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In Lieu of an Introduction

Tanzania has been preoccupied with heated debates about democracy since late 1970s. But presentiment of issues about democratisation in Tanzania is today often done as if these issues started with the emergence of multiparty system in the early 1990s, when the euphoria of globalisation was at its zenith. Given such a historical amnesia, the debates on democracy have been generating more heat than light. They are not anchored in the foundations of struggles for popular democracy. That is those struggles rooted in the quest for social justice, equitable development and the whole question of control of productive and reproductive resources within attempts to build a humane society. In some instances, the pundits of multiparty and liberal democracy in general seem to even morally rehabilitate colonialism and imperialism, for example, by making claims that at independence, the country inherited a multiparty political system with an independent parliament and autonomous vibrant civil organizations.¹

In this regard, I would like to state categorically from the outset that the so called 'globalised' world, which is so-much espoused today is nothing more than a false universalism of the West. It is nothing more than one of those periodic outbursts of intellectual and popular fashions and fads, pregnant with euphemisms that are taken for granted. In this era, neo-colonialism is dubbed "globalisation" and exploiters are crowned the cap of "investors" or better still

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¹ See for example, in Tanzania Election Monitoring Committee (TEMCO), *The 1995 General Elections in Tanzania*, Dar es Salaam, 1997; also R. Meena, "The State and Civil Society in Tanzania: The State of Art", in REDET, *Political Culture and Popular Participation in Tanzania*, REDET and Department of Political Science and Public Administration, University of Dar es Salaam, Dar es Salaam, 1997, p. 34. The Tanzania Election Monitoring Committee's (TEMCO) report, *The 2000 General Elections in Tanzania*, Dar es salaam University Press, 2001, p. 3, claims that, "Only as colonial officers were departing at decolonization did they attempt to leave a balanced arrangement of power in place. For Tanganyika then, Britain designed a parliamentary system in which the chief executive's powers could be curtailed both within the executive branch by the presence of the Governor general and the cabinet, and among governmental branches of by parliament through a motion of no confidence in the government. Its possibility of success depended on this formal constitutional arrangement and the existence of a vigorous opposition party."

called, “the vital force of our nations”. The past notions that extolled the virtues of the producing classes and the alliances in the process of history making have been replaced by those of the “partnership between the state, donors, private sector and NGOs”. A company or institution which fires its workers is “downsizing”, “retrenching” or “slimming” (supposedly sports like since a healthy body is supposed to be thin). And sacking workers is supposed to be a “bold move”, given the new economics, which dictate that either you “compete or you go under”. Selling of public and national rights in the form of privatisation is “injecting sound economic policies”: it is “flexibility” or “deregulation”. The unemployed are said to be in the “informal sector”.

It is an era when consumer dominance is said to be the new logic of society and not real societal needs, and individuals are integrated into this consumer society through seduction or repression. What we are experiencing is the dominance of the “supermarket ideology”, which goes as far as redefining “love” in terms of the relationship between a person and his/her car, “revolution” as a new brand of soap, a microwave or a washing machine, “freedom/Uhuru” as possession of a cellular phone, “democracy” as acceptance and tolerance of real differences by submitting to the dictates of those who are powerful, “partnership” as exploitative relationship between man and woman, the poor and the rich, oppressor and oppressed, boss and worker, etc, “participation” as acceptance of decisions from the powers that be under duress,² “knowledge” and “truth” as the power to cheat and deceive, etc.

Within this context, it is the political parties, rulers, ministers, investors, employers, expatriates and even local “experts”, legitimated by academic qualifications and the authority of science (especially economics), who are reasonable and acquainted with modern and desirable change. The millions of the working people, peasant movements, trade unions and critical intellectuals are relegated to the position of unreason, stupidity and conservatism—people who do not understand the functioning of the “new global system.” This is because, it is claimed, those who are poor are in that condition not because they are exploited, powerless, dominated, persecuted and marginalized, but because they are work-shy, and thus a problem for the rest of the society, since they cannot budget, save and invest.

“Globalisation”, “civil society”, “citizenship”, “good governance”, “multiparty democracy”, “poverty alleviation”, “Participatory Poverty Assessment”,

² The most cynical type of participation, which in a way reveals so much about the modern political gimmicks is *karaoke*—the “vox pox” participatory performance art, where one is invited to sing a song by Jim Reeves, Dolly Patton, Michael Jackson, etc...Here anybody, it is claimed, can be who ever he/she wants to imitate!

“partnership in development”, “social safety nets”, “participatory development”, “informal sector”, “entrepreneurship”, etc: these are among the numerous concepts, which have become fashionable in the past twenty years or so in Africa, popularised by the media, academia, international and regional financial institutions, advertisers, publicists, and so on. They have become the hallmark of the triumph of neo-liberalism and the New Right, couched in terms of the world wide success of a “free market economy” and “liberal democracy” (globalisation). Contemporarily, the myth of globalisation has become powerful and a conquering one. Globalisation is presented as a system that offers “opportunities and challenges”. It is proclaimed, There Is No Alternative (TINA—á la Margaret Thatcher, who went as far as declaring that there is no such a thing as society, but only individuals and families!) since the world has reached the “end of history” (á la Francis Fukuyama). Globalisation is presented in such a way that one is made to “either adapt to it or perish”, since there is no other future for the world.

To take advantage of the opportunities, the world is told, important ingredients are things like, “individualism” and entrepreneurship, which would ensure that citizens have an unhampered freedom to pursue their interests (given the illusion of the unlimited possibilities of the “informal sector” to make an entrepreneur of everybody who is “resourceful”); “human rights”, which would safeguard the individuals property rights; “good governance”, which would establish the rule of law and take care of corruption; multiparty democracy and “free and fair” elections, which would ensure that citizens exercise their right of choosing who should govern them; a vibrant “civil society” with Non-Governmental Organizations (NGOs—local and international) flourishing without major hindrances; and an “enabling environment” to attract funds from donors and investors. In sum, vices have been turned into virtues and the wicked and villains have become heroes while the Masalakulangwa and Robin Hoods³ of the world have become objects of ridicule and cynicism. Under such circumstances, there is no past, present and future as a process of history, but what has been dubbed by the historian Eric Hobsbawm, a “permanent present lacking any organic relation to the public past of the times [we] live in”.⁴

³ Masalakulangwa is a character in the Wasukuma oral literature. He is a hero who fought against ghouls or goblins who gobbled/ate people. Robin Hood is a legendary figure, supposed to have lived at a time when laws were unfair and the poor were left to starve. He used to rob the rich and the noblemen and gave to the poor. For the latter, see Ann McGovern’s *Robin Hood of Sherwood Forest* (Scholastic Inc, New York, 1968).

⁴ Eric Hobsbawm, *On History*, Abacus, London, 1999.

At academic and popular level, the tyranny of globalisation and good governance in contemporary Africa invokes in the minds the image of the cursed old man of the sea whom Sindbad the Sailor found it impossible to shake off once he had allowed him to mount on his shoulders. Surprisingly, this is despite the fact that, there have been anti-globalisation road shows in the world since 1999. That is, even when the end of an era is clearly perceived by people in other continents, the owls of Minerva (the goddess that symbolizes knowledge) are still reluctant to take flight with twilight closing in. These anti-globalisation road shows, which started in Seattle (against the World Trade Organization) moved to Davos (against the Trilateral Commission, the World Economic Forum) and to Washington DC (against the World Bank and the International Monetary Fund), and took place at the threshold the millennium, were not anticipated at all. For those who were celebrating “globalisation”, such anticipation amounted to a midsummer’s night dream. These road shows were an overt revolt against an open international economy in the advanced countries, in favour of protectionism from a broad political spectrum—environmentalists, trade unionists and many other civil activist organizations.

In April 2001, the police fired 7,707 tear gas canisters against the anti-globalisation protesters in Quebec (against heads of state deliberating on Free Trade Area of Americas). This was to be repeated in Gothenburg (against heads of European Union), where police used live ammunition against the protestors, and in Barcelona (against the World Bank Conference on new economics) where police attempted to provoke people into violence. In July 2001 in Genoa one demonstrator was killed and 600 were injured or beaten by the police, the WTO conference in Doha (Qatar—in the desert, away from the protestors) in November 2001, was met by a multitude of protestors. The January/February 2002 World Economic Forum in New York was also met by a multitude of protestors. In March 2002, there were demonstrations in Barcelona (against the European Union Summit) and Monterrey (against the United Nations Conference on Financing Development).

The Porto Alegre January-February 2001 (where more than 20,000 activists from all over the world gathered) and January-February 2002 (where more than 40,000 activists from all over the world gathered) World Social Forum and the January 2002 African Social Forum (in Bamako, where 250 activists from 43 countries gathered) meetings were the epitome of the revolts against ‘globalisation’. The former declared that Another World is Possible, and the latter, Another Africa is Possible. In an attempt to answer the above questions practically, the anti-globalisation protestors have revealed that globalisation is a politics, which has submitted governments and peoples to economic and social forces that are seemingly out of control or restraint. These are conscious and calculated politics of concentrated powers of big international concerns, such as

the World Trade Organization and multinational networks.⁵ The African Social Forum went as far as rejecting “neo-liberal globalisation” and further integration of Africa into an unjust system as a basis for its growth and development.⁶

In Tanzania, a minor peaceful demonstration by local activists against heads of the IMF and the World Bank and the presidents of ten Eastern and Southern African countries on February 23, 2001, holding placards that read: “Why do IMF and World Bank rob the poor to pay the rich?”; “End debt slavery”; “Charges for education and health can only be paid by James Wolfensohn and Horst Kohler”; and “We want total debt cancellation”, was met by police. Three activists were arrested on the spot, and bundled into police cars. A journalist was severely beaten by the police when he tried to pick up some of the fallen placards. The chairperson of Tanzania Gender Networking Programme (TGNP) was beaten and taken in by the police, when she made attempts to bail out the activists who were being held in. A total of seven activists were held and interrogated for six hours only to be released at nightfall after the intervention of five activist lawyers.⁷

In all the above-mentioned protests, what is clear is the fact that the use of excessive force against those who oppose globalisation and SAPs has been on the rise. The fact is, with ‘globalisation’, even the IFIs have admitted that there has been no convergence of per capita income levels between the North and the South.⁸ They have shown that the number of low-income countries has actually

⁵ The delegates to this first-ever World Social Forum, a global gathering of trade unions, social movements, non-governmental organizations (NGOs) and progressive-minded intellectuals (about 144 organizations) produced a document which appealed to the people of the world to fight “the hegemony of finance, the destruction of our cultures, the monopolization of knowledge and of the mass communications media, the degradation of nature and the destruction of quality of life.” According to the document, these actions are carried out “by transnational corporations and anti-democratic policies.”

⁶ African Social Forum, “The Bamako Declaration/Statement: Another Africa Is Possible!!”

⁷ During a press conference the next day, member of the press asked the IFI heads whether they enjoyed the arrest and brutal handling of the demonstrators on the previous day. The head of World Bank replied that given his experiences elsewhere, “yesterday was a holiday”. On the other hand, President Mkapa replied that the police had erred, that the protesters were serving the interests of the country, and concluded, “I assure you that they have a right to express an opinion.”

⁸ IMF, *Globalization: Opportunities and Challenges*, (World Economic Outlook), Washington DC, May 1997, p.72.

risen from 52 in 1965 to 105 in 1995. That is not all: they have further admitted bluntly that “capital has gained in comparison with labour, and profit shares have risen every where.”⁹ Even George Soros, the financier turned philanthropist and leading critic of globalisation has recently admitted that, “The trend of globalisation is that surplus capital is moving from the periphery countries to the centre, which is the US.” Moreover, “The US government view that markets are always right...My view is that markets are always almost wrong, and they have to be made.”¹⁰

To grasp the manner in which constitutional development in Tanzania started and how changes took place over the years, we need to examine the social historical processes over the years. Together with this, how these are linked to the issues of democracy and development. Without a correct historical appraisal of these processes, it is not apparent how one can make any constructive suggestions as far as human centred development is concerned. I ask to be forgiven for the extensive exploration of the issues. The issues involved dictate so, given the current misunderstandings of the history of the country.

Constitutionalism and Democracy in Tanzania: A Resumé

There is ample evidence which demonstrates that most institutions (e.g. cooperative societies, tribal associations, etc) that are so much espoused in most studies on democracy, which are supposed to demonstrate that there was a vibrant civil society before independence, were not necessarily an affirmation of exercise of freedom by civil social forces. Most of these were a consequence of explosion of economic activities around self-interests or were formed with the assistance of the colonial agents¹¹. Most of them were apolitical by nature, empty of popular participation and often organized as corporate-legal bodies reproducing the rule of law or the colonial forms of capitalist production. There are even instances of reported corruption in the leadership of some of these organizations.

The cooperatives and the ‘tribal’ associations, for example, were essentially organs of the rich and middle peasants, traders and the educated in their struggles against obstacles in their further advancement within colonial arrangements, given the racial and paternalistic relations. The general feature of these societies was to avoid antagonizing the colonial state and its local authorities, even though there were instances when conflicts emerged,

⁹ UNCTAD, *Trade and Development Report: Globalization, Distribution and Growth*, United Nations, New York, 1997, p.2.

¹⁰ *The East African*, 1-7 April 2002.

¹¹ I have documented these aspects in C.S.L. Chachage, *Leadership in Civil Society*, Development Policy Management Forum, Addis Ababa, 2002.

especially in the late 1950s over issues of ‘modernization’, natural resources legislation, ‘land improvement schemes’, issues of veterinary and cattle de-stocking, taxation and land issues. But all in all, they generally enjoyed the support of the colonial state. They were considered to be important modernizing vehicles. The same applied to most associations, whose major goals were ‘improvement’ or ‘modernization’, i.e. promotion of colonial capitalist commodity production and advancement through education.

The fact is, it was essentially through struggles waged by the masses of the people—the workers and peasants, that Tanganyika attained independence. The working masses were fighting against land alienation, forced labour, taxation, native authorities, low wages, low prices and bad living and working conditions in general under colonialism. It was these struggles, which forced TANU, a nationalist party, to transform itself into a *movement*, despite the earlier attempt to build a “well knit organization”. The economic roots of the nationalism since 1940s were demands for self-government and the creation of modern economy. This was clearly reflected in Nyerere’s statement in December 1959 (among others even later on) on the need for foreign investments in the earliest stages of independence so as to “raise the standards of living of the common people here in the shortest possible time.”¹² In 1955, Nyerere was to write to a member of the Fabian Colonial Bureau that in spite of their “reluctance to let TANU swell out into a mass movement TANU is swelling out very rapidly.” They had to call off mass recruitment.¹³

Despite this movement towards a mass character, it was observed that the “connections between resistance and nationalism were overwhelmingly negative.”¹⁴ The negative connections between TANU and the resistance of the masses were not simply due to the belief that the working people often reacted violently while TANU advocated for peaceful methods of struggle, rather it was the difference in perceptions in terms of the essence of the struggles. In this regard, for example, Nyerere was to recall later to a journalist that he was philosophical in his approach during the struggles:

I was not saying, ‘Today a man was refused a beer’, but just ‘We must govern ourselves’. Well, politically, this is the wrong way. In the Lake region, the colonial government was saying, ‘There are too many cattle.’ I said we can’t campaign against cattle de-stocking because we may have to de-stock when we come to power.’ There was one TANU man in Iringa who campaigned against

¹² Nyerere, 1967, op cit, p. 73.

¹³ Chachage, op cit, p. 298.

¹⁴ J. Illife, *A Modern history of Tanganyika*, Cambridge University Press, Cambridge, 1979, p.520.

cattle dipping. He made dipping *extremely* unpopular. I was very angry with him! But politically, of course, you exploit every grievance.¹⁵

The TANU man in Iringa, who was Party secretary, was expelled from TANU because of campaigns against cattle dipping. There were several times when TANU reacted thus towards primary resistance. With the riots on the schemes in Usukuma in 1958, Nyerere toured the area and asked the people to behave in a “civilized” way.¹⁶

The evictions of the Wameru in 1951, which resulted into the “Meru Land Case” became a protest of all the people of the country. The efforts to promote ‘rural development’ through coercion of the peasants—the land usage rules of terracing, cattle culling and dipping, etc—were abandoned in 1958 as a result of the riots in Morogoro in 1955, resistance in Usukuma from 1955, resistance in Iringa from 1957, resistance in mbulu, Mlalo, Usambara and many other areas. By 1958, there was “nearly universal breakdown of the government’s efforts to secure enforcement of these rules and orders.”¹⁷ The universal breakdown was also reflected by this year in the blows the government was suffering from the working class who were, besides fighting for their interests demanding for self-government of the country.

Trade unions, unlike other formal organizations during colonialism, did not enjoy political support from the colonial government, and they were generally formed from below. The workers were at the heart of the colonial economy, since the main employer of labour was the state, settlers, planters, diggers, missionaries, commercialists and industrialists. Unlike the struggles by rural dwellers, which tended to be localized (against Native authorities—the chiefs, native courts, etc., which enforced land usage laws, taxation, etc.), labour disputes transcended these, and often, intervention to quell these strikes was by central government with armed forces. Thus besides strikes being confrontation between employers and workers, these were also confrontations of races.

Strikes in the country escalated in the 1940s and 1950s. The 1947 General Strike, for example, took place through out the country. It was after the formation of TANU that attempts by TANU activists were made to form trade unions from above. Even with the attempt to form trade unions from above

¹⁵ W.E. Smith, *Nyerere of Tanzania*, Victor Gollancz Ltd, London, 1973, p. 63.

¹⁶ See L. Cliffe, “Nationalism and Reaction to Enforced Agricultural Change in Tanganyika During the Colonial Period, in L. Cliffe & J. Saul (eds), *Socialism in Tanzania*, Vol. 1, East African Publishing House, Nairobi, 1972.

¹⁷ C. Pratt, *The Critical Phase in Tanzania 1945-1968*, Cambridge University Press, Cambridge, 1976, p. 27.

from 1956, there were already conflicts between the nationalist party and the workers by the end of the 1950s. These began with the victory of TANU in the elections in 1958-59. They manifested themselves in TANU's refusal to support the strikes by the sisal workers in Tanga, the mineworkers in Mwadui and the railway and postal workers. The biggest strike just before the attainment of Responsible Government was the 82 days strike by the Railway workers. It concerned the inaccessibility and lack of sensitivity to local problems of the East African High Commission. TANU did not support this strike. This enraged the unionists, because they could not understand why even at "TANU's accession to power, the management of the high commission services remained politically inaccessible."¹⁸

The approaching independence had brought to the fore the differences between the working masses and the nationalists and these were to manifest themselves in the manner which the transition and the very form in which the constitutional development was to take in the early years. These differences resulted into intense struggles at the eve of independence and thereafter. The priority of TANU was economic development, given the poverty situation of the country. The urgency of the need to develop the country became even more apparent with the failure of rains throughout central and northern parts of the country in late 1960s. As a consequence of this, there was famine in the country, with half a million people receiving yellow corn famine relief from the USA and the government spending £1,300,000 to import food.¹⁹

The economic advice came largely from western sources, which advised the government and TANU to expand the open, capitalist economy of the 1950s. In this regard, the World Bank was very instrumental in the formulation of the 1961-1964 Development Plan. The World Bank advice was, sustainable growth would only be achieved if priority was given to agriculture and pastoralism, communications, and secondary and technical education, while leaving industrial development to private enterprise (local—mainly Asian—and foreign). The country was also advised to sell its non-industrial products (agricultural, mineral and labour) in the world market at competitive price if capital was to be attracted, as the basis for the modernization of the country.²⁰

¹⁸ For details, see, W.H. Friedland, *Vuta Kamba: The Development of Trade Unions in Tanganyika*, Hoover Institutions Press, Stanford University, California, 1969, p.126.

¹⁹ Iliffe, op cit, p. 576.

²⁰ Arthur D. Little, "Tanganyika Industrial Development", in H. Smith (ed), *Readings in Economic Development and Administration in Tanzania*, Institute of Public Administration, university College of Dar es Salaam, 1966.

As if the blow caused by famine was not enough, with independence approaching, the Colonial Development and Welfare Fund had cut funds which had been planned for the country for the Three Year Development Plan by more than half. At the same time it insisted that Tanganyika should pay retirement benefits to colonial officers. Not only that, settlers showed their distrust of the new dispensation by leaving in large numbers from 1960 onwards, taking much of their capital with them—"at least £3 million."²¹ Famine continued to loom high in 1962, due to complete crop failure. This was a big blow to the pride of a country, as two years after independence it was still soliciting for famine relief maize. On the other hand, the workers, besides demanding for a fast tempo of Africanisation of the various structures, continued demanding for higher wages after independence. In fact the trade unionists had become the main opposition with independence approaching. In sum, there were 203 industrial disputes in 1960, which involved 89,000 workers; 101 disputes in 1961 involving 29,000 workers; and 153 disputes involving 48,000 workers.²²

The government had no other alternative, but to intervene in many sectors of the economy, including agricultural marketing and wage issues, just like the way the colonial government did. The government intervened, first with the introduction of government controlled cooperatives throughout the country in 1961. Contrary to the claims of attempts to abolish them, the post-colonial state supported the development of the cooperative movements. There was no question of refusal to register any cooperative during this period, and most of them were established from above even in areas where there was no demand for them. Just like during the colonial period, when these institutions were seen as self-sustaining civil organizations founded on the philosophy of Indirect Rule (thus more or less as an extension of the state), they were seen as a form of economic extension in the post-colonial period.

The number of cooperatives rose from 857 in 1961 to 1533 in 1966. These organizations, were henceforth introduced even in the food growing areas, as means to curtail the activities of the private traders, given the food shortages facing the country by then. Instead, marketing of peasant produce was to be done under compulsory marketing orders. Next, the government passed the Agricultural Products (Control and Marketing) Act of 1962, for purposes of

²¹ A. Coulson, *Tanzania: A Political Economy*, Clarendon Press, Oxford, 1982, p.146.

²² See K. Guruli, "The Role of NUTA in the Struggle for Socialism and Self-Reliance" in G. Ruhumbika (ed), *Towards Ujamaa*, East African Literature Bureau, Nairobi, 1974, p. 49; and I.G. Shivji, *Class Struggles in Tanzania*, Tanzania Publishing House, Dar es Salaam, 1976, p. 135.

controlling, and regulating the production, cultivation and marketing of agricultural products. By 1962 the Minister for Agriculture was empowered to declare an area controlled whenever he was satisfied that the production, cultivation or marketing of any agricultural goods was likely to advance and improve an area.

Hand in hand with the transition to independence and republican status was the elaboration of issues of socialism, development and democracy. In July 1960, the TANU National Executive had announced that opposition to capitalism and support for “African democratic socialism” and the co-operative model of development was to be adopted by the new government. It was accepted that where cooperatives could not be used, the capitalists would play the role.²³ Thus, the workers opposition to the new government was being viewed as anti-socialist. In the 1962 pamphlet on Ujamaa, it was stated, for example, that “But the mine-workers of Mwadui could claim, quite correctly, that their labour was yielding greater financial profits to the community than that of the farmers. If, however, they went on to demand that they should therefore be given most of that extra profit for themselves, and that no share of it should be spent on helping the farmers, they would be potential capitalists!”²⁴

By 1960, the transition government was looking for possibilities of restructuring the trade union movement and linking it with the Ministry of Labour. Mr. Michael Kamaliza, a former trade unionist who had become Minister for Labour and health in 1961 suggested that the Tanganyika Federation of Labour (TFL) become part of the Ministry. It was at time when the workers in the harbour, plantations and railway workers were threatening to take over the enterprises from the owners and put them in their own hands.²⁵ Thus in 1962, the government passed the Trade Disputes (Settlement) Act, Trade Union (Amendment) Act and Civil Service (Negotiating Machinery) Act. Strikes were made illegal by making arbitration compulsory by the first act and the second act created a strong TFL and compelled all unions to affiliate to it. TFL in turn was put under the control of the Ministry of Labour and the Registrar of Trade Unions. The last one banned all employees in the civil service earning above £702 from becoming members of trade unions. Thus the workers movements were more or less brought under government control by 1962. The government

²³ S.A. Kandoro, *Mwito wa Uhuru*, Blackstar Agencies, Dar es salaam, 1978, p. 121.

²⁴ Nyerere, 1967, op cit, p. 168-9.

²⁵ P. Mihyo, *Industrial Conflict and change in Tanzania*, Tanzania Publishing House, Dar es Salaam, 1983; Friedland, op cit.

claimed that this control was for sake of building a “united leadership in the interest of the workers and the country.”²⁶

It was given this situation Nyerere was to point out in his “Independence Message to TANU”, while unity had been achieved during the struggles for independence, “Poverty, ignorance, and disease must be overcome before we can really establish in this country the sort of society we have been dreaming of. These obstacles are no small ones, they are more difficult to overcome than the alien government. From now on we are fighting not man but nature.”²⁷ The struggles by the state against the working people were waged under the banner of development of the country and the welfare of the peasants. These issues of development were raised within the context of formulating African socialist policies to deal with poverty, the sufferings of the people, universal brotherhood, education, economic development and reconciliation and welfare of all social groups.

The Independence Constitution of Tanganyika in 1961 and the Republican Constitution of Tanganyika of 1962 were made and passed within the above outlined conflict situation. This conflict situation existed in the LEGCO, where it was not only the trade unionists that opposed the government but also the radical party members. Despite the strength of the executive, parliamentary democracy was already posing problems because of this rebellion from the TANU members, even though there were no opposition party members. The unrest resulting from the workers actions and the rising expectations of the people in the country at large with the approach of independence were posing a major challenge, given that the state that was being inherited was a colonial one. This state was born out of conquest after the partition of Africa in 1884 and it had no room for prescription from the people.

TANU constituted itself into a government in 1961, with its leaders as ministers. Out of the 71 seats in the National Assembly, TANU members held 70. The relationship of the Party and the grassroots levels, as formerly a *nationalist movement*, significantly changed. Henceforth, there was no more talk of the Party representing the will of the nation or party local representatives setting policies for the government to implement, but policies being decided by the central government. TANU informed its members by 1960 that policy was decided by the government; and that party political organizations were not the implementers or executors of policies. According to Mwalimu J.K. Nyerere, “Political parties and therefore members of the Legislative Council, can

²⁶ M. Kamaliza’s words in the Legislative Assembly, in *Parliamentary Debates (Hansard)*, Government Printer, Dar es Salaam, 1962, p. 1019.

²⁷ Nyerere, 1967, op cit p. 139.

certainly play their part by ensuring a good public reception for the government policies...the responsibility for carrying out government policies lies with the civil service.”²⁸ Simply, the Party had been transformed into a conveyor belt between the government and the people, with attainment of independence.

The 1961 Constitution was preceded by a Constitutional Conference, which was held in Dar es Salaam in March 1961. It was chaired by the British Secretary of State to Colonies, Mr. Ian MacLeod and attended by the leaders of the political parties and other members of the Legislative Council (LEGCO). These had been elected between 1958 and 1960 under a tripartite voting formula and limited franchise based on income and education qualifications. The purpose of the Conference was to advise the British Government on issues to be incorporated in the Constitution. Otherwise, the drafting of the Constitution was left to the British Government. This Constitution’s main feature, seemingly, was the parliamentary system and a balance of powers between the executive, the judiciary and the parliament. This was a negotiated document, which granted Tanganyika’s independence as a sovereign dominion in the Commonwealth.

In this Constitution, there was a head of state (who was the Governor General by then, chosen and acting on behalf of the Queen)²⁹ and a head of government (who was Prime Minister by then), who was chosen by the Governor General. The choice was from among directly elected Members of Parliament (either leader of the party or a popular member). The Governor General had no real powers and the Prime Minister wielded real authority. The LEGCO was transformed into a National Assembly—as a parliamentary form.³⁰ Significantly, this Constitution did not do away with the institutions of the colonial state, as well as the provisions of law from the colonial government and all the officers holding posts under previous orders. That is despite the balance of powers on paper, the fact that elected members of parliament had increased to 71 and its reconstitution by the introduction of the speaker, the National Assembly remained fundamentally unchanged in that the executive’s

²⁸ J.K. Nyerere, “Chief Minister’s Circular No 1”, 1960, reprinted in *Journal of African Administration*, XIII, 2 April 1961, pp. 108-111. The same speech was spelt out in the “Independence Message to TANU”. See J.K. Nyerere, *Freedom and Unity*, Oxford University Press, Nairobi, 1967, p. 140.

²⁹ According to the 1961 Tanganyika Constitution, Article 11, the Governor General “shall hold office during her Majesty’s pleasure.”

³⁰ B.O. Bryde & A. Blaustein, *United Republic of Tanzania*, Oceana Publications Inc, New York, 1979, p. 8. Also see “Tanganyika (Constitution) Order in Council, No 2274, 1961.

dominance remained intact. The system was in such a way that the Governor and his council of ministers were not accountable to the National Assembly.³¹

A White Paper published in June 1962 spelt out the form of republic Tanganyika was to take. The principles on which the new constitution was to base itself, according to Nyerere, were: (1) given the light of the experience, the Republic was to have an executive President; (2) the President, besides having responsibility for actions of the government, had to have powers to fulfil his responsibilities; (3) the sovereign of the parliament was to remain and this body had the power to legislate laws, raise taxes, and vote money; and, (4) freedom was based on the rule of law. The Independence Constitution was superseded by the 1962 Republican Constitution of Tanganyika, passed by the National Assembly in the same year. This Constitution, unlike the Independence Constitution, concentrated most of the powers in the executive arm of the state, and within the state in the presidency. This constitution reinforced further the dominance of the executive by making it unaccountable to the parliament. But, unlike the 1961 Constitution, the 1962 Constitution gave the people of the whole country, for the first time, the mandate to elect a national leader directly. And this took place in 1962.

Significantly, even the formulators of this constitution were aware of this fact. Writing to the London *Observer* (03.06.1962), Nyerere admitted that at times there would be clashes in the four principles of the republic listed above. In order to prevent unnecessary conflict, it had been necessary to be clear in regard to where “the ultimate power and responsibility lie.” Thus the President, “who will be Head of State, Commander-in Chief of the armed forces, and will have full executive authority, will not be bound to accept the advice of the cabinet.” Checks and balances, according to this article, were breaks on change—i.e. development—something that Tanganyika did not need at all. This was because, lack of capital resources and trained “manpower” and unpredictable climatic conditions were effective brakes to change.

What Tanganyika needed, according to this article, were powerful accelerators to “overcome the inertia bred of poverty and the resistance inherent in all societies.” Accordingly, there was no place for “neutral administrators”, and hence the “giving the President powers to appoint, promote, dismiss and exercise disciplinary control over civil servants and police...while judges will have complete security once they are appointed, the man who appoints them will be the president”. The President was also to have powers to instruct the Director of Prosecution. The President could dismiss the parliament, and the

³¹ W. Tordoff, *Government and Politics in Tanzania*, East African literature Bureau, Nairobi, 1967, p. 188.

parliament had had no powers for vote of no confidence. Finally, the President was not to be a Member of Parliament, although he could address it whenever necessary.

When Nyerere spoke on the proposals for the Republican Constitutions in the Legislative Assembly, he argued openly that it was impossible to devise “a foolproof constitution”. According to him, the only real protection against tyranny was the nation to build an ethic that allowed the President to do things because they were within the constitution and at the same time enabled people to reject what ever the President did, which was “un-Tanganyikan”. “If the people do not have that kind of ethic, it does not matter what kind of constitution you frame. They can always be victims of tyranny...that is the way we ought to look at this constitution.”³²

It is important to look at the two constitutions in the context of the wider conceptions about society and development in general during this period. Nyerere’s inaugural address as the new President of the Republic of Tanganyika is quite revealing in this regard. It was made after he had produced the famous pamphlet, “Ujamaa—The Basis of African socialism”, together with *Tujisahihishe* (“Let us Correct Ourselves”), *TANU na Raia*, (“TANU and the People”), “The Second Scramble”, and the draft for *Democracy and the Party System*, in the same year. It was at a time when he had resigned as Prime Minister to strengthen the party, so that it would be able to take up the challenges of building the country with the attainment of independence. These documents basically set the ideological tone and ethical principles that the country was supposed to follow. They exposed the vices of imperialism and exploitation in general and expressed the need of Tanganyikans to be vigilant in defending their rights. In his inaugural address, he talked about the need to bridge the gap between the rich and the poor: “All of us have agreed that we must establish a true socialist society in Tanganyika. Two very important instruments we shall use for the purpose are the Government itself and the Co-operative Movement.”³³

The so called “tribal” or “citizens” unions, which had concerned themselves with issues of development/ improvement and general issues of chieftaincy (the basis of Indirect Rule), became obsolete after independence, since the government abolished chieftaincy (by 1963), and centralized the state. The state also took over the role of providing social and economic services. These popular politics and societal goals by the post-colonial state made it difficult for politics, which opposed them to emerge. Except for the trade union movement

³² Nyerere, 1967, op cit, p. 174.

³³ Ibid, 185.

and other non-formal popular organizations, which were more associated with resistance or non-compliance to the established order, many civic organizations had symbiotic rather than antagonistic relations with the state (both colonial and post-colonial). They did not pose any political threat as such because they confined themselves to economic issues. The opposition parties—United Tanganyika Party (UTP) and African National Congress (ANC), which had been badly defeated in all the pre-1962 elections were almost extinct by 1965, since they had no social basis.

It was not merely the question of the opposition politics that preoccupied the minds of the early leaders of independence, as it has become the fashion today. Rather, the question was how to bring about democratic forms based on equality and egalitarian forms of social organization, drawing from the African history itself, whereby people "talked until they agreed" on matters that concerned their communities. Nyerere was to point out in 1961, for example, that the Western critics of democracy in Africa had "in mind not democracy but the two-party system, and the debate conducted between Government party and the opposition party within the parliament building." He continued, "the two-party system has become the essence of democracy [in the West—C.S.L.]. It is no use telling an Anglo-Saxon that when a village of a hundred people have sat and talked together until they agree where a well should be dug they have practiced democracy."³⁴

Then followed the reason why the western model of democracy could not advance the country. For him, the newly emerging nations in Africa were a result of patriotic struggles against foreign domination. These struggles left no room for difference, and they required the unification of all elements facing similar situations and challenges in the country, Africa and the world at large. These struggles were led by nationalist movements rather than political parties. After independence, "it could be hardly expected that a united country should halt in the mid-stream and voluntarily divide itself into opposing political groups just for the sake of conforming to...the 'Anglo-Saxon form of democracy' at the moment of independence."³⁵ In 1963, when proposing that the country should become a one party state, Nyerere pointed out that, a "two-party system can be justified only when the parties are divided over some fundamental issues; otherwise it merely encourages the growth of factionalism...And 'change'.... in fundamentals is properly termed 'revolution'. [A word]...generally associated with armed insurrection....a 'civil war' situation,...."³⁶

³⁴ Ibid, pp. 104-5.

³⁵ Ibid, p. 106.

³⁶ Ibid, pp.196.

He continued, “In any country which is divided over fundamental issues you have the ‘civil war’ situation....If,...you have a two-party system where the differences between the parties are not fundamental, then you immediately reduce politics to the level of a football match. A football match, of course, attract some very able players; it may also be entertaining; but it is still only a game, and only the most ardent fans (who are not usually the most intelligent) take the game seriously....” In his opinion, “For the politics of a country governed by two-party system are not, and cannot be, national politics; they are politics of groups, whose differences, more often than not, are of small concern to the majority of the people....”³⁷

The Tanzanian development model in the first decade stressed the need for state intervention in the economy as means to achieve development. It was premised on the need for concentration of powers in the executive arm of the state with promises to bring about social services, industries and infrastructure to the people—a form of welfarist quasi-socialistic model. The common interests of the people were made subject to government activity—from building schools, dispensaries, etc. to village communal property. In return, people were expected to accept a high degree of economic control at the same time offer unified political loyalty. Thus TFL was brought under government control after the 1964 army mutiny. It became the sole trade union, known as the National union of Tanganyika Workers (NUTA), with the Minister of labour as the general Secretary.

A Presidential Commission was set up in January 1964, charged with the task of considering changes in the Constitution of Tanganyika, the Constitution of TANU and the practice of the government which would be necessary to bring into effect a “democratic One Party State”. The report was submitted in March 1965, and it formed the basis of the enactment of the third constitution.³⁸ Within four years of independence (1965), the country adopted a one-party system. These changes were to be incorporated in the Interim Constitution of the United Republic of Tanzania of 1965. The interim Constitution came about as a result of the Union between Tanganyika and Zanzibar. The 1965

³⁷ Ibid, pp.196-7. He was to add that in the so-called democratic countries, “the most intelligent members of society have become disgusted by the hypocrisy of the party games called politics, and take no interest in them. They can see no party whose ‘line’ they could support without reservation and are therefore left with no way of serving their country in the political field, even if they wish to; except, perhaps by writing a book!”

³⁸ United Republic of Tanzania, *Report of the Presidential Commission on the Establishment of a democratic One Party State*, Government Printer, Dar es salaam, 1965.

Constitution made the presidential election process more elaborate because of the introduction of one-party system, since the issue now involved the question of choosing the right leader as a president rather than a choice between people of different parties. Furthermore, the merger of Tanganyika and Zanzibar necessitated clarity to avoid misunderstandings between the two parts of the Republic.

The post-independence government took over the provision of African education, health and other social and economic services, areas that were the main domain of missionaries and the local authorities. Such moves had definite implications for “civil societies” involved in those areas. Associations that seem to have continued operating unhindered, although in a more localized form, were such as clans, lineages, age groups, communal labour groups, self-help groups and dance societies. With the promulgation of the Arusha Declaration in 1967, which mapped the socialist road for the country, some of the private enterprises were nationalised. The Arusha declaration itself, which affirmed the earlier principles espoused by the nationalist leaders after independence, was supported massively by the people. Sociologically, this was an expression of the fact that the policies and programmes being pursued by the state had a social basis.

A Presidential committee that investigated the co-operative movements and marketing boards in 1965 noted that as a result of inefficiency, corruption and undemocratic nature of the co-operatives, farmers had lost control of the movements, and they were virtually in the hands of bureaucrats. The co-operative societies and unions were dissolved in 1975s, following the dissolution of the local governments in 1971. Development and Ujamaa villages replaced the cooperatives. That is, villages were more or less transformed into generic primary cooperatives, taking over the functions of the former. They also became the locus of administration and democracy with the establishment of village governments and village assemblies.

This model of development seemingly registered some rates of economic growth, whereby the growth of value added in that manufacturing for the period 1965 to 1974 was more than 13% annually. Between 1965 and 1975, the percentage share of agriculture in the GDP fell from 56% to 42%, while that of manufacturing rose from 4% to 11%.³⁹ With such developments, it had become difficult for agriculture to sustain any further expansion by 1974, as no significant technical transformations had taken place within the sector. In this year, export volume fell by 35%. The situation was made worse by forcible

³⁹ International Labour Office, *Towards Self-Reliance: Development, Employment and Equity Issues in Tanzania*, ILO, Addis Ababa, 1978, pp. 84-5.

villagezation, (which halted production in most regions in the country), recurrent droughts and floods, the rise in oil prices in the world market and huge loss-making parastatals that were in existence. There were nearly 400 parastatals handling production, processing, transportation, and marketing of goods and services. Prices of almost 1,000 commodities were also controlled by this period.

By 1976 there were 108 parastatal enterprises in farming. Many of them were making huge losses, but donors supported them in terms of capital and personnel. Holland and Denmark supported in sugar production, Canada in wheat production, North Korea in rice production, the World Bank in ranching, etc. The dominance of the crop authorities in marketing and provision of inputs had resulted into the total control and bureaucratization of the conditions of peasant production. With the villagezation programme of 1973/74 and the changes in the administration and marketing structures, production targets were imposed on the peasants and the type of crops to be farmed was administratively specified. The gainers from the enhanced role of marketing boards in the 1970s were no longer the state exchequer, as in the 1960s, but the people who manned them, through corruption, fraud and embezzlement. The boards consumed an increasing take of the peasant producer price themselves. The 1977 ILO report recorded that the barter terms of trade for the peasants fell by 22.5 per cent between 1965 and 1973.⁴⁰

These parastatals had also become an increasing drain on central government finances as their distribution and buying programmes consumed large magnitudes of official credit. By 1976, the Minister of Home Affairs reported an official figure of corruption and embezzlement of funds to the tune of Tshs 1,600 million. Thus, when reviewing the ten Years of the Arusha Declaration, Nyerere said: “We have reached a stage where our greatest danger is a new one. The thing which could now most undermine our socialist development would be failure in the battle against corruption, against theft and loss of public money and goods and other abuses of public office....”⁴¹

The Constitution of the United Republic of Tanzania 1977 was the fourth constitution since 1961. The 1965 Interim Constitution had established one party state with two ruling parties—TANU and ASP in the Mainland and Zanzibar respectively. But this was supposed to be a temporary Constitution to be replaced in due course by a permanent one after crystallization of political

⁴⁰ Ibid, pp. 188-90.

⁴¹ Quoted in K. Kibwana, C.M. Peter & J.O. Onyango (eds), *In Search of Freedom and Prosperity: Constitutional Reform in East Africa*, Clarip Press, Nairobi, 1996, p. 36.

thinking and the two parties had merged into one. The developments towards a permanent constitution began in early 1970s. In Zanzibar, with the accession of Mr. Aboud Jumbe to power in 1972, a new Constitution of ASP was introduced. This Constitution created a Political Committee, which was to become the supreme decision making body, in place of the Revolutionary Council. Alongside this, measures of pursuing common policies with Mainland were increasingly taken. This was especially the case as far as foreign affairs and issues of human rights were concerned. Together this was the strengthening of the military links with the mainland.⁴²

Unlike in the pre-1972 period, with Jumbe in power, relations between Zanzibar and the Mainland had become closer and he toured widely on the Mainland regions as First Vice President, and gained a reputation as a national leader. At the same time, he was increasingly becoming active in the United Republic's international affairs. He went to Sudan in 1973 to speak to the Sudanese Socialist union on behalf of the president. He also condemned Libya for supporting Uganda in the same year as Vice President. He attended the Non-Aligned Movement Summit in Sri Lanka on behalf of President Nyerere in 1975.

In the Mainland, on the other hand, the National Assembly voted to incorporate the fundamentals of Socialism and Self-reliance into the 1965 Interim Constitution and establish TANU as a supreme party in June 1975. With the amendment of the Interim Constitution, a Party Act (No. 8 of 1975) was promulgated. It provided that all political activities shall be conducted by or under the auspices of the party and that all functions of the organs of the state shall be performed under the auspices of the Party. Thus, the separation of power disappeared completely and the National Assembly was made a committee of the Party responsible for legislation.

It was in 1975 that discussions between the leaders of ASP and TANU on the selection of the presidential candidate were held for the first time. It was in the same year that the suggestion for merging ASP and TANU was made. ASP agreed, and Jumbe toured the islands in October of the same year to explain the merger. The TANU and ASP conferences passed a resolution in the same year to attend each other's conferences and effect closer co-operation. ASP also discussed the possibility of Incorporating the Leadership Code of the Arusha Declaration into its policy documents. Thus through a referendum, party branches were asked throughout the country to make their views known on the

⁴² For these details and the following on Zanzibar, see, C.S.L. Chachage, *Environment, Aid and Politics in Zanzibar*, Dar es Salaam University Press, Dar es Salaam, 2000, Chapter Three.

merger in 1976. The recommendations were sent to TANU and ASP headquarters, and the result was an overwhelming vote for a merger.

The proposal to merge TANU and ASP was widely acclaimed by the Islanders, especially the people of Pemba, who had all along been marginalized within the Zanzibar political set up. The general feeling was the closer ties would result in more democratic reforms. For the people of Zanzibar in general the merger had far reaching implications in that it would introduce democratic changes that would allow even the possibility of holding elections, in line with the practice in the mainland. In Mainland, the merger of the party was also hailed, for it heralded changes that would rectify the anomalies of the past—those that had militated against democratic participation. This was taking place when already, the support of the people of government policies was waning, given that the state had quashed attempts by workers to take over the capitalist enterprises and control them and also the fight against bureaucratic tendencies in 1970/71.⁴³ The government had also forcibly collectivized rural dwellers in nucleated villages a thing, which had caused great sufferings and resentments.⁴⁴

But then the reality was different. Rather than a move towards democratisation, as envisaged by most people, the merger of TANU and ASP, which resulted into the formation of CCM consolidated the statist arrangements, which had been on the increase over the years. Proposals for a new Constitution of the country were tabled in the parliament, which set as a Constituent Assembly in April 1977. The new Constitution was adopted the same day as the Constitution of the United Republic of Tanzania 1977. This Constitution retained all the provisions of the Interim Constitution of 1965 in substance. The changes that were made related to the recognition of the Party Supremacy, and the further consolidation of the union by adding more union matters and defining the relations within the union. Instead of opening and creating a space for the existence of independent mass organizations, all the mass organizations—the trade union (renamed *Jumuia ya Wafanyakazi Tanzania—JUWATA*), the Parent Association and other organizations, previously under government control, became affiliated to the Party after the merger of the two parties in February 1977.

Consequently, by early 1980s, a parallel development was taking place in the form of emergence of Non-Governmental Organizations (NGOs). This fed off on

⁴³ For the account of these struggles, see Coulson, op cit; I. Shivji, 1976, op cit; P. Mihyo, *The Struggles for Workers' Control in Tanzania*, *Review of African political Economy*, No 4, pp. 62-85.

⁴⁴ Coulson, *ibid*; Shivji, *ibid*; M. Von Freyhold, *Ujamaa villages in Tanzania: Analysis of a Social Experiment*, Heinemann Books, London, 1979.

the collapse of social provisioning and the donor restructuring of aid, which supported regional development plans (as “local level” development) in the 1970s. With donor support increasingly directed to districts, and the existence of a middle class within districts who was connected to those in other urban areas, the result initially was the emergence of NGOs, famously known as District Development Trusts (DDTs),⁴⁵ funded by the middle classes and donors, working in the area of establishing schools and health facilities. The emergence of these—besides the consolidation of entrepreneurial roles, also strengthened the link between business and politics. NGOs basically worked through the district council, which had been reintroduced in 1984 and were mainly dominated by businessmen and retired and retrenched civil servants and parastatal workers. Alongside this development, was the marked presence of donors in community development departments.

Like the “tribal” or citizens associations of the colonial period, these were also developmental oriented, mainly filling the gap created by what Kiondo⁴⁶ has termed “the withdrawal of the state”. The difference was the 1980s organizations were closer to the state and even more corporationist, not accountable to a defined membership or constituency, and rather than assisting people through sponsorship or subsidies as those of 1950s, they were more onto building schools or health facilities, whose general character was that of private social provisioning. They had become partners with the government, which by then was already involved in the process of privatization of social provisioning, by implementation of SAPs. They had emerged because donor policies had changed from financing the government directly in “development projects”, to financing NGOs, which were thought to be less corrupt than the government, and more accountable to the donors. With sponsorship, even faith based organizations, hitherto known as religious organizations, suddenly became NGOs!

Debates on Democracy in Tanzania in Context

As stated above, the debates about constitutionalism and democracy emerged in Tanzania since early 1980s. They were a direct result of the economic crisis that began to face the country in the late 1970s. The economic crisis resulted into foreign reserves which had peaked at USD 281.8 million in 1977, to fall to USD 99.9 million in 1978 and finally to USD 20.3 million in 1980. The latter

⁴⁵ J.P. Lugalla, “Structural Adjustment Policies and Education in Tanzania” in P. Gibbon (ed), *Liberalised Development in Tanzania*, Nordiska Afrikainstitutet, Uppsala, 1993.

⁴⁶ A.S.Z. Kiondo, A.S.Z. “When the State Withdraws: Local Development, Politics and Liberalization in Tanzania”, in P. Gibbon (ed), *Liberalised Development in Tanzania*, Nordiska Afrikainstitutet, Uppsala, 1995.

“was less than one week's worth of foreign exchange needed to cover the average import bill.”⁴⁷ By 1980, the value of exports was equivalent to 43% only of the imports and the trade gap was over Tshs 6 billion. Similarly, industrial capacity utilization was between 30% and 50% on the average and at this time the manufacturing sector accounted for only 5.8% of a smaller GDP, compared to 1977 when it accounted for 10.4 percent.⁴⁸ The symptoms of the crisis by 1980 were deterioration in the balance of trade, a fall in agricultural production (food and export crops), negative per capita growth and high inflation rates. Others were acute shortage of essential consumer goods, low industrial capacity utilization, deterioration in the budgetary position and general deterioration of the conditions of the working people.

The debates emerged and crystallized at a time when the country was engaged in heated debates with the World Bank and the International Monetary Fund (IMF), which were refusing to lend money to Tanzanian government, on conditions that it changed its policy directions by implementing Structural Adjustment Programmes (SAPs). They required Tanzania to devalue the currency significantly, freeze wage increases, increase interest rates, decontrol prices, remove subsidies on agricultural inputs and foodstuffs, relax import controls, encourage private investments and reduce government spending by cutting down budget on social services. While some sections of the economists, planners and politicians supported SAPs; some lawyers and social scientists opposed them for their anti-welfare and inegalitarian tendencies.⁴⁹

Despite the initial protests against the IMF preconditions, the government had started implementing them in a form of home made programmes from 1981, to the extent that by 1986 it had accepted all the conditionalities and the philosophy behind them. Thus, with the implementation of SAPs, by early 1990s, the government had liberalized crops marketing; liberalized the distribution of most inputs; introduced freehold lease in land ownership; and liberalized the investment policy in favour of private investments. It had also deregulated exchange and interest rates; reformed the fiscal and monetary policies; removed all subsidies for agricultural inputs and foodstuffs; reintroduced school fees in schools; and, reintroduced poll tax under the guise of “Development Levy”. Other measures taken were reform policies to allow private banking; allow free transactions in foreign exchange by opening change de bureaux; restructuring

⁴⁷ H. Stein, “The Economics of the State and the IMF in Tanzania”, *Taamuli*, Vol 1 No 1 & 2, 1990, p. 5

⁴⁸ International Labour Organization, *Basic Needs in Danger: A Basic Needs Oriented Development Strategy for Tanzania*, Addis Ababa, 1982, pp. 15-19.

⁴⁹ See, for example, articles in I.G. Shivji (ed.), *The State and the Working People in Tanzania*, CODESRIA Books, Dakar, 1985).

parastatal statutes to allow private shareholders or private ownership and finally abandoning the Leadership Code of the Arusha Declaration which constrained capitalist tendencies among the leaders.

Those who opposed SAPs were of the view that the crisis that was facing the country was social and political, rather than economic. They drew attention to the fact that over the years the state had tended to monopolize politics through the demobilization of all civil organizations that would have challenged some of the excesses of the state and offered alternative policy prescriptions. The naked example was how the state dealt with brutal force with the peaceful march of students on 5 March 1978. The students sought to oppose the government move to raise salaries as much as 40% in most cases and introduce huge fringe benefits to ministers, senior party officials, and members of parliament, when it had been announced that the country was facing a crisis. This move by the government seemed to contradict the Arusha Declaration. It was the first open demonstration against a Party and government decision, since 1966, when the students had opposed their being compelled to go to National Service. After rounding and sending home 400 students, the government accused the students of “having opposed ujamaa village managers” and marching instead of accepting an invitation from the President.⁵⁰ Leaflets were circulated after exposing the undemocratic nature of the state given the manner it had handled the students.

Literature that began to emerge in the early 1980s demonstrated that the increased statization of society had resulted into a disjunction between the formal political system and the social system. The non-existence of civic organizations and other effective independent watchdogs had over the years resulted into bureaucratic dominance of the whole society. In the process, it was the bureaucrats and the wealthy classes that were benefiting from corruption. Consequently, most of the 400 parastatals were making losses or were heavily indebted, because, rather than serve as public enterprises, they were more or less serving the private interests of those who manned them and their cohorts.

For example, most of the parastatals, which were supposed to be purchasing crops from the farmers, were increasingly becoming unable to do so. They were becoming heavily indebted to the banks because of unaccountability, corruption and inefficiency. By 1981/82, some nine parastatals had combined losses of Tshs 692 million (USD 84m), which was “equal to 21% of their processed commodities.” The National Milling Corporation alone was responsible for two

⁵⁰ A. Coulson, *Tanzania: A Political Economy*, Clarendon Press, Oxford, 1982, pp.229-30.

thirds of those losses which represented 31% of its sales.⁵¹ By the same year, the “parastatals’ overdrafts had reached Tshs 5,127 million and accounted for 80% of the loans of the National Bank of Commerce....”⁵² Meanwhile, the “volume handled by agricultural parastatals increased by 18 per cent, whereas parastatal employment increased by 37 per cent, leading to decline in labour productivity by 14 per cent.”⁵³

On the other hand, with the merger of Tanganyika African National Union (TANU) and Afro-Shiraz Party (ASP) to form Chama ha Mapinduzi (CCM), and the passing of the Constitution of the United Republic of Tanzania 1977, there arose claims that the Zanzibar Government was “selling out to the mainland”. These came from within Zanzibar and people in the Diaspora. These were secessionist elements, which agitated for the autonomy of Zanzibar. There were also some conservative elements of the former ASP who were feeling threatened by some of the democratisation measures that were ushered by the 1977 changes. These were such as the extension of “mass organizations”—workers and parents associations to Zanzibar, the holding of constituency elections in 1977, and the holding of the first presidential and the 125 members of the Representative Council in 1980 after adopting a new Constitution in the same year. The agitation from Zanzibaris was for the institution of a three-tier government form of union. The President of Zanzibar, Mr. Aboud Jumbe was forced to resign after what was described by Nyerere as “pollution of the political atmosphere” in 1984.⁵⁴

The government and the party were increasingly coming under heavy criticisms by early 1980s. This was the beginning of the awakening of the people at grassroots level, marked by criticisms of the state, which aimed at restructuring and reshaping power relations between the state and the people. The quest was essentially for democratic rights against the monopolization of politics and decision-making by the state. The concept “civil society” in Tanzania was rediscovered around this time. The concept was meant to be an expression of human social will, and an agitation of decentralization of processes. Civil society connoted the emergence and consolidation of social and political movements and the whole question of empowering people. In some, the debate more or less raised

⁵¹ U. Lele & R.E. Christiansen, *Markets, Marketing Boards, and Cooperatives in Africa: Issues in Adjustment*, MADIA Discussion Paper 11, The World Bank, Washington D.C., 1989, p. 15.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ See A. Jumbe, *The Partner-Ship: Tanganyika Zanzibar Union 30 Turbulent Years*, Amana publishers, Dar es salaam, 1994.

the fundamental questions of how the society was organized.⁵⁵ When a symposium to mark the centenary of Karl Marx's death was held at the University of Dar es Salaam in 1993, intellectuals took the occasion to sum up the experiences and critique the three decades of independence and nation building. They concluded that needed in Tanzania and Africa in general was broad democratisation and resistance against imperialism, which sought to reinforce the exploitative relations through SAPs.

It was within this context that Tanzania became involved in the first major debate ever on the constitution. In 1982/83, members of the public throughout the United Republic of Tanzania, through government initiative, participated in a debate on constitutional amendments. The government re-introduced the cooperatives through the promulgation of The Co-operative Societies Act, 1982 in response to the peasant's quest for the pre-1975 organizations. With this Act the cooperatives and the apex remained under the control of the state, as CCM mass organization. Therefore, cooperatives remained undemocratic. During this debate, the legitimacy of the supremacy of the party was challenged. Not only that: issues of human rights and various freedoms were raised, including those of rights to organise independent of the party and government control. The Union Constitution was amended in 1984, to at least include a Bill of Rights in the Preamble. But there were no effective articles in the Constitution itself as far as these rights were concerned. Even the Union matters remained unchanged. The amendments also resurrected the concept of separation of powers among the executive, judicial and legislative organs. District councils, which had been abolished in 1971 in the process of strengthening the regional and central governments were recreated in 1984, but with few real powers so to speak of—whether financially or in terms of appointments (except for collection 'development levy').⁵⁶

The government, within the process of implementation of SAPs introduced the above partial measures. This was in line with the dictates of the International Financial Institutions (IFIs). The practical problem for the IFIs and their supporters was how to win popular support for the SAPs measures and the market order, which are essentially anti-people and anti-human rights. For the IFIs and their supporters the problem was not lack of mass democracy, as the critics of

⁵⁵ See generally on Africa in I.G. Shivji (ed), 1985, op cit; I.G. Shivji, *Fight my Beloved Continent: New Democracy in Africa*, SAPE, Harare, 1988. Sosthenes Maliti published a book under the pseudonym Candid Scope, title, *Honest to my Country* in 1981 (TMP, Tabora), in which he reproduced some of Nyerere's works of the early 1960s on democracy, including *Tujisahihishe* (Let us Correct Ourselves). His aim was to show that the country had deviated from the democratic principle.

⁵⁶ See in Shivji 1985 op cit; and *East African Law Review Vols 11-14* 1978-81.

SAPs claimed. Rather, it was that of how to put forward a defence of capitalism by trying to justify economic liberalization and commercialisation of public and civil institutions and its consequences as far as the majority of the people are concerned. SAPs had restructured capital (private and public) which benefited from the statist model of the 1960s and 1970s around newly deregulated branches (import-export activities and the plunder of natural resources). They had also heightened the marginalization of the majority of the people and, aggravated tensions and reinforced further hierarchization.

The popular democratic opposition to SAPs, as far as the IFIs were concerned were heralding the destruction of the fundamental basis of the liberal order and the institutions of privatisation and market forces. For them and the Western world, this was support for totalitarianism and against political and civil liberties, as it was against economic freedom for private capital. Thus, multiparty democracy, reduced to the number of parties, the right to govern after garnering more votes (regardless of the manner in which one got them), had become the anchorage of legality and legitimacy. The introduction of multiparty democracy became one of the aid conditionalities by the end of the 1980s. This was in a context of a world that was working hard to irresponsibilize the state by removing the notion of the public and public interests, submitting people to the belief of the values of the economy—the “return of individualism” (self-help, self employment, cost-sharing, etc) and the destruction of all philosophical foundations of welfarism and collective responsibility towards poverty, misery, sickness, misfortunes, education, etc.

Within this context, the nature of these debates changed by the end of the 1980s. The issues of the debate were recast to increasingly focus on the question of multiparty democracy, with the fall of the Berlin Wall in 1989. It was within this context that those democratic struggles, which sought new historical visions and modes of politics that aimed at defending women, youth, children, workers, poor peasants, the marginalized minorities, etc. were derailed. Politics were reduced to the number of parties and confining politics to the practices of the parties and the state by late 1980s. In fact, donor pressure was quite significant in pushing for the establishment of such a system, as conditionality of donor support over and above structural adjustments. This was being done under the banner of “good governance”.

Mwalimu Julius Nyerere, who had stepped down from the presidency in 1985, with the intention to revitalize the party, had become disillusioned by the one-party system by 1990. He started insisting on the introduction of competitive politics and challenged CCM’s legitimacy. In June 1990, Nyerere declared that it was no longer a sin to discuss a multiparty system. The Tanganyika Law Society was instrumental in organizing a seminar in 1990 on “Party System and

Democracy”, which brought together various opposition groups. This seminar demanded a new “national consensus” and made a formal resolution proposing the adoption of a multi-party system. In 1991, professionals, students and academics joined together and formed a National Committee for Constitutional Reform (NCCR) to draft a multiparty constitution. They requested the government to permit them to hold a national meeting on the constitution. The government resisted for several months and finally bowed after pressure from the donors. A major demand of the opposition throughout this period was the need to convene a National Conference by way of making proposals for a new constitution, following examples of the then Zaire, Cameroon, Nigeria and Congo Brazzaville.

As a consequence of the above, agitation by the late Mwalimu Julius Nyerere and also pressure from the donor community, amendments of the Constitution were made in July 1992. These introduced a multi-party system. The move to multi-party system was an implementation of the recommendations of a Presidential Commission chaired by Chief Justice Francis Nyalali on the party system to be followed in Tanzania, formed in 1991. This Commission recommended a multiparty system of government. It also recommended an elaborate timetable for constitution making through a Constitutional Conference, after assessing the pros and cons of the various modalities (others being National Conference and Constitutional Assembly). It also identified 40 pieces of legislation as potentially harmful to the realization of human rights and multiparty democracy. Finally, it recommended the mounting of democracy education programme. The government opposed most of these and went ahead with the amendments of the 1977 Constitution and the engineering of the changes in its own terms from 1992.

At the same time, the relations between the “civil society” and the state had begun to change in 1991 in anticipation of the introduction of multipartyism. The process began with the de-linking of CCM affiliated mass organizations, Jumuaia ya Wafanyakazi Tanzania (JUWATA), the sole trade union, and Cooperative Union of Tanzania (CUT or WASHIRIKA), the only cooperative body. This was done through Parliamentary Acts in 1991, in anticipation of the emergence trade unions and cooperatives, which would be affiliated to them. In both cases, there were outcries that these bodies were not independent, since they were created from above through parliamentary legislation and the government imposed their leadership.

Following this move to introduce a multiparty system in 1992, 43 political parties secured provisional registration by 1992, but only 13 managed to get permanent registration by 1994. However, many of these parties were established for opportunistic purposes of securing government subsidies or in

the hope of securing donor funds, since donors were interested in multipartyism. These parties were not necessarily addressing the issues that were raised by the academic, professional and activist associations. At the same time, some of the newly established parties, with some degree of varying success, began to point out the flaws of both the government and the ruling CCM—on issues such as human rights, corruption in government, failure to deliver social services, etc. But all in all, the general character of these parties was weakness in organizational qualities and lack of clear developed philosophies, policies and programmes. Because of their corporatist character, and non-participatory methods they increasingly became marred by inter and intra feuds, mostly around issues of leadership, over the sharing of government party subsidies and organizational structures. This became especially the case after the 1995 multiparty elections, which CCM won by a large majority.

Opposition to the ruling party had emerged at a time when convening of a National Conference to come with proposals of a new Constitution was a popular demand. This demand was taken over by the opposition parties after their registration. These claimed that the need for such a forum arose from the fact that throughout the history of constitutional development in Tanzania, the citizenry had been sidelined. With the impending multi-party elections in 1995 and after that, the whole debate on constitutional changes degenerated to that of levelling the political ground as a mean to have “free and fair elections”. The constitution was turned into an article of faith by the parties, with each trying to score political victories, using the question of the constitutional changes as a weapon. They claimed that there was no way that opposition parties could win, given that the party in power made the Constitution and it was meant to protect it.

The government, on the other hand, claimed that the constitution did not allow for a constitutional convention, but allowed changes to be made by the parliament. Therefore, any party in power could change the Constitution if it deemed it fit! Both the ruling and the opposition parties marshaled arguments, which were devoid of any historical grounding. The constitution was fetishized and turned into a cult. It became the amulet for winning or loosing. And this remains the case to date. They had even forgotten the fact that TANU members were elected between 1958 and 1960, when there was no Constitution, under a tripartite voting formula and limited franchise based on income and education qualifications.⁵⁷ Even the example of Zambia and several other countries where

⁵⁷ The franchise qualifications were: 21 years of age or above and residence in the country of three years or more, possession of either educational training equivalent to standard VIII or an income of more than £150 per annum, or qualifying experience. These were applied despite the protests from the nationalists.

the ruling parties had been defeated on the basis of the old constitutions, which would make these arguments superfluous, was not taken aboard!

Beyond Constitutionalism and Multipartyism

Legal experts inform us that the constitution of a country is the fundamental law, “which describes the main structure of the Constitution system of the country. It creates the principle organs of the government, namely the Executive, Legislature and Judiciary, describes the powers and limitations subject to which each organ will exercise them...It may include a Chapter of Bill of Rights, which would guarantee some basic freedoms to individuals” and some ideological pronouncements.⁵⁸ They further claim that depending on how society arrives at a consensus, a constitution “is a social pact, binding upon members of the society in question. Parties to the pact presumably share certain ideals, aspirations and objectives, which they solemnize to concretize into constitution. Parties to the pact undertake to establish certain state organs with certain powers, functions and duties.”⁵⁹

Such positions go to show that a constitution does not mean one thing to all people in the world, since it depends on the historical conjecture, ideological commitment of the government of the day and the political system existing in that country. Even the people, as a category has different meanings in different social settings and historical contexts. While Britain never produced a constitution, the Constitution of the United States of America, which claimed to represent the people, came into effect in 1789, after being ratified by the convention of states in 1787 after being signed by those who originally proposed it. Before the amendments during the 20th Century, it had no provisions for the rights of blacks and women. As for the 1789 French Revolution, included in the category of the people were only those who belonged to the Third Estate. It excluded the nobility and the clergy. On the other hand, parties that aspired to build communist societies in the future made the Constitutions of the socialist countries, describing the direction in which the societies would move. That is their constitutions were programmes of action rather than binding legal document or basic laws in the sense that constitutions are projected in the current debates in Tanzania.

⁵⁸ B.P. Srivastava, *The Constitution of the United Republic of Tanzania 1977: Some Salient features—Some Riddles*, Professorial inaugural Lecture Series, No 34, University of Dar es Salaam, Dar es Salaam University Press, Dar es salaam, 1983, p. 1.

⁵⁹ I.M. Juma, “Constitution-Making in Tanzania: The Case for a National Conference”, in J.Oloka –Onyango, K. Kibwana & C.M. Peter, *Law and the Struggles for democracy in East Africa*, Claropress, Nairobi, 1996, p. 395.

In all the above instances, the differences in the manifestations and the particular meaning that a constitution acquires is bound with the nature of the historical circumstances of emergence of the state and nature of the social forces involved in the struggles for or against the regime under contestation. More significant is the fact that constitutions in modern history have always been made through representatives or people who claim to represent the interests of the people. In the case of constitution making in Tanzania, those who made the 1962 Republican Constitution were elected members of the National Assembly. There was *no demand* in these years for the whole citizenry to participate in the constitution making. And there was no such precedence in history—whether starting with Nor was there any precedence from anywhere in the world.

The circumstances under which it was made and the debates around its nature have been shown above. The pre-occupation of the makers of the constitution was how to achieve development of the country, focusing on the uplifting of the conditions of the workers and peasants. In this regard, they were torn between the legalism of constitutional making and the political goals that they set out to achieve. The latter contradicted the former, given the Western assumptions on how a democratic constitution should be—basically a multiparty system, with politics being confined in the parliamentary building. The policy initiatives—socialism and self-reliance in these years tended to underscore the centrality of the Executive President in the political system. Thus, the combination of Party and state powers placed the President in an exceptional position in defining Tanzania's ideology, committing political leaders and mobilizing the masses for their implementation. The fact that they demonstrated throughout the country in support of the Arusha Declaration as an act of liberation, demonstrate that the political goals had a social basis. The same support by the people was demonstrated when the TANU issued *Mwongozo* or TANU guidelines in 1971.

The goals were to be subsequently defined in the 1977 Constitution in Part II, which deals with the Fundamental Objectives and Directive Principles of the State Policy. It was stipulated: "The object of this Constitution is to facilitate the building of the United Republic as a nation of equal and free individuals enjoying freedom, justice, fraternity and concord, through pursuit of the policy of Socialism and self Reliance which emphasizes the application of socialist principles while taking into account the conditions prevailing in the United Republic."⁶⁰ But these objectives were being restated at a time when the state had become even more authoritarian in dealing with the people, as demonstrated by the way that it dealt with the criticisms from the students in

⁶⁰ The Constitution of the United Republic of Tanzania 1977, Section 9.

1978. The criticisms that arose thereafter were not against the societal goals (building of a democratic egalitarian society based on social justice and peoples control of productive resources), but the manner in which those goals were being pursued and the undemocratic nature of the various structures. The debates on democracy in the early 1980s deepened the analysis of one-party authoritarianism and posited the reawakening of mass politics as the next stage in Tanzanian politics. They also showed that perspectives on democracy were quite contradictory, and that the neo-liberal perspective on democracy was not suitable for the social and political project of the working people.

It was those who supported the IMF and World Bank prescriptions who questioned the goals of socialism. Liberalization of the economy and the opening up of the markets for international capital through denationalisation and privatisation (an unpatriotic thrust) and reducing public expenditure on social services (an anti-people move against education, health and public goods in general), multipartyism became one of the conditionalities by the donor countries by late 1980s. As pointed out above, the ushering in of the debates about multiparty system derailed debates that sought to transcend the existing arbitrary arrangements. It was this new debate, grounded on neo-liberal precepts and multipartyism, which ushered in the constitutional debates. Professional organizations, NGOs and political parties seized the opportunity and began to demand for a National Conference, on the pretext that it was what the populace needed.

Even the legitimacy of the 1964 union pact to unite Tanganyika and Zanzibar, which had massive support from the people when the event took place, given the ideals of the unity of Africa and East Africa specifically during the struggles for independence, was questioned. It was claimed that it did not have the blessing of the people of the two countries, as if the imperialist act of partitioning Africa in 1884 had the blessing of the people! It was no longer the question of addressing the problems facing the masses of the people, but simply that of arguing that the people had been sidelined in the making of the constitution since independence. The Nyalali Commission's recommendations on the need for a Constitutional Conference more or less consecrated their arguments.

Ironically, when the people were asked whether they wanted a one-party or multiparty system by the Nyalali Commission, 80% of the respondents wanted a one party system. The Nyalali Commission recommended a multiparty system because a substantial minority preferred it; and, even the majority who favoured the continuation of one party system demanded the cleansing and restructuring of the party and the transformation of the manner of conducting political affairs of the country. Basically, the majority of those who wanted one

party demanded major changes in the economy, the political system, governance and accountability structures of the country. They even denounced the village tyrants and district and regional bureaucrats. People narrated about the problems they were facing as far as social, economic and infrastructural provisioning was concerned. There were some villagers who even queried: “If one party has been eating so much, what with many parties? They will finish us!” In some, the majority of those who wanted a cleansed and restructured one party demanded their right to control their productive and reproductive resources. They rejected multipartyism, but they wanted democratic forms that would effectively involve them in decision-making processes over their resources.

More ironical is the fact that none of those who agitate for constitutional reforms have ever taken to task the government’s breach of the objectives and directive principles of state policy⁶¹ since when the implementation of SAPs started. These are issues such as social justice, provision of equal and equitable welfare (education, health, old age provisions, etc.), accountability to the people, and effecting participation of people in government affairs. Others are ensuring that national resources and heritage are harnessed, preserved and applied for the common good and also prevent exploitation of one person by another, planning and integrating of the national economy and guaranteeing employment for every able person, provision of equal opportunities to all people. Finally, other issues are, the using of national resources for the development of the people focusing on the eradication of poverty, ignorance and disease; ensuring that economic activities do not result into concentration of wealth and major means of production in the hands of a few people; and that the country is governed by the principles of democracy and socialism.

As the situation reveals itself currently, most parties that have emerged/exist so far are elite parties. They are not organic parties of mass or community in character, ideologically or practically. They have accepted the universal concept of liberal democracy and human rights, whereby democracy and human rights are simply viewed in terms of forms of rule and governance that includes the right of representation, organization and expression. It is *individual rights* that override in this conception, rather than *peoples’ rights as individuals and communities*. It is a matter of winning through the ballot box by any means necessary—foul or fair. Democracy within this context has been reduced to emergence of market economy; privatisation of state enterprises; multipartyism; the emergence of NGOs; the irresponsibilization of the state in social provisioning; and, a democratic constitution and “laissez-faire” state. In this conception, there is no historical reference in regard to how the transition

⁶¹ Part II of the Constitution.

will lead to the process of emancipation of the ordinary people.⁶² Behind the agitation for constitutional changes by the political parties and the donor sponsored NGOs is the overhauling of these basic principles and not the existence of the more serious contentious politics, which go beyond the government and parties to the factories, villages, schools, cultural fields up to the homes! It is fundamentally those principles that are espoused by majority of the villagers and other people who advocated for effective *involvement* (not participation) in decision-making processes over resources, which are contested by the current advocates of constitutional changes.

The fact is both single and multiparty democracy systems have been in a crisis for a long time in the world. The gem of the crisis is embedded in the very history of the emergence of party politics (whether multiparty or single party). Parliamentary parties emerged in Europe after 1870s, with the defeat of the working class movements (specifically the Parisian Communards in 1871) and the vanguard single state parties in 1917 with Russian Revolution (specifically in its Stalinist variant). Both modes of politics have been in a crisis for a long time, even before their introduction in Africa. The crisis of the parliamentary forms was demonstrated fully by the November 2000 events in the State of Florida.

As demonstrated in the history of the Western world in terms of safeguarding the so called 'economic freedom', the struggle for or against democracy and human rights has always been in terms of how to institute/elect regimes which would not set out to destroy the fundamental basis of market economies and the functioning of capital in general. The biggest fear in such democracies has always been the rule of the majority. Thus, in these countries, the problem has always been how to safeguard economic liberty in a mass democracy situation (if this can not be prevented). In other words, how to make the modern state that claims to represent the interests of all remain legitimate in the face of mass opposition. What this amounts to is the fact that single or multiparty regimes all over the world have made some totalitarian demands on their members/groups/sections of groups/classes and even individuals in the name of the so-called interests of the nation/ country (read government). And the struggle since the emergence of the modern state has been in terms of whether the state can

⁶² The vocabulary in Tanzania nowadays is devoid of words such as exploitation, oppression, domination, class interests, neo-colonialism and imperialism. Instead, words like investors, donors, partners in development, participation, globalisation, restructuring of the economies, privatisation, etc. have become so ubiquitous.

dominate the 'civil society' or the 'civil society' dominates the state (not as dichotomies, but as mutually exclusive entities).⁶³

Thus, in practice, in multiparty states parties have always been quasi-state institutions competing for the distribution of positions, regulated by the constitution and operating on its basis and the prevailing system. They have never been institutions for the people's reconstitution/ reconstruction of the state so that it becomes responsive to popular needs and popular control. In a multiparty system, politics exist only in the parties and the government, and parties acquire state-like structures as tools of political organization within a state project. The ultimate aim of the parties is to occupy the state house (or the treasury in Tanzania, since it is adjacent the State House). Parties in opposition merely end up working to replace the one in power rather than address real issues, since they also regard the state as the only terrain and reference of politics.

One party system has its problems too. In the single party state system, parties tend to see themselves as the exclusive and only source of "progressive" politics, and therefore reduce politics to organizations and building of parties, while condemning people outside the parties to non-existence politically. In this system, all other sites of politics (the farm, the factory, the school, the homestead (erroneously labelled household by westerners of our countries), the sports grounds, the media, the theatre, etc.) fall under the guidance of the party. The party becomes an organ of management, and therefore, oppressive and authoritarian on the pretext that it is the only derivation of truth. The masses become mere non-thinking beings or at best a bunch of ignorant people, incapable of self-emancipation.

In other words, both single and multiparty forms of democracy have historically been oppressive. They have at one point or another discriminated and disfranchised some people (Blacks in USA up to 1960s, women in the West until early 1920s, workers, etc.). The champions of multiparty politics have not taken these facts into account. They take the system for granted. All they have been doing all along is to pitch the merits and demerits of multipartyism against those of one party, by indiscriminately citing examples from Ancient Greece, Washington DC, etc. This cult of the "universal" has ignored the fact that democracy is a historical mode of politics within the context of redefining relationships among the people and between the people and the state, so that the oppressors are singled out as the enemies and the masses as those in the oppressed camp (even if these are also differentiated).

⁶³ For detail, see Andrew Gamble, *An Introduction to Modern Social and Political Thought*, MacMillan, London, 1981, pp.151 ff.

This form of democracy, which was introduced from above in the early 1990s, has resulted into the sowing of more seeds of discord among the people and communities given that it defends politics of exclusion and inclusion, privileges and denials. The winning and losing of votes is based on *mobilisation*, which include mobilisation of even forms of identities (imagined or real), prejudices, discriminations, etc. The simple game is, people who are in power will definitely exclude people who voted against them. Thus, the issues of “Who originates from where among those in power” or “which party represents which people” become the real stuff. It is a war of all against all; and the winner takes or remains in power. Self-censorship is imposed on the people, in that critical minds are misconstrued to belong to this or that party, and in the process persecuted, while those that tow the line or display a sense of loyalty are rewarded. Genuine liberating knowledge and critical intellectual faculties are banished and mediocrity is exalted. Citizenship, rather than nationalism, patriotism and pan-Africanism become the real stuff.

Citizenship and “ethnic” issues are politicised than ever before, and in the process, some people or communities are made scapegoats while real oppressors are left to go scot-free with impunity. The result is reinforcement of discriminatory tendencies. Instead of the state being an arbiter in resolving contradictions in a society, in this context, it tends to identify itself with certain groups vis a vis others, thus representing sectional interests—those of the powerful and wealthy. In our countries, the states were born out of military conquest and occupation after 1884, and therefore they, had no room for prescriptions from the people since they were based on discriminatory and oppressive practices. Political parties, as state-like structures working hard to occupy the state, like the colonial state itself, have tended to put a wedge between politics and economics by insisting that the only place for conducting politics is in the government and the parliament. They have often been afraid of the emergence and consolidation of independent labour, peasant, women, youths and peoples’ movements. The tendency for these parties has been to distance themselves from such organizations and such activities, except when it is to their advantage. Thus, their advocacy for a National Conference, which would involve representatives of people of all walks—(including those who would not condone programmes geared towards the achievement equal and equitable development and the meeting of the needs of the majority or have substituted social policies with sponsorship).

In this case, the state and the political parties are part of the problem and the major obstacle to evolution of real democratic transformations. Thus, democracy need not be taken as simply formal democracy i.e. existence of multi-parties and regular elections, which exclude the right of the people to recall any undesirable elected person at any time, as prescribed by the donor

and international relations perspectives. It has to include the question of promotion of social justice, equity and equality (i.e. social democracy). It has to involve the restructuring of relations and redressing imbalances (both historical and contemporary) among the people in all their manifestations, including gender, ethnic, class, racial, etc. It must be redefined to include the question of poverty eradication (not alleviation) and access and control of productive resources that enable people to reproduce as well as ensure more equitable social development.

For democracy to make sense, it has to be linked with those who are victims of the prevailing circumstances, by taking into account issues of *social justice and social democracy*. It has to be directed to the questions of redressing imbalances, inequalities, exploitation, etc, rather than simply setting-up “democratic institutions” and “good governance” — a movement from the authoritarianism of one state party to that of many state parties. Multiparty politics are doing more harm by reinforcing the politics of “them” and “us”. We need a conception of democracy and human rights and its organizational forms which stand for peace, justice equity and equality, aimed at treating/resolving differences between workers and bosses, peasants and merchants, students and teachers, men and women, youths and elders, Moslems and Christians, Africans and Asians/Arabs/Europeans, majority and minorities, people and state, etc. It has to address issues such as: in which way is production organised? Who is producing, and who is appropriating the surplus? What forms of accumulation are taking place? What kind of social relations exist among individuals, groups and organizations as far as the control of resources is concerned?

Only in this way it is possible to prevent the consolidation of unpatriotic territorial nationalism, clothed in unanimity regarded as a basis of so-called national unity, which is essentially false; a unanimity which blocks the possibilities of resolution of problems. What are needed are serious public collective mutual debates for self-questioning and self-criticism organized to resolve our problems. People need to come together and talk instead of the violent confrontations between parties. Required is a space for people to dialogue under circumstances whereby everybody has the right to talk and is called upon to discuss national, developmental and transformational issues. This means the ending of division between the parties (political interests) and the trade union, cooperative, student organization, women movement, the village, the factory, neighbourhood, etc. (non-political interests), which distract people from effectively participating in political processes.

A National Conference can not guarantee anything without protracted processes involving struggles by the broad masses of the people to overcome all forms of arbitrariness, struggles that generate their own social, political and economic

self-organizations that are capable of generating meaningful constitutional changes. Despite the convening of the National Conference in Zaire (Democratic Republic of Congo) in 1990-91, the Mobutu regime and the subsequent ones were never transformed by this historic act. In actual fact, it condoned in some instances the exclusionist politics, which resulted into the declaring of some communities in Kivu as non-citizens. It is in this way that the 1997 civil war started.

In this regard, only social movements (territorial and pan-territorial), and especially those grounded on the foundations of peace, equality, equity, democracy, stability and pan-Africanism can articulate emancipatory politics. For such movements to exist, there must be an emergence and consolidation of politics in civil society (grass roots based movements and people's organizations) leading to real transformations of the state. Political parties are not civil society organizations since their objectives are directed towards the control of state power (state entryism), rather than its transformation. Civil society organizations that can become effective are those, which are rooted in society and are socially accountable. Civil society implies self-organizations, which defend the interests of the majority of the people and promote civil liberties and social transformation.