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# **The Multiparty Reform Process in Tanzania: The Dominance of the Ruling Party**

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## **Abstract**

The debate on the form and content of Tanzania's constitution and democracy has been on the agenda throughout the four decades of independence. In the recent process of transition since the 1990s, a series of political reforms such as introducing multi-partyism have been undertaken with the view of widening the space for democracy. This paper addresses several problems surrounding this transition. It argues that democratization is much more than the introduction of multiparty politics and debates the various components of the constitution that are an obstacle to popular participation including the monopoly of political parties in politics. The mainstay of democracy is for the people to have a say and power in their own lives and not to depend on the power of political parties.

## **Introduction**

It can be argued that the process of political reforms taking place in Africa is to a large extent a confrontation against the rule entrenched in the *ancien regime*, which was a political system without real political life within it. Politics never prospered as a specific contemporary sphere of human undertaking – where differences are tolerated, where public views are openly debated and ways are sought to compromise amicably. Rather, most African regimes were alienated and repressive and the state was viewed as an enemy to be avoided, evaded and defeated if possible, but never a partner. This system, typified by one-party state was able to survive simply because the state structures were ruthless, authoritarian and wherever possible provided rewards, punishment and controls (Neocosmos, 2001).

Most scholars agree that one of the most significant demands in African politics today is democratization of the African polity and society in general.

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Although democratization is yet to be completed, authoritarianism, military rule and the one-party regime have been challenged, discredited and dismantled. This paper is intended to contribute to the debate in the politics of democratic reforms in Tanzania. It will also be raising the question whether multiparty politics has enhanced democracy or is it leading Tanzania to one-party state.

## **An Overview of Party Politics in Tanzania**

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

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

This philosophy led to the launching of the Presidential Commission on One-Party State to consider changes necessary in the ruling party's constitution and in the practice of government, with a view to establishing a one party state. In announcing the Commission, Nyerere's instructions were clear:

In order to avoid any misunderstanding, I think I should emphasize that it is not the task of the Commission to consider whether Tanganyika should be a one-party state. That decision has already been taken. Their [Commission] task is to say what kind of one-party state we should have in the context of our national ethic and in accordance with principles, which I have instructed you to observe (Nyerere, 1966b: 262).

The commission's report had far-reaching consequences for the practice of politics in the country.

On 26 April 1964, Tanganyika and Zanzibar united to create the United Republic of Tanzania by signing an agreement called the Articles of the Union by the respective heads of state Julius K. Nyerere and Abeid A. Karume. The most important feature of this political development was the establishment of the two-government structure, with two political parties: Tanganyika African National Union (TANU) on Mainland (Tanganyika) and Afro Shirazi Party (ASP) in Zanzibar. Other changes stated in the Acts of the Union were adopted by changing the Tanganyika Constitution, which became the Interim Constitution of the United Republic of Tanganyika and Zanzibar, 1965 (Shivji, 1990).

If the Republican Constitution of 1962 created what Okoth-Ogendo (1991) has referred to as an "imperial presidency", then the Interim Constitution of 1965 created the one-party state, an idea that Nyerere had supported as early as 1962. In this light, Article 3(1) of the Interim Constitution predestined that there would be one political party in Tanzania. This was to be the legal beginning of one party politics in Tanzania. In 1975 more legal power was added when Act No.18 of 1975 amended Articles 3 of the Interim Constitution of 1965 to provide that "all political activities in Tanzania shall be conducted by or under the auspices of the party". Furthermore, "the functions of all organs of the state of the United Republic of Tanzania shall be performed under the auspices of the party" (United Republic of Tanzania, 2000). In 1977, the government adopted the permanent Constitution of the United Republic of Tanzania, 1977, consolidating changes that had been undertaken. But importantly was the birth of a single party in the country – Chama cha Mapinduzi (CCM) as a result of the merger of the two parties – TANU and ASP, which continued to function on Tanzania Mainland and Zanzibar respectively.

The ultimate purpose of the permanent constitution was to strengthen the ruling party (Makaramba, 1997). Article 3 stipulated CCM as the sole political party in the United Republic of Tanzania, while Article 3(2) made CCM the final authority in respect of all matters in the United Republic. This style of one-party politics dominated the practice of politics in post-independent Tanzania up to July 1992.

## **Towards a Multi-Party System**

To be sure, the current multiparty discourse in Tanzania is not something new. In the post-independence period various attempts to democratize the state and society have been witnessed, although at times the state silenced these political discourses. The first loud demand for changing the political system began in 1983 when the ruling party offered proposals to the public

for debate in order to amend the Constitution of the United Republic of Tanzania, 1977. In the course of political debates on the items lined up by the party for deliberation, citizens went beyond what the party had proposed and in fact challenged the very legitimacy of one party rule. Although in the final analysis the state rejected the introduction of political reforms, including multi-party politics, seeds for democratic reform had been planted in the body politic of Tanzania.<sup>1</sup>

Up to 1989, Nyerere was a firm believer in one-party rule. On 5 March 1989, while still chairman of the ruling party and Ali Hassan Mwinyi serving as his handpicked presidential successor, he told a political rally in Zanzibar that it was time for the state to use its state powers, such as detaining political activists opposed to the ruling party's views. Nyerere declared that state power would have to be used to restore public confidence in the party and its founders. In February 1990, Nyerere, the architect of one-party rule, made an acrobatic U-turn and proclaimed that it was no longer reasonable to discuss the introduction of multi-party politics (*Daily Nation*, 23 February 1990). He stated that Tanzania, like the rest of the world, would be affected by the democratic changes sweeping across the globe and thus he advised his party and government to be primed for the changes: "When you see your neighbour being shaved, wet your head to avoid a dry shave. The one party is not Tanzania's ideology and having one party is not God's will. One-party has its own limitations" (*Daily News*, 22 February 1990). Two years later he pushed his ruling party to take hold of the initiative and guide the nation into a new era of multiparty democracy:

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 this change happens democratically under rules to provide for genuine democracy. This is a moment when Tanzania under CCM can choose to change and oversee that change, rather than be made to change (*Daily News*, 29 February 1992).

The result of this changed view of Nyerere's was the opening of a wider debate in the country. Within a short time an independent National Steering Committee composed of academics, lawyers, students, political activists, clergymen, etc, was launched on 28 February 1991, and successfully organized the first multiparty seminar in the country on 11 June 1991. This committee, which comprised an array of nascent opposition figures, launched a National Committee for Constitutional Reform (NCCR) to spearhead demands for a constitutional conference, free establishment of political parties, and a conference to debate a future political system.<sup>2</sup> It was a development that challenged the state.

The response of the state was to publicize the creation of a commission to collect nationwide views and advise the government on what type of political

system Tanzania should adopt. Thus, on 26 March 1991, President Mwinyi proclaimed the creation of a commission under the chairmanship of the then Chief Justice of Tanzania, Mr. Justice Francis L. Nyalali. It drew members from the ruling party, government and private circles both in Tanzania Mainland and Zanzibar and was given one year to complete its work. Even before the end of its mandate, it had presented its initial findings to the effect that, although 77.2 per cent of those interviewed (36,299) preferred Tanzania to continue with one-party system, the suggested changes in the political system could only be accommodated by a multi-party system. It therefore recommended the establishment of a multiparty political system.<sup>3</sup>

Bratton and van de Walle have pointed out that Tanzania was among five cases in Africa between 1989 and May 1991 in which the initiative to reform was taken by the incumbent leaders as opposed to sixteen cases of opposition protesters elsewhere in Africa (Bratton and van de Walle, 1992). It may be true that the state in Tanzania responded to the demand for a change in the political system. But, arguably, as it has been pointed out, the launching of the Presidential Commission by the government was a strategy meant to take control of and direct the reforms. According to Musoke, this is what hijacking of democratic reforms from the people entails (Musoke, 1992).

The government of the United Republic of Tanzania decided to implement some of the recommendations of Nyalali Commission by enacting the Eighth amendment to the Constitution of the United Republic of Tanzania of 1977. Fundamentally, the Commission recommended a transition to a multiparty democracy. It emphasized that in order to realize a multiparty democracy, several changes including constitutional reform; repealing or amending some forty statutes associated with restriction of freedom of speech, organization, assembly or participation in the affairs of the state; including independence of the judiciary; reestablishing supremacy of parliament over ruling party, and creating autonomous mass organizations had to be effected to provide room for a smooth transition to a new democratic society. The Commission's major recommendation that Tanzania should adopt a multiparty system of democracy was formally accepted on 29 February 1992, when a specially convened extraordinary congress of the ruling party CCM accepted to end its monopoly of political activities and its supremacy as guaranteed by the constitution. In May 1992, Parliament endorsed the recommendation to start the transition to multiparty politics and enacted a law to allow opposition parties to begin political activities on 1 July 1992. To effect this change Article 3 of the Constitution, which provided for a one-party system was amended to provide for a multi-party system. And, Article 10, which provided for party supremacy and monopoly of activities in the country by CCM was repealed.<sup>4</sup>

## The Political Parties Act

On 29 May 1992, President Mwinyi acquiesced to the Political Parties Bill paving the way for the registration of new political parties. Briefly, the Political Parties Act, 1992, provides for the establishment of the office of the Registrar of Political Parties in the office of the Prime Minister; forms of registration of political parties; disciplining of political parties; and other regulations governing operations of political parties. The President appoints both the Registrar and his deputy. In the performance of his functions, the Registrar is required to consult the Minister responsible for legal affairs from time to time. Moreover, the Registrar, his deputy and other officers working under him are protected from being sued for anything done or omitted as long as they are in good faith without negligence in the performance of functions under the law.

An important requirement of the Political Parties Act is that every aspiring political party has to submit an application to the Registrar of Political Parties for registration. To function without registration is illegal. However, this general rule did not apply to the ruling party CCM because section 7(2) of the Political Parties Act exempted it from this registration obligation:

Notwithstanding the provisions of subsection (1) of this section Chama Cha Mapinduzi also known by the acronym CCM which was immediately before this Act, the sole political party for the whole of the United Republic shall, on the coming into effect of this Act, and without further requirement, be deemed to have been fully registered as a political party and shall be issued with a certificate of registration in accordance with this Act.<sup>5</sup>

Thus, a National Assembly composed of only CCM members keenly masterminded the legal transformation into a multiparty system. It may not be so much an issue to praise the National Assembly for allowing new political parties, as it is a question of seeing the interests of CCM being preserved.

With regard to other political parties, registration arises in two stages. First, is a provisional registration of six months duration in which political activities of political parties are limited and are required to fulfill conditions as provided in the Act. The second stage of full registration is more difficult and complicated than the provisional stage. Among other conditions, parties seeking full registration need to have a national character (obtain not less than 200 members who are qualified to be registered as voters for the purpose of elections from at least ten regions of the United Republic of Tanzania out of which at least two regions should be in Zanzibar – one each from Zanzibar and Pemba; (party leaders too have to reflect the two parts of Tanzania) and political parties should not be foreign sponsored or initiated and anti-Tanzania.

The power of the Registrar is not limited to registration of political parties only. According to Section 15, the Registrar is empowered to cancel the

registration of any party which in his view contravenes the provision of the Act or which otherwise ceases to qualify for registration under the Act. A typical letter to a newly registered political party include a reminder of the consequence of lack of compliance with the law:

I take this opportunity to draw your particular attention to the provisions of section 11(2) of the Act (Registrar of Political Parties Act) which spell out the rights and privileges, which every political party that has been fully registered is entitled to enjoy. Furthermore, I recommend that you familiarize yourself with other provisions of the Act and of the corresponding regulation, for the purpose of ensuring compliance with the prescribed obligations.<sup>6</sup>

The registration requirements above do suggest that restrictions do exist. No less an authority than the Registrar of Political Parties stated openly that the set of laws for registration are needlessly harsh and have caused unnecessary difficulties in registration of political parties.<sup>7</sup> Indeed, the Registrar compared these laws to the Preventive Detention Act, 1962, that empowers the President of the day to violate all laws, including the constitution, in order, to prevent harm to the state.<sup>8</sup> In fact, there is some authoritarian similarity of the Political Parties Act, 1992 to the Societies Ordinance, 1955, enacted by the British colonial government to control the activities of emerging political parties in the pre-independence era. The necessity of enacting the Political Parties Act was simply to make registration of political parties a Union matter in as much as the Societies Ordinance is not applicable to Zanzibar.

## **Multi-Party Politics in Tanzania**

One of the most anti-democratic changes incorporated in the Eighth amendment to the constitution is the exclusion of independent candidates. Despite doing away with the one party monopoly, the Eighth amendment in fact created a multiparty monopoly in which registered political parties control political activities. Fundamentally, the constitution denies citizens the right to engage in politics in their individual capacities outside an institutional framework of political parties. In short, the constitution closes the door to independent candidates and if one wants to participate in politics one is compelled to join a political party.<sup>9</sup> Isn't this a violation of any reasonable constitution, which should provide for the right of an individual to associate? Besides, should a person be obligated to fit into any association? Needless to say, doesn't freedom of association include the freedom not to associate and joining any organization?

On 1 February 2002, Tanzania's official opposition in parliament ceased to be recognized after falling short of the numbers set under parliamentary rules leading one observer to proclaim that the country is back to single-party rule (Wambali, 2002). The non-recognition of official opposition has occurred in



part because of the supremacy of political parties culture in the country. Before considering this issue there is need to step back and recall the practice of single-party politics in Tanzania in 1960s.

In October 1968 the National Executive Committee of the then ruling TANU, expelled seven members of parliament from the party for having grossly violated the party creed both in their attitude and actions and for showing a very clear opposition to the party and its policies (Msekwa, 1977). This expulsion meant automatic loss of their parliamentary seats and a reassertion of the supremacy of a political party over the institution of people's representative. This philosophy was well articulated by TANU's Parliamentary Secretary in the Office of the Second Vice-president, Richard Wambura, during the debate in the National Assembly:

Mr. Speaker, I want to make it clear that it is the party, which is supreme and all the Members of Parliament are expected to work under the leadership and guidance of the party. The party picked you MPs in nomination and the party has the right to discipline you and dictate your tasks. It is high time that the MPs should know where they come from (*Hansard*, 1 October 1968, column 23).

This parallel, it should be emphasized, is being witnessed in 2001. Up to November 2001, the opposition had 21 members of parliament that under Section 11 (4) of the Parliamentary rules were more than the required 20 MPs to constitute the official opposition in the National Assembly. However, in November 2001, Civic United Front (CUF) a leading opposition party expelled three MPs from the party for violating party norms and thus they automatically ceased to be MPs. In the wake of this development, leaders of the opposition parties have raised a concern about the direction of multi-party politics in Tanzania. In the words of the Tanzania Labour Party's chairperson, Augustine Mrema: "Now we have a one-party parliament, thus killing all the spirit of building democracy in Tanzania and CCM is rejoicing" (*The East African*, 4–10 February 2002). To be sure, it is clear that the Political Parties Act enacted in the Eighth amendment to the Constitution of the United Republic of Tanzania, 1977, is instrumental in giving immense powers to fully registered political parties. As such even an undemocratic political party can freely do whatever it likes without its elected representatives having the opportunity to discuss differing views. That is exactly what happened in 1968 during the one-party system and is happening again in 2001 during the multi-party era. The real point here is that a multiparty system has been put in place in a way that political parties dictate elected representatives. In addition party leaders have colossal power over party membership.

Given this state of affairs, there has been a call for a new political order in the country focusing on making a new constitution that can contribute to building democratic institutions and a democratic culture. There have

been two major views. One wants to involve the people in the making of the constitution and thus the 1977 constitution should be replaced by a new one. This view got an impetus when the Nyalali Commission recommended that the constitution of the United Republic of Tanzania should be completely overhauled. Indeed the Commission provided for a procedure to be adopted in creating such a constitution. The main argument is that since independence the people of Tanzania have never been consulted or directly played a part in the writing and adoption of their country's constitution. This would help them recapture their sovereignty and take control of their destiny. The other view is more interested in amending the constitution as when the need arises. This has been the style and practice of CCM and its government is persistently arguing that there is nothing wrong with the current constitution and that the people of Tanzania through their representatives have in fact participated in implementing various changes.

In spite of this view and responding to calls for a new constitution, the CCM government issued The Government White Paper No.1 of 1998, in which Tanzanians were asked to suggest changes to a 16-member commission that was chaired by Justice Kisanga of the High Court of Tanzania. The Government White Paper contained nineteen issues that citizens were asked to respond to. Space constraints preclude detailed discussion of the issues, the Commission's advice to the government and the government's response. However, when the Commission's Report was presented to the government, President Benjamin W. Mkapa was the very first person to attack it publicly purportedly for misleading the public on a number of issues, including the advice to adopt a three-government structure instead of the present two government one which is the ideology of the ruling party. In the aftermath of this, the President informed the country that the report would be sent to CCM before being sent to the National Assembly:

Before it is sent to Parliament, the report and the views of the Cabinet must pass the test of the CCM Central Committee and the National Executive Committee to ensure that it is in agreement with party policies (*The Guardian*, 8 December 1999).

Be it as it may, the usual style of making constitutional changes in Tanzania preferred by the ruling party was evident when the government selectively with the guidance of CCM introduced proposals to amend the constitution through the Thirteenth Amendment. These changes addressed four areas. First, a presidential candidate need not get an absolute majority of the votes cast to be declared a winner in a general election as had been provided for by Article 41(6) of the Constitution.<sup>10</sup> Second, the President of the day is given powers to nominate up to 10 Members of Parliament. Third, there is an increase in the number of preferential seats for women from the existing 15 per cent to between 20 and 30 per cent as the National Electoral

Commission may declare in accordance with the direction of the President. Fourth, there is the creation of a Human Rights and Good Governance Commission under the Office of the President. Taken together, with the exception of increasing women representation, these changes, which were enacted in the Thirteenth Amendment in the first session of the twenty-first century, are a move away from democratic pluralism to concentration of power in the institution of the presidency and a retreat to one party style politics. Or else, how are we to understand the re-introduction of presidential powers to nominate individuals to an elective legislative house? Isn't this a negation of the popular will that legislators are representatives of the people and so the people should elect them? Isn't this a chance for patronage, abuse of power and cronyism?<sup>11</sup> With respect to presidential election, there is a possibility of electing a president voted for by a minority.

Although the White Paper method is a legislative process, its drawback is that it restricts discussions and thus limits democratic participation. In the broad sense, what this process means is that citizens are forced to discuss issues only outlined by the government. But why is the government averse to open a wider democratic debate? The uncomplicated answer to this is that other issues might arise outside the limited schema envisaged by the government or the results may not be agreeable to those in power. In this regard, the most likely outcome are views dominated by the top echelons of the ruling party and government with no or negligible participation of the people. Or to put it differently, people's participation is used to legitimize preferred decisions.

But the real consequence of this style of constitution making is threefold. First, there is a general lack of a constitutional democratic culture in the governance of Tanzania society. Second, a possibility of creating a powerful presidential institution at the expense of other institutions particularly an ineffectual parliament and thus an integral part of patched constitutional order. Third, lack of popular participation in the process of creation of a constitution raises the question of political legitimacy of the constitution, which is the basic law of the state.

## **Political Parties**

Though currently Tanzania has a multiparty system in place, rules governing political competition are hardly different from the one-party system. It is a fact that there are 14 fully registered political parties in the country but only five are represented in the Union Parliament. To be sure, opposition parties were very vocal and active in calling for more democracy in 1992 when they emerged. Indeed, the performance of some parties in the first multiparty elections in 1995 was relatively strong ( for example, National Convention for Construction and Reform , NCCR Mageuzi on the Mainland) and (Civic

United Front in Zanzibar).<sup>12</sup> However, after the elections all opposition parties with the probable exception of CCM experienced internal crises.<sup>13</sup> These crises have left the parties weak leading to a very poor performance in the 2000 elections.<sup>14</sup> The net result is that the ruling party enjoys unlimited power and runs politics as was the case during the one-party system. The contradictory aspect of the transition to multi-partyism is that CCM's legitimacy as the main dominant force has been guaranteed.

The second aspect regarding political parties in Tanzania is that they have become platforms of founding leaders, who have constructed structures whose rules become null and void if and when they conflict with the founder's conceptions. And in another respect, founders of the opposition parties are individuals who were disaffected members of the single party and have carried with them personal rivalries into opposition parties. Indeed, a case can be made that the life expectancy and prospects of a political party is tied to its founder's fate. Because of this, it is imperative that political participation by independent candidates be allowed. By limiting political participation such as running for office to sponsorship by a fully registered political party, one is in fact, repressing democracy.

Perhaps the most alarming characteristic of the opposition parties is lack of intra-party democracy particularly during elections. For most parties, party founders have overwhelmingly broad powers and therefore literally handpick candidates. A careful comparison of the registered political parties that participated in the two multiparty elections leads to the conclusion that, on balance, although not free of ills, CCM was internally more democratic and offered a more competitive internal system in candidate nomination. Undoubtedly, this type of behavior has an implication for the opposition parties. First, their actions undermine the democratic process. Second, it makes it difficult to blame the ruling party as being antidemocratic in the democratization process. In short, their legitimacy as advocates of transition to a democratic society does not augur well with their practice.

## **Conclusion**

An objective look at Tanzania's transition to multiparty politics suggests that the process has been a cautious gradualism, which is clearly CCM's position. The series of constitutional amendments undertaken by the state have to some extent provided a political environment that has enabled some form of political competition among political parties. While this is a good sign for a country that had only one-party rule since independence, it is important to stress that democratization is more than the introduction of multiparty politics. There is a strong view that the current constitution has lost its basic structure. In other words, the legal environment of political reforms has not been all that liberating and to that extent, the democratic

agenda remains unfinished. A great number of bad statutes that are repressive and restrictive are in the books and have hindered the full prevalence and blooming of democracy. What is more, some constitutional changes undertaken are still concentrating powers in the presidency.

A second important conclusion is that the crumbling of the one-party state system has undoubtedly provided a useful opportunity to make changes in the political practice and widen the scope of democracy. However, just as much as multi-partyism does not equal democracy, multi-partyism itself does not make the government transparent and accountable. In fact, in order to effectively check the government's powers and widen democracy, the development of diverse institutions such as civil associations is crucial. The evidence from current political practice is that the new emerging political parties have limitations and shortcomings and there is thus a need to think beyond political parties.

A third conclusion is that the old style of changing the constitution by merely amending it through the National Assembly is still the policy of the CCM government. In this respect, the government's call for public views in 1998 is not really different from the adoption of the one-party system in 1964–65. During that time Nyerere instructed the commissioners that the decision to become one-party state had already been taken and there was no debate on that. Some thirty-five years later, Tanzanians are being told to respond to specific items offered by the government in its guided style of controlling democratic changes. When in 1965, Tanzania was affirmed a one-party state, the basic argument was that there is need for unity to embark on social and economic development. Thus the hunt for economic development was more of a priority than widening the space for more democracy. Can a case be made that Tanzania has now achieved economic development? If not, then challenge for the new era of multiparty politics is to pursue democracy as the foundation of economic and social development.

## Notes

- 1 Among other forums, the Tanganyika Law Society hosted seminars that were important in these debates. See, for example, papers presented at the seminar on "National Executive Committee Proposals for amendments to the Union and Zanzibar Constitutions" held in Dar es Salaam in July 1983.
- 2 A majority of these members were later instrumental in the formation of new political parties. For example, the Chairman of the Committee, Chief A.S. Fundikira formed Union for Multi-Party Democracy; Vice-Chairman James Mapalala formed Chama cha Wananchi; Secretary General Mabere Marando formed NCCR-Mageuzi. Other members became active in various opposition parties.
- 3 *Tume ya Rais ya Mfumo wa Chama Kimoja au Vyama Vingi vya Siasa Tanzania 1991: Taarifa na Mapendekezo ya Tume Kuhusu Mfumo wa Siasa nchini Tanzania.*

- This report is in three volumes. In general the Commission's recommendations are within the liberal concept of limited government and individual rights.
- 4 See sections 5 and 7 of the Eighth Amendment.
  - 5 The Registrar of Political Parties lacked any option by virtue of an Act of Parliament, which legally required him to register CCM. See Section 7(2) of Act No.4 of 1992.
  - 6 From a letter dated 4 February 1993, by the Registrar of Political Parties to the Chairman of Tanzania People's Party informing him of his party's full registration. In 2002 the Tanzania Peoples' Party was deregistered for failing to observe the provision of the Act.
  - 7 Since July 1992 there are 14 fully registered political parties.
  - 8 The Preventive Detention Act, 1962, is one of the statutes that The Nyalali Commission recommended be repealed because it was dangerous for democracy. To date it has yet to be repealed.
  - 9 One, Rev. Christopher Mtikila, challenged this particular provision in the High Court of Tanzania. In a ruling delivered on 24 October 1994 the High Court ruled that the requirement that to run for political office, one has to belong to a political party was unconstitutional, undemocratic and contrary to freedom of conscience guaranteed by Articles 18, 20 and 21 of The Constitution of the Republic of Tanzania. However, soon after this historic decision, the state responded amending the High Court decision by enacting the 11<sup>th</sup> constitutional amendment to continue outlawing independent candidates. Thus, in the 1995 and 2000 general elections, all candidates who ran for any elective office had to be sponsored by the 13 fully registered political parties.
  - 10 Although this is a small number, what is of relevance here is that the old practice of one-party system is being reintroduced in the era of multiparty politics.
  - 11 To date the President has used these powers to nominate eight CCM members to the National Assembly. This number includes two former opposition leaders who defected to the ruling CCM. Additionally, three of these nominated members have been appointed to the cabinet: Hassan Ngwilizi (President's Office), Omari Mapuri (Prime Minister's Office), and Abdulkadir Shareef (Deputy Minister, Foreign Affairs and International Cooperation). And in January 2002 the President appointed Hamad Rashid Mohamed from the opposition CUF to prove the fact that he is multiparty supporter!
  - 12 In the 1995 elections, CCM won 26 seats in Zanzibar while CUF won all 21 seats in Pemba and three in Zanzibar. There was thus a 52 per cent and 48 per cent divide between CCM and CUF respectively for membership in the House of Representatives. The presidential contest was even closer with CCM's Salmin Amour winning over CUF's Seif Shariff Hamad by a margin of 0.4 per cent.
  - 13 A good example was the rivalry in NCCR-MAGEUZI. Although it received 27.8 and 21.83 per cent of the electoral vote for the 1995 presidential and parliamentary elections respectively, the party was paralyzed in post-election period because of disagreements between the then founding Secretary General and the then National Chairman. On three important occasions, they were unable to sign forms for their parties' prospective candidates in Ludewa, Makete and

Muleba by-elections as required by the Political Parties Act, 1992. Because of lack of party leaders' signature candidates are disqualified from contesting. It is the voters who are denied the right to choose. Eventually, the disagreement led to National Chairman, Augustine Mrema defecting to Tanzania Labour Party and early this year Marando was voted out of the office.

- 14 In local government elections, the ruling CCM won 2327 Councilors out of a total 2537. This was equivalent to 91.72 per cent. In the Parliamentary elections CCM won 202 seats or 87.45 per cent out of 231 seats. And in the presidential elections, President Benjamin W. Mkapa of CCM won 71.7 per cent of the total votes compared to a combined 28.3 percent for the opposition parties. This was an improvement from the 61.8 per cent he received in 1995.

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