entertain the matter. For example, the High Court of Tanzania,

was invited to determine a dispute concerning contravention with the right to vote, in the case of, *Legal Human Rights Centre and Others v. Attorney General* Misc. Civ. Case No. 77 of 2006, HC Dar es Salaam (Unreported). In this case, the High Court of the United Republic of Tanzania, declared Section 119 (b) and (c) *alias* ‘takrima provisions’ of the National Elections Act [Cap 343 R.E 2014] unconstitutional as they contravene Article 13 (1) and (2), and Article 21 (1) and (2) of the Constitution.

Article 13 of the Constitution promotes equality before the law, prohibits discrimination, and promotes free and fair participation in public affairs. Accordingly, the parliament was afforded time to correct the provisions by virtue of Article 30 (5) of the Constitution. It is important also to note that free and fair elections are a distinguished indicator of a country’s independence (Nyerere, 1968:73). Understanding parliamentary supremacy, Mwalimu, argued the parliament to make proper election laws as contrary to that Members of Parliament may be regarded as insane. Mwalimu was quoted saying;

This parliament can make any law. It has complete power to pass a law, for example which says that nobody in Tanganyika should have the right to vote except bachelors and polygamists. They have the constitutional power to do that. But our MP’s will certainly not do that simply because they are not insane. There is a distinction between the availability of given powers, and the practical use of such powers (Shivji & Murungu, 2009:102).

The arguments of Mwalimu to this aspect cemented irrefutable fact that having good laws in place that protects individual's right to vote, is equally important as right to vote itself. However, it is important to note that the parliament has an obligation to enact only those laws which are in conformity with the constitution. Contrary to that a law of such nature will be null and void. A multiparty election is a reflection of multipartism whereby various registered political parties are allowed to participate in country's elections. Through these political parties, individuals who seek to be elected in power are nominated and endorsed. Accessibility of the right to vote in multipartism is very crucial compared to monopartism. In the latter, few votes were enough to declare a winner, due to the nature of monopartism existed whereby a sole candidate sought to be elected in power. It was even possible to anticipate a winner of the elections. The same cannot be said of the former. Currently, if one fails to vote, such voter cannot rest until results are declared. This is due to stiff competition between candidates that brought about by multipartism. Thus, access of the right to vote is of great importance.

Nevertheless, some eligible voters fail to vote due to various circumstances beyond their control. The author is discussing those circumstances consequential to shortcomings in voting process, criteria of voters, and voting methods. It is undeniable fact that if these circumstances are worked upon, may maximize the accessibility of the right to vote to a full extent of the law. For example, some of problems which are found in voting process, eligibility of voters and voting methods can be easily dealt with by the law. Ordinarily, the law has to correspond with society's need in a given period of time. Accordingly, laying down useful legal rules to accommodate various circumstances for voters, it is an act of justice and the right accomplishment. Furthermore, the

author examines the right to vote in Tanzania aligned with the lessons from Mwalimu's perspective on MDEs in Tanzania. The alignment, is possible by looking into; a survey of MEs in Tanzania; Mwalimu's perspective on MDEs in Tanzania; and; accessibility of the right to vote in MEs. Furthermore, the author offers a summary of discussion; and; recommendations.

2.0 A Survey of the MEs in Tanzania

Multiparty democracy in Tanzania is traced back to colonial time and shortly after the independence of Tanganyika. MEs in Tanganyika took place in 1958, 1960 and 1962 (CETA, 2011). Thus, multipartism existed during colonial period to 1962 (Nyirabu, 2002:100). In 14 January 1963, Tanganyika took another turn when the Tanganyika African National Union (TANU) under the leadership of Mwalimu, decided to introduce monopartism. The decision was announced in the TANU annual conference (Nyerere, 1966:195). This decision laid down the foundation of a party supremacy. In July 1965, monopartism became reality (Kweka, 1995:66). The first monoparty election took place in 1965 (CETA, 2011:46). Monopartism continued up to June 1992. Major reasons for introducing monopartism, was mainly grounded by a belief of Mwalimu as presented hereinafter.

Mwalimu believed that given the circumstances by then, Tanganyika needed a pure democracy, a kind of democracy that allows people to sit down and discuss until they reach consensus. The fact that democracy is government of the people, by the people and for the people, it can only be obtained under monopartism as a united country with no classes. This is possible through representative democracy (Nyerere, 1966:195). Mwalimu also believed that multipartism can only be justified if the present

political parties are fighting over different fundamental issues benefit to the general public. But, political parties that were present, was referring to the same issues, TANU was fighting for. In this situation, a country can experience division of classes and conflicts (Nyerere, 1966:196). Furthermore, the need to strengthen national unity and economic development of Tanganyika was another reason of Mwalimu's advocacy for monopartism (Nzirabu, 2002:100). According to Mwalimu, there was no need for multipartism as the same has the tendency of dividing people (Nzirabu, 2002:100). Division of people can hinder economic development that a state needed to build. After retirement, Mwalimu had a time to reflect the social, political and economic development he had helped to build. And he was to some extent satisfied with his work. He once said: "I really think I ran most successful single-party system on the continent. It was a single, huge nationalist movement...I do not believe that our country would be where it is now if we had a multiplicity of parties..." (Mwakikagile, 2006:82). Thus, abandonment of multipartism aimed to save unity of the country and development thereof in all spheres of life.

Prevention of tribalism, religionism and regionalism was another reason of introducing monopartism. Mwalimu believed allowing multipartism to a new decolonised country may attract division due to existence of tribalism, religionism and regionalism (Nyerere, 1962). Division among people was something which Tanganyika and later Tanzania could not endure. In his words Mwalimu said: "Tanzania is divided up to one hundred and twelve (112) distinct ethnic groups, is not a fertile ground for multipartism. Tanzania is not ready for multipartism as would descend the country into tribal and regional infighting" (Kafumu, 2014). However, in late 1980s Mwalimu had a change of heart

after having an opportunity to reflect on party supremacy and welfare of Tanzanians (Kweka, 1995:74). Reasons for this Mwalimu's change of heart are as presented hereinafter. This time Mwalimu believed, multipartism is necessary in order to avoid possibility for Chama Cha Mapinduzi (CCM) to turn tyrant, corrupt and bureaucratic. Although, Mwalimu believed multiplicity of parties would cause trouble on grounds of tribalism, religionism and regionalism, but it did occur to him that letting monopartism to continue, may cause even more trouble (Mwakikagile, 2006:82). Another reason was that at this period, it seemed multipartism was inevitable. This was due to global movements on the change from monopartism to multipartism. Mwalimu was quoted saying: "when you see your neighbor being shaved, wet your head to avoid a dry shave. The one party is not Tanzanian's ideology and having a one party is not God's will. One party has its own limitations" (Daily News, 22/02/1990; Nyirabu, 2002:102). Additionally, multipartism was necessary to improve Tanzanians lives. Mwalimu observed that CCM leaders failed to thoroughly engage in economic development. And some were concentrated on self-enrichment.

That being the case, Mwalimu saw the opportunity multipartism may bring to Tanzania, and that is, it would help to maintain focus of the ruling party so as to improve welfare of the people (Kweka, 1995:74). Eventually, Mwalimu persuaded CCM to reconsider multipartism (Kweka, 1995:74). In his words Mwalimu demonstrated that;

CCM can and should welcome the opportunity to give a lead in yet another major peaceful political transition in our country. We have an opportunity to ensure

that change happens democratically under rules to provide genuine democracy. This is a moment when Tanzania under CCM can choose and oversee that change, rather than be made to change (Daily News, 20/02/1992; Nyirabu, 2002:102).

Consequently, Presidential Commission chaired by His Lordship, Justice F. Nyalali was formed to investigate the possibility to reintroduce multipartism in Tanzania (Msekwa, 2006:21). The Commission discovered various democratic problems in Tanzania, and these problems were listed as follows:

Lack of real mass representation in state institutions; lack of popular democracy; little responsibility given to institutions such as workers' councils; too much power vested in the presidency; the weakening of the role of parliament and representative councils; lack of individual freedom of association, freedom to run for public office in elections, freedom to choose policies and programmes; lack of access to free source of information; and; lack of respect for the rule of law (Kweka 1995:74).

Accordingly, the Commission came up with various recommendations including the one of changing from monopartism to multipartism. The recommendation was implemented and eventually legalised in 1 July 1992 by Article 3 (1) of the Constitution. After reintroduction of multipartism, the first general election was done in 1995 (Msekwa, 2006:23).

Despite of all cited good reasons for monopartism and multipartism, it may be politically correct to aver that state policies played a vital role for their existence. The state policy of socialism and self-reliance was more welcoming to monopartism. And economic liberalisation policy which Tanzania introduced in early 1990's is more favourable to multipartism.

3.0 Mwalimu's Perspective on MDEs in Tanzania

Mwalimu's perspective on MDEs has been dynamic and objective. For a long time, Mwalimu was a firm believer of the monopartism. However, that belief changed in due time as we have seen in the foregoing part of this work. Mwalimu departed from this world supporting multipartism. Before he departed, Mwalimu shared his views on how Tanzania can succeed in exercising multipartism. The said views are as presented hereunder;

3.1 True Multipartism is not Multiplicity of Political Parties

In exercising multipartism, Tanzanians should bear in mind that true democracy is not defined in terms of multiplicity of political parties. Democracy cannot be imported as it is not an item to be bought. Rather, true democracy shall be developed in conformity with the given state (Kafumu, 2014). That is to say, multipartism in Tanzania shall be exercised while taking into consideration historical background of the United Republic of Tanzania; traditional norms and customs of Tanzanians; nature and characteristics of Tanzanians; government structure; cultural beliefs; and best practices exist in Tanzania.

3.2 Multipartism is Alien

Multipartism is not originated from Africa. It is developed from western countries. In Africa multipartism is a luxury. Thus, it needs to be exercised with caution. If caution is not exercised, then practising multipartism in the same manner as it has been practised in western countries, it is a luxury that Africa cannot afford. As it will create opposition among ourselves (Kafumu, 2014).

3.3 Multipartism Entails Strong Opposition

Meaningful multipartism entails existence of strong opposition party against the ruling party. Mwalimu went further to give an advice to oppositions that they must join hands to form strong political party that can test strength of the ruling party. In order to successful participate in MDEs, a political party must have: good party manifestos; good leadership; committed leadership; good size of party members and supporters; true will of serving Tanzanians; and; should not only concentrated to assume state's power (Nyerere, 1995).

3.4 Multipartism Entails Electing Good Leadership

Multipartism entails good leadership to be elected in MEs. Mwalimu emphasised on the need to Tanzanians to elect in power good leadership. Good leadership that is needed in Tanzania is the one which is strong to fight against tribalism, religionism and regionalism. Furthermore, this leadership must be strong to fight against poverty, illiteracy, diseases, corruption and corruption practices; tax evasion; maladministration; and; all other forms of ill governance and violation of law (Nyerere, 1995).

3.5 Multipartism Entails Perfect Choice and Public Tranquility

MDEs entail perfect choice in the sense that Tanzanians must elect true government. This is a type of government that is set to create a workable mechanism for the purpose of enriching Tanzanians in all spheres of life. Government that is strong, capable and willing to oversee people's welfare and that of the state. When addressing Tanzania audience on MEs in 1995, Mwalimu was recorded saying;

You Tanzanians must not elect opposition political party for experimentation. State's power cannot be experimented. You must elect the perfect government and you must do that well. If you desire a certain political party and you feel that you must give the same, power for experimenting it, do that regionally and not nationally e.g. you can give them Dar es Salaam by electing their Member of Parliament candidates or Ward Counsellors or any region for that matter but not state's power; because there is a danger when you elect for experimentation. For example, if the world came to know that fact, it will conclude that Tanzanians have been intoxicated by the peace and harmony in their country (Nyerere 1995).

State's peace and security as well as public tranquility in general, are of essence just as much as MDEs. They are inseparable and Tanzanians must understand that and put it into practice.

3.6 Multipartism Entails Freedom to Choose From Variety of Suitable Election Candidates

Mwalimu's perspective of freedom in Africa entails freedom among other things, individuals' freedom to exercise right to vote so as to elect and re-elect or replace a government. Mwalimu was a firm believer of equality, dignity, freedom and welfare of individuals (Nyerere, 2000:9, 23). It is equally the same in MDEs. Mwalimu wanted Tanzanians to have right to vote and also right to choose appropriate candidate from variety of suitable election candidates. It was in this spirit, Mwalimu thoroughly understood the decision of His Lordship, Lugakingira J., in the case of *Rev. Christopher Mtikila v. Attorney General* [1995] TLR 31. Through interpretation of the Constitution and other laws of the land, His Lordship decided in favour of petitioner (Rev. Christopher Mtikila). That independent candidate is allowed in Tanzania by virtue of individual human rights. Explaining the importance of human rights, His Lordship stated as follows;

Fundamental rights are not gifts from the state but they are inherent in a person by virtue of birth, and they are prior to the state and the law; the enactment of those rights in the Constitution is mere evidence of their recognition and the intention that they should be enforceable in a court of law, and an intention that those rights should not be arbitrarily restricted by the state.

Thus, parliament had no right to ban independent candidacy. Mwalimu did not appreciate legislature's reaction against the decision. Shortly after the High Court's decision, the parliament

amended the constitution to restrain independent candidate from participating in general elections. Expressing his hurtled feelings Mwalimu stated as follows;

When the High Court ruled that the banning of private candidates was unconstitutional, the Government could have appealed against the ruling: it decided not to do so. It was left with several alternatives. It could get the legislation changed so as to allow private candidates, without any qualifications being laid down. Or it could allow them, but require that they fulfil certain conditions-as, for example, that they were barred from campaigning on grounds of religion, tribe, or race – similar to the conditions which governed all TANU and CCM candidates under one-party system and which now apply to registered political parties. Or they could try to amend the Bill of Rights.

Government chose the last path. It inserted before the Old Article 21 (1) of the Constitution, words to the effects that “Subject to Article (sic) 5, 39, and 67 of the Constitution, and the qualifications for election or nomination in the Electoral Laws...These Articles (sic) and Laws specify disqualification for voting or standing in elections (e.g. mental illness,

below 18 years of age, presidential candidates must be 40 years old or above, etc). They contain the requirement for candidate to be sponsored by a registered party – the very thing which bars independent candidates and was ruled unconstitutional by the Court! After a somewhat acrimonious debate, parliament voted in favour of these [c]onstitutional [a]mendments by two-thirds majority in accordance with the requirements of amending the Constitution.

I am not a lawyer: the effect of this legal jargon, however, is that the ban against private candidates remains intact, but Government has abolished or at the least severely circumscribed the irksome provisions in the Bill of Rights on the basis of which the ban was ruled unconstitutional by the High Court. This is very dangerous. Where do we stop? If one section of the Bill of Rights can be amended, what is to stop the whole Bill of Rights being made meaningless by qualifications of, and amendments to, all its provisions (Nyerere, 1995:9; Shivji & Murungu, 2009:102-103).

Mwalimu as respectful of individual rights that he is/was, argue for individuals to have an opportunity to exercise their civil and political rights by participating in public affairs whether by voting or being voted for. The right to vote extends also to the right to

choose (Nyerere, 1974: 112 – 116). It is undisputable fact that one can only choose if is presented with options. Generally, Mwalimu's perspective on MDEs entails that multiparty democracy is important practice for the growth of any state. However, it must be exercised with caution. It must be exercised in conformity with traditions, customs, beliefs, and best practices of a given state. Furthermore, it must be used to achieve good standard of living. Individuals must be afforded freedom to participate in public affairs. This could be, among other things, by voting or being voted for. People must choose well not merely elect basing on personal or popular feelings and public tranquility shall be maintained at all time.

4.0 Lessons from Mwalimu's Perspective Relating to the Right to vote in MEs

It is evident from the foregoing part of this study that Mwalimu's perspectives on MDEs generate lessons. The author has gathered some important points that are worthy to be taken into account when practising multipartism. These points are as follows: there must be freedom to individuals to vote; it is important for the law to allow various individual to compete in MEs; it is just and fair for voters to choose from strong political parties; when exercising their rights to vote, individuals have an obligation to elect in power a good government. Furthermore, public tranquility must always be maintained, and that multipartism is not about multiplicity of political parties but rather existence of strong political parties that, once elected in power, can discharge government functions for the benefit of Tanzania. There is no doubt that what Mwalimu advised proved to be useful and relevant. Justifications for foregoing statement, can be derived from vivid examples such as: the general public is fully aware of,

and understands importance of multipartism; there exist some political parties that can offer their manifestos and gain some voters in general elections such as: Chama cha Mapinduzi (CCM); Chama cha Demokrasia na Maendeleo (CHADEMA); Civic United Front (CUF); Alliance for Change and Transparency (ACT); Chama cha Ukombozi wa Umma (CHAUMA); Alliance for Democratic Change (ADC); National Reconstruction Alliance (NRA); Tanzania Labour Party (TLP); and; United People's Democratic Party (UPDP).

Furthermore, there are strong political parties such as: CCM; CHADEMA; and; CUF. Through which people may elect good leadership in power. Moreover, MEs have been conducted in peace, and public tranquility has been maintained at all times. However, there are some challenges in exercising MDEs in Tanzania. For example; multiple options of candidates to choose from, is a bit limited by restricting independent candidate. Although, this has been addressed in Article 216 of the Proposed Constitution, 2014, it is yet to change the current position. But, it may change the future position if it passes the referendum and becomes enforceable by virtue of Section 28B of the Constitutional Review Act [Cap 83 R.E 2014]. Thus, the author needs not to stress further on this challenge. Another challenge is related to the accessibility of the right to vote which hinders eligible voters to fully enjoy this right. The hindrances must be dealt with to ensure free and fair MDEs at fullest. It is this challenge, the author embark on explore further.

5.0 Accessibility of the Right to vote in Tanzania MEs s

Accessibility of the right to vote refers to a comprehensive system that allows individuals to exercise their rights to vote and being

voted for, without any encumbrances. Right to vote in Tanzania is a constitutional right and it is protected therein and in electoral laws enacted for the purpose of regulating political elections. Nevertheless, right to vote in Tanzania accompany some encumbrances that need to be alleviated. The author have detected these encumbrances in the areas of voting process, eligibility of voters, and voting methods. Accordingly, this part discusses the encumbrances detected in our legal system.

5.1 Problems Associated with Voting Process

Voting process in Tanzania involve various stages to be completed. These are: registration of voters, vote casting, vote counting, and results reporting, pursuant to the Constitution and electoral laws.³ For the election to be free and fair, among other things, voting process must be Secure, Accessible, Recountable and Accurate (SARA). This is also supported by community justice in voting process (Beddill 2015). Through SARA, relevant elections organ i.e. The National Electoral Commission (NEC), must have capabilities of exercising auditing, review, conduct an independent inspection and verification of the original documents and reports (Beddill, 2015). These undertakings help to improve trust of voters and maintain their confidence towards electoral processes in Tanzania. Emphasising on importance of voting process to bear SARA character, one author once said;

³ These includes; The Constitution, Article 5 (3); The National Election Act, [Cap 343 R.E 2010], Sections 11A and 12; The Local Authorities (Elections) Act, [Cap 292 R.E 2002], Sections 15A and 15B; See also; E. Kawishe, The Electoral Process in East Africa: Tanzania Perspective, 2011 available at www.jmat-tz.org/wp-content/uploads/2012/05/ELECTORAL-PROCESSES-IN-EAST-AFRICA-TANZANIANS-PERSPECTIVE-by-MR-EMMANUEL-KAWISHE.pdf accessed on 05/11/2015

Votes are like water-is they get put into and carried in suitable buckets; we do not want any of them to leak out or to get contaminated. And like a bucket which has hole or may be about to get holes [all of them] must be plugged in order to maintain its integrity. Nine out of ten is not good enough-even one leak will cause failure of the system-be it water in a bucket or votes in a system of collection, transport, counting, and reporting (Beddill, 2015).

It is very crucial for voting process to be genuine, truthful, and reflecting wishes of voters. One of the mechanisms of maintaining successful voting process is for the NEC to have effective Voters Interaction System (VIS). This system is maintained through integration system and voters database whereby, NEC shall maintain integration of all election systems namely; Permanent National Voters Register (PNVR), Candidate Management System (CMS), Result Management System (RMS), Logistic Management System (LMS), Communication and Incident Management System (CIMS), and Geographical Information System (GIS) (Kawishe, 2011). Having one integrated system will assist NEC in conducting successful election (Kawishe, 2011).

Collaborating with Tanzania Communication Regulatory Authority (TCRA), NEC managed to establish VIS. Since its establishment, VIS has been useful as so far, it helps voters, to easily view their information in the NEC database (Kawishe, 2011). However, the challenge has been how to maintain integrated system (Kawishe, 2011). The integrated system consist

of both hardware and software such as; servers, big tape libraries, big storage units, local area networks in each office, secured wireless links which connect NEC officers and disaster recovery sites, computers, printers and many other electronic equipment. In addition to that there must be a conducive environment to keep, maintain and protect these equipment. So far NEC has not been able to afford these equipment nor proper environment to maintain them (Kawishe, 2011). It is important for NEC to rectify this failure to avoid any suspicions, speculations, and misunderstandings in the whole process of voting. A good example can be scrutinized from the general election of 2015. This election experienced opposition party CHADEMA refusing to accept the presidential results of the United Republic of Tanzania on the ground that they have been altered. CHADEMA avers that they should have been declared winner as they are the ones who truly won the election.

The same situation occurred in Tanzania Zanzibar whereby CUF claims to be the winner. Furthermore, uncertainty that occurred in the general election of Tanzania Zanzibar due to the Zanzibar Electoral Commission (ZEC) nullifying the general election of Tanzania Zanzibar. It is on author's view that all these claims of results alteration are mere speculations. However, NEC and ZEC are under obligation to ensure that reasonable individuals are not given reasons to speculate. Mwalimu's perspective that MDEs shall maintain security, peace and harmony, and public tranquility, implies voting process that do not allow voters to lose confidence towards the conduct of election.

5.2 Problems Associated with Eligibility of Voters

Eligibility of voters refers to the qualifications of individuals to vote in general election for presidential candidate, members of

national assembly, and the ward councillors. For an individual to cast vote, must possess the following criteria: must be Tanzanian; must be a person of eighteen (18) years of age or above; must be a person of sound mind; must be registered in the PNVR; must be in possession of voter's identity cards; and must be present at the allocated polling station between 07:00am to 04:00pm pursuant to Sections 10 – 14, and 17 of the National Election Act [Cap 343 R.E 2010]. The same position was cemented in the case of *Godbless Jonathan Lema v. Mussa Hamis Mkanga et al.*, Civil Appeal No. 47 of 2012, CAT, Dar es Salaam (Unreported). Voters are allowed to cast vote only at a polling station of registration as per Section 17 (1) of the National Election Act [Cap 343 R.E 2010]. There are exceptions to the general rule i.e. candidates are allowed to vote at any other polling station provided they have been authorised by the Director of Elections of that particular area. And polling officers who are working at polling stations other than polling stations of registration may, by authorisation of Director of Elections, vote at the working polling station as per Section 17 (4) and (5) of the National Election Act [Cap 343 R.E 2010].

Although NEC is given power to issue directives and conditions that can allow individuals to cast their votes in a polling station of convenience other than that of registration, it does not give assurance on the solution of this problem as NEC is at liberty to choose as to whether or not to issue those directives and conditions pursuant to Section 35C (3) of the National Election Act [Cap 343 R.E 2010]. Consequently, for ordinary voters, it may not change the requirement of physical presence to the polling station of registration. This requirement reduces voters' turnout and eventually hinders accessibility to casting vote as the law does not cover emergence circumstances such as sickness,

work transfer, funeral attendance, school holidays, etc. Restriction of an ordinary voter to cast vote in a situation whereby; such voter is a qualified voter and with reasonable ground(s) cannot appear at polling station of registration, but can do so in other polling station, prevents such voter to exercise constitutional right i.e. right to vote.

This could be one of the reasons in 2015 general election, out of 23, 253, 982 registered voters, only 15, 589, 639 voters turned out. A total of 7, 664, 343 voters did not (NEC 2015). It is advisable, proper legal rules shall be enacted to accommodate these types of voters.

5.3 Problems Associated with Voting Methods

There are various ways of casting vote. These include but not limited to; early voting, election day a must holiday, vote by mail, and vote at polling station on Election Day (U.S Election Assistance Commission 2008). Early voting may be useful to some voters such as who leaves a country and may not be present on Election Day, pregnant women who are expecting delivery closer to, or on Election Day. And old people as well as other pregnant women who must not take longer at polling station. Holiday on Election Day may increase turnout of voters. However, this may not be a problem in Tanzania because elections are normally conducted on Sunday. Vote by mail is economical and may attract turnout of voters at maximum. Vote by mail may be useful to voters who reside overseas.

It is author's view that it is high time NEC survey other methods of casting vote that may be useful and secure. Compile voting methods that can accommodate majority of voters at their justifiable present circumstances. Fewer voters cannot present

political interests of majority citizens. Turnout of many voters entail democracy strength and true sovereignty of the people (Kapia, 2013:142). Mwalimu's quest for true democracy and freedom of individuals to cast their votes in favour of true candidate includes also voter's friendly ways of casting votes.

6.0 Concluding Remarks

A survey on the right to vote in Tanzania is incomplete without clear understanding of Nyerere's perspective on MDEs. Accordingly, Nyerere reminds Tanzanians that it is important to fully participate in MEs. But it is fit to do so with caution. He insisted that in exercising, right to vote, voters shall: elect good leadership in power. This is a type of leadership that can endure struggles in all spheres of life in favour of Tanzanians and persevere. The one which can improve welfare of the state and that of the people; exercise honesty and elect only those individuals that can work to enrich Tanzania; avoid any forms of subjectivity when voting; and; maintain and prioritise public tranquility so as to keep peace for the benefit of Tanzanian community. Mwalimu further reminded Tanzanians, to define MDEs in context of the United Republic of Tanzania and its historical background, culture, and nature of its people.

This study also shows that Mwalimu respected individual human rights and wished that every individual, provided qualifies, to participate in public affairs. The participation can, among other things, either be by way of standing an election or casting vote in favour of potential individuals. Either way, Mwalimu stand firm on his support to individual human rights and their participation in public affairs. Mwalimu emphasised on the right to vote as through vote new government is elected in power, re-elected, or

replaced. It is author's view that Mwalimu's perspective in MDEs gives lessons that enhances democracy in Tanzania. However, right to vote is not comprehensive. There are some problems associated with this right particularly in voting process, eligibility of voters and voting methods. Fruitful steps need to be employed to ensure sovereignty of the people is upheld by affording individual's right to vote. This includes, but not limited to; amendment of electoral laws to incorporate voters who in some reasons cannot be present at polling station of registration but can be present at polling station of convenience; voters who resides overseas; and voters who would be accommodated by early voting. More importantly, NEC and ZEC are advised to study appropriate voting methods and cause their implementation.

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Nyerere's Perspectives on Natural Resources and the Current Management of the Mining Sector in Tanzania

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Abstract

This article is divided into five sections. The first section is an introduction which throws light on the overall content of the article. The second section presents and discusses Nyerere's perspectives on ownership and management of natural resources. Development of such ideas is traced from 1958, 1962 and the Arusha Declaration period when the ideas were concretised into a policy and its implementation. In short the ideas put emphasis on collective ownership and management of natural resources guided by the principle of people-centred development. The third section discusses changes in ownership and management of the mining sector. Two types of changes are outlined. The first is the change from colonial policies to socialist policies under the Arusha Declaration. The year 1969 was a turning point, ending colonial policies and beginning of socialist policies. The second change was from the socialist policies of collective ownership and state control to neo-liberal policies of liberalisation and privatisation of the economy which began during the late 1980s through SAPs and became more apparent from early 1990s. The fourth section provides implications of the neo-liberal mining policies on Tanzania's development. Here it is argued that