

Chapter 1

The Political Background

As in other parts of Africa, the end of the Second World War witnessed the emergence of nationalist parties in the constituent parts of what was to become the United Republic of Tanzania – Tanganyika and Zanzibar.

In 1954, the Tanganyika African National Union (TANU) was formed. It was not so much a new party but a renovation of the Tanganyika African Association, a civic organisation catering predominantly for African interests which had been in existence since the end of the First World War. However, under the leadership of Julius Nyerere, TANU quickly emerged as the premier organisation of African nationalism, eventually leading Tanganyika to independence in December 1961.

In 1956, the United Tanganyika Party (UTP) was formed by some Unofficial Members of the then Legislative Council. It drew its support from Europeans, Asians and Africans. It stood for multiracialism, equal representation in the Legislative Council for all racial groups and a qualified franchise based on property and education. In 1958, the African National Congress (ANC), a breakaway from TANU, was formed and the All Muslim National Union of Tanganyika (AMNUT) was the fourth party to be established in Tanganyika. TANU and AMNUT both wanted independence, although the latter preferred a slower pace of constitutional change. Therefore, at independence in December 1961 there were four political parties in Tanganyika. Between 1962 and 1963, three more were formed. These were the People's Convention Party (PCP), the African Independence Movement (AIM), and the People's Democratic Party (PDP).

In Zanzibar, the first major post-war political organisation was the Zanzibar Nationalist Party (ZNP), formed in 1955 from a merger of the Nationalist Party of the Subjects of the Sultan of Zanzibar and the Arab Association. The ZNP's principal objectives included the abolition of representation by race or colour in the Legislative Council, adult franchise and early independence for Zanzibar. Two years later, in 1957, the Afro-Shirazi Party (ASP) was formed by a union of the African Association (AA) and the Shirazi Association (SA). In 1959, the Zanzibar and Pemba People's Party (ZPPP) was born, bringing the number of political parties on the islands at independence in December 1963 to three. A fourth party, the Umma Party, was formed by a breakaway group from the ZNP after independence.

Accordingly, both independent Tanganyika and independent Zanzibar were born in multi-partyism, although in both instances multi-partyism was to be shortlived. In the event, TANU's dominance over government and society in Tanganyika began to be established soon after independence and in January 1964 the ASP, which had overthrown the Sultan's Government in December 1963, first proscribed the ZNP and the ZPPP, and later the Umma Party, leaving itself the only party on the island. In 1965, TANU was proclaimed the sole party in Tanganyika by its own government; it is claimed that unlike TANU the other parties were small and weak, and would in any case have withered on the vine. Whatever the means and whatever the justification, both Tanganyika and Zanzibar had, within short periods of independence, turned into one-party states.

The stage was thus set for the next turning point in the history of the two countries. On 26 April 1964, the United Republic of Tanganyika and Zanzibar – Tanzania – was proclaimed. The Constitution of Tanganyika was suitably amended to serve as the Interim Constitution of the United Republic, pending the appointment of a Constitutional Commission to draft the Union Constitution. These interim arrangements left the ASP and TANU as the sole legal political parties in Zanzibar and the mainland respectively, and in February 1977 the ASP and TANU were merged to form *Chama Cha Mapinduzi* (CCM) which became the only legal party in the new United Republic of Tanzania. In March 1977, the new Constitution of the United Republic was adopted. It declared Tanzania to be a one-party state and proceeded to enshrine the supremacy of the CCM party in government and society.

The ruling objectives of the CCM – which involved building socialism under conditions of self-reliance – became the ruling objectives of the state. Membership of the National Assembly in mainland Tanzania and the House of Representatives in Zanzibar was dependent upon membership of the party; parliament (as the National Assembly in the mainland and as the House of Representatives in Zanzibar) sat as a Committee of the Party; trade unions, workers' co-operatives, youth, peasant and women's organisations, and the Tanzania Defence Forces, all became integral wings of the party. The party was organised in very small units at the work place, into the *Nyumba Kumi Kumi* (Ten-House Cell/'ten-cell') system, and grew from these units to structures at the village, district, regional and national levels. The presence of the party was all pervasive and the distinction between state and party became, for all practical purposes, non-existent.

The Transition to Multi-Party Democracy

With the advent of the 1980s, the Tanzanian economy entered a phase of acute crisis. At the heart of that crisis was the sharp fall in the prices of Tanzania's commodity exports such as sisal and cloves, and the rise in the prices of its manufactured imports. The fall in commodity prices was, of course, a general problem for the entire developing world but it affected certain developing countries, Tanzania among them, with a particular severity. According to the Nyalali Commission established to examine the pros and cons of a one-party or a multi-party system for Tanzania, some Tanzanians associated economic hardship with the single-party political system and began to contemplate changing it. The Government agreed to accept the World Bank and International Monetary Fund conditionalities for economic liberalisation and "to begin to deliberate about easing on political monopolisation".

In 1983, a debate on constitutional change revealed the shortcomings of the one-party system on such issues as human rights and democracy. This debate received a considerable boost when Julius Nyerere launched a campaign in 1986 to revitalise CCM. That the campaign was necessary at all showed the CCM as a party which had become largely ineffective and lacking in vitality and internal democracy. In terms of preparing Tanzanians for the transition to a multi-party democracy, Julius Nyerere's campaign was important. For until then, all criticism of the one-party system had been largely muted out of fear and Nyerere's intervention dispelled that fear.

The advocates of change were further strengthened by external developments, most notably the dramatic fall of communism in the former Soviet Union and its satellite states in Eastern Europe. These historic events, and further interventions by Julius Nyerere in the debate, especially between February and May 1990, now placed the need for change in the political system firmly on the national agenda.

In response, President Ali Hassan Mwinyi appointed a Commission under the Chairmanship of Chief Justice Francis Nyalali in February 1991. Among other things, the Commission was to:

collate people's views in the debate on whether Tanzania continues with a One-Party Political System or adopts Multi-Partyism; and advise and recommend on the need, wisdom and consequences of continuing with One-Party Political System or changing to Multi-Partyism without undermining our country's constitutional provisions concerning the Fundamental Objectives and Directive Principles of State Policy and the Basic Rights and Obligations in Society.

The Commission was asked to report within a year.

A total of 36,299 people in the entire country expressed their views on the issue to the Commission through public meetings, private audiences, questionnaires and written submissions. Of this number, 28,018 or 77.2 per cent favoured a continuation of the one-party system while 7,817 or 21.5 per cent preferred the introduction of political pluralism. Within this overall majority in favour of the one-party system, there were variations between the mainland and Zanzibar. Of the 32,279 expressing views on the mainland, 25,723 or 79.7 per cent preferred the existing one-party system. Of the 3,679 who made submissions in Zanzibar, 1,582 or 43 per cent favoured the adoption of a multi-party system. In terms of age groups, it is also significant

to note that a majority of those advocating the change to multi-party democracy were in the 18-35 age bracket.

Nevertheless, in spite of a clear majority for the one-party system, the Commission recommended the adoption of a multi-party system and the removal from the Union Constitution and the Constitution of Zanzibar, those provisions making Tanzania a single-party state.

A number of considerations had impelled the Commission to make this recommendation. Although the advocates of multi-party democracy were a minority, they were a substantial minority and the Commission felt it "wise to give these Tanzanians a chance to participate in the running of their country". In any case many of those supporting the one-party system did so on condition that the ruling party cleansed itself and reformed the governance of the country. In the Nyalali Commission's view, many of the recommendations for the reform of government could only be effected under a multi-party political system.

Having firmly recommended a change to political pluralism, the Commission sought to strike "a balance between a speedy return to a multi-party political system that could unleash chaos and a snail's speed that could frustrate the proponents of a multi-party system". The Commission stressed the need for a viable and credible Opposition and called on the ruling CCM to "dislodge itself from the state and become a political party". It then suggested the following timetable for the transition:

- (i) May 1992: the establishment of a special organ to supervise the Programme for Change;
- (ii) June 1992: the appointment of an Electoral Commission;
- (iii) July 1992: the appointment of a Constitutional Commission to draft the new multi-party constitutions for the Union and for Zanzibar;
- (iv) June 1993: the convening of a Constituent Assembly to adopt the new constitutions;
- (v) October 1993: Local Government Elections under a multi-party system; and
- (vi) October 1995: General elections.

The Nyalali Commission's proposed timetable provided the framework for the transition to multi-party democracy, however the majority of the Report's recommendations were not implemented.

The Political Parties

Alongside the demand for greater democracy and accountable governance through the institution of competitive party politics, was the no less important concern that the introduction of multi-party politics should not be allowed to endanger the peace and stability of the country. This fear that multi-party politics could endanger national unity and social peace was particularly pronounced among the opponents of multi-party democracy and they advanced a number of arguments in support of their position including that competitive party politics could give rise to parties formed on the basis of race, religion or other divisive criteria which would imperil the unity of the country. Zanzibar was perceived as particularly vulnerable to such threats.

Unlike the mainland where even before the institution of the one-party system TANU had emerged as the *de facto* single ruling party, in Zanzibar the ZNP/ZPPP alliance was at par with the ASP and had only been suppressed *manu militare*. With the introduction of multi-party politics, the supporters of these suppressed parties could revive them in their old forms, or under new labels. Either way, this could rekindle old rivalries and bitterness, in the process endangering the Union. More generally, it was argued that rival political parties would exploit existing differences in the society to undermine national cohesion.

These were real fears which had to be addressed. Accordingly, certain legal and procedural conditions had to be met before a party could be registered. By law, parties founded on religion, ethnicity, race, colour or gender were denied registration. It was stipulated that parties seeking registration should enlist the support of a minimum of 200 trustees, in at least 10 of the 22 regions of the Union, including two in Zanzibar.

By the time of the elections in October 1995, there were 13 registered political parties. In order of dates of registration, they were:

- Chama Cha Mapinduzi (CCM)
- Civic United Front (CUF)
- Chama Cha Demokrasia na Maendeleo (CHADEMA)
- The Union for Multi-party Democracy (UMD) of Tanzania
- National Convention for Construction and Reform (NCCR – Mageuzi)
- National League for Democracy (NLD)
- Tanzania People's Party (TPP)
- United People's Democratic Party (UPDP)
- National Reconstruction Alliance (NRA)
- Popular National Party (PONA)
- Tanzania Democratic Alliance Party (TADEA)
- Tanzania Labour Party (TLP)
- The United Democratic Party (UDP)

However, on the strength of the legal criteria laid down to defend national unity and security, a number of parties had been denied registration by the Registrar of Political Parties. This, along with the prohibition against independent candidates, has been criticised in some quarters as a derogation from democracy, needlessly narrowing the electorate's choice and constricting democracy.

The best known example of this aspect of the Registrar's remit is provided by the case of Reverend Christopher Mtikila's Democratic Party (DP). The Registrar of Political Parties refused to register the DP because of its avowed opposition to the union between Tanganyika and Zanzibar. The High Court upheld the Registrar's action but on 20 October 1995, barely one week to polling day, the Court of Appeal overturned the decision of the High Court and ordered the Registrar to deal with the registration of the DP in accordance with the principles of law and natural justice. Following the Appeal Court ruling, Rev Mtikila unsuccessfully sought a court injunction to stop the General Elections of 29 October 1995 in order to give his party "sufficient time to meet the people and participate in the polls".

For a number of the political parties, the National Electoral Commission (NEC) inspired little confidence. While the integrity of the individual members of the NEC was not impugned, the Opposition parties complained that they had not been consulted on the composition of the NEC as the spirit of the transition process to a multi-party dispensation demanded. Certainly the perception of a lack of neutrality and independence can only have been reinforced by the declaration of one of the original Commissioners of his intention to stand as a candidate for the CCM presidential nomination.

The NEC had, however, made some attempts to address the concerns of the new Opposition parties with regard to the electoral process. For example, the NEC created seven specific sub-committees of the Commission on which representatives of the political parties served. Further, the Commission lent its support to the demands that the place of count be changed to the polling stations which resulted in the enactment of the necessary constitutional amendment. Nevertheless, the initial lack of confidence in the NEC had not been entirely overcome by the time of the Union presidential and parliamentary elections in October 1995.