



Learning to Win? Party Mobilisation in Tanzania

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ABSTRACT

The advent of multipartism in 1992 was celebrated by academics, politicians, and civil societies. However, while the ruling party progressively performs handsomely, opposition parties have remained weak. In the 1995 general elections, the ruling party won about 60 percent of popular votes. This figure increased to 71 percent and 80 percent in 2000 and 2005 general elections respectively. It dropped to about 61 percent in the 2010 elections. I argue in this article that, such performance by the ruling party is largely attributed to its unfair mechanisms of mobilising support through state-party ideologies, human rights abuse, religion and corruption.

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Introduction

Political parties are indispensable pillars for contemporary systems of representative democracy (Schattschneider, 1942:1). They play multiple roles ranging from interest articulation, interest aggregation, political socialisation, political recruitment, rule making and representation to forming a government (Gunther and Diamond, 2001). In their seminal volume "Political Parties and Political Development" LaPalombara and Weiner (1966:3-4) note that political parties are not only creatures of modern and modernizing political systems but also are in one way or another omnipresent. In this case, parties, among other things aim to capture state power through organization's name by sponsoring candidates. This can well be achieved if parties establish strong roots in society and their efforts to mobilise support in terms of membership, resources and votes. Mobilization in this respect is therefore a major prerequisite for parties' victory to capture state power. This is particularly so because more voters are likely to vote if parties put more effort into mobilizing voters (Karp, 2003:1). Lutz (2004:7) argues that 'in order to gain votes, parties have to follow two goals. On the one hand, they have to focus on converting voters of other parties to vote for their party. On the other hand, they have to make sure that their partisans actually participate'. As can be seen, Karp and Lutz restrict mobilisation to only persuading voters to vote thereby joining the minimalist scholars who consider democracy to mean elections. In its broadest sense mobilization is about persuading citizens to support a party in all matters. In their endeavour to mobilise support, parties use different strategies. Analyzing Kenyan Politics, Oloo (2010: 32) argues that "Ethnicity has remained a central element of political parties' mobilisation strategy since independence". Nonetheless, under a democratic framework the strategies used by parties ought to be legal and acceptable to all stakeholders.

Immediate after independence, newly African states adopted single-party system under the name of unity and nation-building project. This system dominated African politics from 1960's to 1980's. During this time, the ruling and only parties

strengthened themselves using state resources to the extent of blurring the line between the party and state. In most countries the ruling parties were above other state institutions like the parliament, the executive and the judiciary. Apart from restricting the existence of other parties, the single-party African states did not allow the existence of any other organised groups. If any group was allowed, it was nothing but party's department. During this time, repressive laws were enacted and civil and political rights were highly violated if at all they existed. It was from this context that in the late 80's and early 90's, most single-party regimes adopted political and economic liberalisation triggered by both internal and external reasons. At the wake of democratic transition in the hitherto authoritarian regimes, Africa saw the rise of multifarious political associations and parties. It is worth noting that the transition was managed from the top by political elites most notably the architects of the single party system. The outcome of this kind of transition was weak opposition (Pinkney, 1997; Bratton and van de Walle, 1997; Olukoshi, 1998).

Soon after independence, Tanzania¹ adopted single-party system just like its African countries' counterparts. The country got its independence in 1961 on a multiparty framework. In 1962 it became a Republic giving overwhelming powers to the executive particularly the president. With his powers, the first president of Tanganyika announced in 1963 to the National Executive Committee of the ruling party the Tanganyika African National Union (TANU), the intention that Tanganyika should adopt one-party system. Two years later, the country became a one-party state with the adoption of the 1965 Interim Constitution. Article 3(1) of the Interim Constitution stated that there should be one political party in the United Republic of Tanzania. Constitutionally, TANU was therefore the only party in mainland Tanzania (Tanganyika) while the Afro Shiraz Party (ASP) in Zanzibar. The party was made a powerful institution above others with the enactment of the Act No. 8 of 1975 which amended Article 3 of the 1965 Interim Constitution. The act provided that "all political activities in Tanzania shall be conducted by or under the auspices of the party." Furthermore,

“the functions of all organs of the state of the United Republic of Tanzania shall be performed under the auspices of the party.” It was in 1977 that Tanzania adopted one-party system after the merger of TANU in Tanganyika and ASP in Zanzibar to form Chama cha Mapinduzi (CCM). The system dominated Tanzania’s politics for about three decades before it re-established multiparty system in 1992.

Tanzania underwent a controlled transition just like its fellow African states. The ruling elites led by the first president Julius Kambarage Nyerere dominated and influenced the move. This resulted to some analysts to name Tanzania’s transition as ‘top down transition and Chama Cha Mapinduzi (CCM)’ controlled transition (Hyden, 1999; Baregu, 2003). In this circumstance, political elites most specifically the ruling elites maintained adequate control to make sure that reforms are steady, prejudiced, and carry with them their interests at the expense of other actors.

To be sure, since the inception of multiparty politics in Tanzania, the ruling party CCM has had a hyper incumbency advantage over the use of state resources and institutions in furtherance of its political interests at the expense of other parties (Makulilo, 2008; Hyden and Mmuya, 2008). This is more evident in its monopoly of power to enact various laws and its negligence to implement the recommendations made by the presidential commissionⁱⁱ in 1991 to among other things change the constitution to reflect the spirit of multiparty politics, have an independent National Electoral Commission (NEC) and conduct a national wide civic education. With that background, I argue that the hyper incumbency advantage by the ruling party CCM has made it possible to use unaccepted strategies to achieve landslide victories in elections since the commencement of multiparty politics in 1992.ⁱⁱⁱ In this article, I revisit the main domains of unfair mobilisation of support by the ruling party that is, state-party ideologies, human rights abuse, religion, and corruption.

Unfair mobilisation of supporters

State Party Ideologies

Unity and *Ujamaa* are ideologies that are well cherished in Tanzania. To be specific, the Union between Tanganyika and Zanzibar constitutes one of the conditions for a political organization to qualify for registration as a party. Article 20(2) of the Constitution of the United Republic of Tanzania 1977 and Sections 9(2)(b)(d) and 10(b)(c) of the Political Parties Act. No. 5 of 1992 provide that it shall not be lawful for any political party to be registered which according to its constitution or policy advocates for the breakup of the Union constituting the United Republic.

To strengthen this condition, a further requirement is that such a party should not advocate or aim to carry its political activities exclusively in one part of the United Republic, and hence it should obtain not less than 200 members who are qualified to be registered as voters for the purposes of parliamentary elections from each of at least ten regions of the United Republic out of which at least two regions should be in Zanzibar (being one region each from Zanzibar and Pemba).

It is undeniable fact that the value of the cited laws is to protect unity and history of the United Republic as a nation.^{iv} Besides, contemporary politics in Tanzania regards the Union as the honour to its founders Mwalimu Julius K. Nyerere and Abeid A. Karume. Nonetheless, the Union question has remained a subject of controversy since the introduction of multiparty democracy in 1992. One of the controversial areas is on the structure of the Union itself. For ease of reference

Articles 4 and 8 of the constitution of the United Republic 1977 provide for the two government structure of the Union. It should however be noted that, the two government structure of the Union is by and large a ruling party’s policy. The CCM 2005 Manifesto clearly stipulates: ‘*Chama Cha Mapinduzi kimekuwa muhimili wa Muungano tangu vyama vya TANU na Afro viungane Tarehe 5 Februari 1977. Muundo wa Serikali ya Jamhuri ya Muungano wa Tanzania ni muundo wenye Serikali mbili, Serikali ya Muungano na Serikali ya Zanzibar*’^v(CCM Manifesto, 2005:166). The then CCM chairman and the president of the United Republic, Mr. Benjamin William Mkapa once remarked: ‘*Kielelezo cha Uhai wa Chama ni Uendelevu wa Muungano wetu.*’^{vi} This statement is intriguing in two senses. Firstly, CCM will do whatever it takes to see that the Union endures so that the party continues in office.

Secondly, the Union question being a condition for an organization to be registered and to operate as a political party works in favour of the ruling party against opposition parties in terms of mobilizing supporters and members. It is against that backdrop the Nyalali Commission^{vii} retaliated that in a pluralist system of government the fundamental and national principles in the constitution should be of such a nature that any political party elected to form a government respects them. The Commission observed that Article 8 of the URT Constitution 1977 is designed around the one party system and more specifically it is oriented to favour CCM. The Nyalali Commission recommended therefore that ‘Ideologies and related ideological policies should not be included in the country’s Constitution rather they should appear in the relevant political parties election campaign programmes and manifestos.’

In 1999, the government undertook a White Paper in order to reform the constitution. One of the issues was on the structure of the Union. The Kisanga Committee^{viii} collected peoples’ opinions as follows: Out of the total 66,105 respondents, 6.54 per cent recommended for one government; 88.87 per cent recommended for two governments; 4.32 per cent recommended for three governments, and 0.26 per cent recommended for other systems. However, the committee recommended for a three government structure. This recommendation was not accepted by the government. As can be seen, the number of Tanzanians who support the two government structure of the Union is very significant, implying that CCM benefits substantially from this policy. It should be emphasised that there is no problem for CCM to stand for the two government structure of the Union. What is problematic is the fact that the constitution of the country is used to further the interests of one party at the expense of others.

For the Civic United Front (CUF) and Jahazi Asilia which stand for the three government structure, the policy which is not legitimised constitutionally, automatically cannot effectively attract supporters particularly on this issue. It is interesting to note that in 2007 the Research and Education for Democracy in Tanzania (REDET) undertook an opinion survey and asked one important question: Why do people vote CCM and its candidates in office? The highest frequent response was that CCM is trusted due to its past history 37 per cent and the second most response was its good policies 13.7 per cent. It may be argued with equal validity that the said history as well as good policy constitute, among other things the Union question.

Likewise, the CCM’s ideology, i.e. *Ujamaa* is well entrenched in the country’s constitution. To be sure, Article 4(3) of the CCM constitution 1977 states ‘Chama Cha Mapinduzi believes that Socialism and Self-Reliance is the only way to

build a society of equal and free individuals.’ Yet Article 5(3) furthers that one of the aims and objectives of CCM shall be ‘To promote the building of socialism and self-reliance on the basis of the Arusha Declaration.’ As already stated, the CCM’s *Ujamaa* ideology is cherished in the country’s constitution as per Article 9 which provides:

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 the 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 and for that reason, the state authority and all its agencies are obliged to direct their policies and programmes towards ensuring...

The above paragraph emphasizes that the policy of Socialism and Self-reliance is mandatory for the building of a nation of equals who enjoy freedom, justice and fraternity. This implies that the country’s constitution provides for an effective and legal implementation of the CCM’s ideology. In 1999, the Kisanga committee provided the opinion of Tanzanians on whether the words Socialism and Self-reliance should remain in the state constitution or otherwise. It was observed that out of 42,172 respondents, 10.23 per cent preferred such words to be removed from the constitution since they favour one party at the expense of others; 88.36 per cent wanted the words to remain on the ground that *Ujamaa* is not related in any way with the ruling party but rather it provides for the country’s vision and that the words are historical and identity for Tanzanians; 0.95 per cent wanted Self-reliance to remain while Socialism be removed; and 0.4 per cent wanted *Ujamaa* to remain in the constitution. Despite the fact that *Ujamaa* as an ideology of CCM was practically discarded following the Zanzibar Declaration of 1991^{ix}, the party still maintains it as its ideology constitutionally. In its 2005 election Manifesto CCM popularised itself by a slogan ‘better life for every Tanzanian’ and that *Ujamaa* was the only way to build a just society. The majority Tanzanians still express their preference towards *Ujamaa*. It is interesting to note that despite the current practiced market economy, most Tanzanians would want the state to be the leading institution with regard to the production and provision of goods and services. The Afro-barometer survey of 2002 found that Tanzanians are still oriented towards the socialist ideology and would therefore want the government to be the key institution in running the economy of the country as well as providing social services (Chaligha *et al*, 2002).

Human Rights Abuse

Human rights are central in mobilising voters particularly in campaigns. Freedom of assembly and expression are key rights to this end. In Tanzania, these rights are enshrined in the Constitution of the United Republic 1977 and the Political Parties Act No. 5 of 1992. To be precise, the Act provides for the rights and privileges to be enjoyed by a political party whether it is fully or provisionally registered. Section 11(1) of the Act states: Every party which had been provisionally registered shall be and entitled (a) to hold and address public meetings in any area in the United Republic after obtaining permit from the District Commissioner for the area concerned for the purpose of publicising their party and soliciting for membership, (b) to the protection and assistance of the security agencies for the purposes of facilitating peaceful and orderly meetings. These rights and privileges are also extended to a fully registered party during electoral campaigns.

As can be seen, the rights and privileges to be enjoyed were subject to the discretionary powers of the District Commissioners (DCs). However, it should be understood that apart from merely being appointed by the president who at the same time is a CCM chairperson, the DCs as well as the Regional Commissioners (RCs) are per excellence die-hard CCM carders who constitute members of the CCM security committees^x in their respective areas. It is doubtful whether the commissioners would be impartial in issuing the permits. In the case of *Mabere Nyauchro Marando and Another v. The Attorney General*^{vi} the two Plaintiffs (leaders of the newly registered political parties) challenged Section 11(1) of the Political Parties Act on the ground that the law conferred powers to DCs who were at the same time members and officers of the ruling party CCM. They argued that the DCs could not exercise their powers impartially.

The High Court ruled that all parties should be treated equally in which case the DCs had conflict of interests in exercising their mandate. The court therefore held that Section 11(1) of the Political Parties Act was repugnant to Article 20(1) of the Constitution of the United Republic of Tanzania 1977, and could not be saved by Article 30(2) thereof. Interestingly, the court ordered the law to be as it was in Section 40 of the Police Force Ordinance, prior to its amendment by Act No. 35 of 1962. The impact of this ruling was to return to the police officer in charge of a station, the power to issue permits for public assemblies, meetings and rallies. However, in the case of *Rev. Christopher Mtikila v. The Attorney General*^{xii}, this decision was overruled. One of the issues in this case was whether Sections 40, 41, 42, and 43 of the Police Force Ordinance and Section 11(1) and (2) of Political Parties Act which made it necessary to obtain permits in order to hold or organise public meetings or processions, were unconstitutional or otherwise. The court held that Section 40 of the Police Force Ordinance and Section 11(1) of the Political Parties Act were unconstitutional as they could be saved by Article 30(2) of the Constitution. The court further maintained that it shall be lawful for any person or body to convene, collect or organize and address an assembly or procession in any public place without first having to obtain a permit from the DC. And that it shall be sufficient for a notice of such assembly or procession to be lodged with the police, being delivered a copy to the District Commissioner for information. It is interesting to note, that although the Kisanga Report of 1999 recommended that DCs and RCs should not be leaders of political parties or members and participants in any political party’s committees’ meetings, CCM and its government still maintain that structure. Moreover, the DCs and RCs work in collaboration with the security officers to prevent the meetings by opposition parties and support those of the ruling party.

There are two main ways by which CCM enjoys mobilisation from the DCs and RCs on the one hand, and the security forces on the other. The first way is intimidation. To be specific, in the 1995 election in Kigoma region, the then RC, Mr. Yusuf Makamba did several meetings with DCs, Ward Executive Officers (WEOs), Village Executive Officers (VEOs) and heads of government departments in Kigoma and Kasulu towns urging them to mobilize people to register and vote for CCM. He warned them that if CCM would lose, they would also lose their jobs (Tanzania Election Monitoring Committee (TEMCO), 1997:195). In the 2005 elections, in Shinyanga, Iringa, and Rukwa, the RCs, DCs and WEOs worked hard to prevent people from attending opposition parties’ campaigns. They warned that if they did not obey, the government would stop development projects in their respective areas. In some

cases they were threatened that force would be used to cajole those who would disobey the order. Intimidation through the use of DCs and RCs has since the advent of multipartism been the characteristic feature of CCM. This has led TEMCO to conclude that owing to this systemic problem, it will be difficult to have a level political playfield in Tanzania without finding out a way of making these powerful people in the regions, districts, Wards and divisions act impartially (TEMCO 2006: 168-176). This has remained a common phenomenon of the Tanzania's electoral system (USAID/Tanzania, 2010).

Besides, systematic steps have been taken by CCM to bring to the attention of the public that opposition parties will bring about wars and genocide just like what happened in Rwanda and Burundi. The behaviour of CCM and its government towards opposition parties was clearly put in the case of *The Attorney General and Two Others v. Aman Walid Kabourou*.^{xiii}

In this case, the then CCM chairman, Ali Hassan Mwinyi and president of the United Republic of Tanzania, the then CCM Secretary General, Horace Kolimba, the then CCM National Publicity Secretary, Kingunge Ngombale Mwiru, and Augustino Lyatonga Mrema (MP), the then Minister of Home Affairs and Deputy Prime Minister uttered defamatory statements regarding the petitioner and his political party. The statements which were accepted by the court are the followings:

Witness 6: Statements uttered by Mr. Mrema: 'He started to warn us against opposition parties. He said who knows not how to die should look at the grave. He asked us to go to Lake Tanganyika and see Burundi Refugees and said they were a product of opposition parties. At Lake Tanganyika Stadium there were thousands of Burundi Refugees who were living in real hardships. They slept outside and had no shelter from rain or sun. He repeated saying that if other parties were elected this will be a cause for war like in Angola, Burundi, Liberia, and so forth'.

Witness 8: Statements by Mr. Kingunge Ngombale Mwiru: 'The person we want to elect first tore the national flag and if he had failed to respect the national flag, will he respect you?'

Witness 9: Statements uttered by Mr. Kolimba: 'Kolimba told us electing another party besides CCM is to bring war and refugees like in Burundi, Rwanda and other countries.'

Witness 2: Statements by President Ali Hassan Mwinyi: 'I heard him talking. He talked many things but one of them is calling opponents puppets and mercenaries...and those puppets were given money and people should take the money and eat it as it was their money...I was not expecting such words from president but he uttered them.'

The court ruled that the public statements made by various officials of the CCM in respect of opposition parties generally, and the respondent's party specifically, were clearly defamatory, and such statements cannot be justified during electioneering since elections are required to be conducted not only with due observance of the constitution and the Elections Act, but also of the general law of the land which forbids defamation. The court further held that because of large number of people who attended these campaign rallies and the respect people of this country usually give to their president and his ministers, the defamatory and intimidatory statements in question must have affected the election results in favour of CCM. The tendency by the ruling party to threaten citizens, particularly those who support opposition parties, is phenomenal and prevalent. In the 2005 general elections, the party made use of the Inspector General of Police (IGP), then Mr. Omari Mahita to threaten citizens that opposition parties intended to shed blood on the

voting day (TEMCO, 2006). Similarly, in the 2010 elections, the security forces were used to fix opposition parties. On that occasion, the Tanzania People's Defence Forces (TPDF) Chief of Staff, Lt. General Abdurrahman Shimbo, the Deputy Director of Criminal Investigations, Mr. Peter Kivuyo and Head of the Police Special Operations Unit, Mr. Venance Tossi made a strong statement that they were prepared to face those who intended to disrupt peace during elections. They further warned parties to accept results after that elections (*Daily News*, 1st January, 2010).

The implication of these statements was simply that opposition parties did not qualify to be elected and lead the country. No wonder, the CCM's claim that the party stands for peace, unity and tranquillity^{xiv} is a suspect of what it does in reality.

The second way is the use of police to disrupt opposition parties' meetings and in some cases beating their supporters. As can be noted, this way is essentially premised on violence, something which is not allowed by the law. Section 9(2)(b) of the Political Parties Act states that 'Without prejudice to subsection (1) of this section, no political party shall qualify for provisional registration if by its constitution or policy it accepts or advocates the use of force or violence as a means of attaining its political objectives.' The spirit behind this law is to ensure that parties solicit members and voters based on persuasive means rather than the use of violence and intimidation. Section 9(1)(c) of the Political Parties Act requires parties to allow voluntary and open membership to all citizens. It should be admitted from the outset that in Tanzania there is no political party that has put violence in its documents such as policies, constitutions or manifestos in order to solicit supporters. However, instances of violence have well been marked particularly during political campaigns. For example, the Civic United Front's motto of *Ngangari* during the 2000 elections motivated its followers to use violence not necessarily to solicit members but rather to defend themselves against police brutality. Yet, political parties have kept youths as forces to defend the interests of their parties. The typical case of such groups include the *Blue Guards* of the Civic United Front (CUF), *Green Guards* of CCM to mention but a few examples. This is contrary to Section 11C of the Political Parties (Amendment) Act of 2008 that states: 'A political party whether provisionally or fully registered shall not be entitled to establish, form or maintain security forces.'

Despite the requirements of the above cited laws, security forces have been used to disrupt the meetings of opposition parties. To concretise the behaviour of security forces, ample examples are shown. TEMCO reported in the 2000 election that the police worked in favour of CCM by arresting more than 400 supporters of opposition parties and constantly clashed with them during campaigns in Kawe, Musoma, Ilala, Songea, Tabora, Rukwa and Mtwara (TEMCO, 2001: 89).

The behaviour of security forces was more evidenced in the 2010 post election episode in Arusha region. In this incidence, the opposition party Chama cha Demokrasia na Maendeleo (CHADEMA) opposed the election of a city mayor in which the CCM candidate was claimed to have won. Reasons advanced by CHADEMA were that there was no information of such election after first being postponed and that it only involved two parties which were CCM and Tanzania Labour Party (TLP). While the election was going on, the Arusha constituency Member of Parliament (MP) through CHADEMA with his party's councillors went to the municipal offices but could not be

allowed to enter by the police officers. After defying the police order they were bitten up. This misunderstanding led CHADEMA leadership in Arusha and national wide to hold a peaceful public demonstration to protest the election of CCM candidate to be the mayor. The party followed normal procedures to inform the security forces on their intention to hold the demonstration. However, they were told not to demonstrate because the police had intelligent information that the demonstration would turn chaotic. Notwithstanding this denial, CHADEMA proceeded with their mission and the police force disrupted and employed excessive force by shooting the supporters of CHADEMA and managed to kill three people and injured many others including the top CHADEMA leadership.

This incidence raises fascinating questions: the first is who informed the police on the possibility of the meeting to be chaotic, why and for whose interest? Secondly, what would have been the role of the police force on the receipt of that information? In response to the first question, the CUF chairman Prof. Ibrahim Lipumba noted 'It is disheartening to note that police are saying they had intelligence reports that the demonstration would turn chaotic. The Police politicised the issue, and gave out wrong statement to serve the interests of the ruling party,' (*The Guardian* 8th January, 2011). It can be argued that the police had only one role with regard to the second posed question and that is to ensure adequate security in the demonstration since they already had information on it being chaotic rather than stopping the demonstration.

Religion

The use of religion to mobilise supporters by a political party is strictly prohibited in Tanzania. Section 9(1)(c) of the Political Parties Act provides that no political party shall qualify for provisional registration unless 'its membership is voluntary and open to all the citizens of the United Republic without discrimination on account of gender, *religious beliefs*, race, tribe, ethnic origin, profession or occupation'(emphasis mine). Moreover, section 9(2)(a)(i) of the same Act stipulates 'Without prejudice to subsection (1) of this section no political party shall qualify for provisional registration if by its constitution or policy it aims to advocate or further the interests of any religious belief or group.' These restrictions are congruent to Article 3(1) of the Constitution of the United Republic of Tanzania 1977 that states 'The United Republic is a democratic, *secular* and socialist state which adheres to multi-party democracy' (emphasis added).

However, this secularity is questioned. Mallya (2006:397) argues that 'Much of Tanzanians would want to be secular, it has been sitting easy on the secular chair. This an easiness seems to stem from the fact that most Tanzanians are religious; it would have been an uphill task to create a completely secular state in such a country within only a few decades.' Although there are no actual figures from previous censuses on the characteristics of Tanzania's population by religion, it is important to understand that the most leading religious denominations are Christians and Muslims with almost equal size. The third religious group constitutes the traditionalists. In fact, Tanzanians regard religious issues as sensitive.

Be as it may, the above laws are instructive with regard to the conduct and practice of multiparty politics in the country. As usual, the most important justification of these laws is simply to ensure the endurance of peace and unity. It must be admitted from the outset that since the introduction of multipartism in 1992, there is no any party that has been founded on religion by its constitution. This implies that membership to political parties has continued to be open to all citizens provided they fulfil the

requirements of membership by those parties. This is not to say that parties have completely insulated themselves from using religion in furthering their interests. For a long-time the practice of using religion for mobilisation has been informal and only individual religious leaders may appear to support a certain party or candidate. In the 1995 elections, for example, 'some politicians decided to appeal to the ethnic or religious sentiments of voters in order to attract them' (TEMCO, 1997: 102). In the 2000 elections, religion as a tool of mobilising support was more pronounced. TEMCO noted how religion was used during campaigns:

Election 2000 enhanced a new culture, sheikhs and priests cast aside their cassocks and left the pulpits to climb on to the campaign dais. What is noteworthy is that when Mtopea campaigned for CCM all was well and quite. When Mtikila took to the CUF dais, murmurs began to be heard and when finally Kakobe climbed onto the bandwagon in support of TLP, first CCM and then NEC and the Registrar of Political Parties cried foul. The religious leaders continued to do their act with impunity, because the code of conduct does not address this issue (2001: 90).

The above cited paragraph provides an interesting way by which government authorities tend to behave in relation to party politics. As can be seen, the ruling party CCM as well as some opposition parties enjoyed support through religious mobilisation. It is important to note that the National Electoral Commission (NEC) and the Registrar of Political Parties, the institutions with powers to condemn and take actions against political parties that violate the law and use religion as a tool for campaigning, were in favour of CCM. This may partially be explained by the fact that all the commissioners of the NEC and the Registrar are appointed by the president who at the same time is the chairperson of the ruling party and sometimes a presidential candidate in a given election. The appointments are by and large based on the wide discretionary powers of the president. It hence becomes doubtful for these institutions to perform their designated roles impartially (Makulilo, 2009).

In the 2005 elections, the religious factor remained intact particularly in favour of the ruling party CCM. TEMCO (2006:64) observed 'In the 2005 general elections, religious leaders took an active role in the campaigns. Bishops, Sheiks, and so forth pronounced openly that the CCM presidential candidate was the 'choice' of God.'

Besides, unlike in the previous elections, in 2005 CCM made it officially in section 108(b) of its manifesto that if elected, the party would direct its government '*Kulipatia Ufumbuzi suala la kuanzishwa kwa Mahakama ya Kadhi Tanzania Bara.*'^{xv} It should be pointed out that finding a solution is subject to several interpretations: establishing the court, not establishing the court or simply to amend the existing legal system in order to accommodate the deficit without establishing the court. Since Muslims have demanded for the establishment of the court for a long-time, there is no political party that would risk by putting a proposal in its manifesto advocating not to establish the court. It should be noted that CCM membership has the following characteristics by religion: Muslims 62.3 per cent, compared to Christians 58.3 per cent and 55.4 per cent of all non-believers as well as 70.0 Per cent of all traditionalists (Mallya, 2006: 401). Since a manifesto is a policy to solicit voters and supporters, it would not have been possible for CCM to opt for not establishing such a court. It is crystal clear that at the time of campaigning, the words 'finding solution' were very straightforward to voters and more particularly to Muslims. It

simply meant to find a solution to establish the court as opposed to a solution not to establish the court. In the context of Tanzania, had the meaning of finding a solution been not to establish the court Muslims would have voiced at that particular moment. This did not happen. A further evidence to this point is that after the general elections, Muslims demanded CCM to establish the court since it was in the party's manifesto (*Shura ya Maimamu*, 2009). Nonetheless, it should be understood that party manifestos are not legal documents that should be implemented. As such, CCM may choose to implement it or not just as other issues it promised. Although there are no specific figures to substantiate the level of support CCM got out of the Kadhi's agenda, it would be unthinkable to rule out altogether the support the party had from this particular issue.

It is interesting to note that neither the National Electoral Commission nor the Registrar of political parties gave a statement on the use of religious elements by CCM. In my interviews with CCM^{xvi}, NEC^{xvii}, and the Registrar of political parties^{xviii} the answer as to why the NEC and Registrar kept quiet was given. They said that it was not wrong for CCM to use the Kadhi's agenda since the party's manifesto simply reads 'to find out solution in establishing the Kadhi's court' but 'not to establish the court.' As I have already argued in the preceding paragraphs, there is no way CCM can escape from the mistake it did. What is surprising is the fact that during the 2005 electoral campaigns, Christians did not complain on the Kadhi's court agenda by CCM. They just endorsed the CCM presidential candidate as God's choice. It was when CCM started to feel pressure from Muslims on establishing the court that Christians warned the government not to implement the agenda. In 2008 for example, 58 Bishops from the Christian Council of Tanzania (CCT) issued a statement against CCM government on its move to establish the Kadhi's court and to join the Organisation of Islamic Conference (OIC). They said that if the government would proceed with its agenda, the Church would rethink of its relations with CCM (*Majira*, 25 Agosti, 2008). This statement implies that CCM has some strategic relation with the Church. Similarly, in its manifesto for the October 2010 elections, the Roman Catholic Church warned the government to 'respect the principle of secularity of the state and not to allow religious institutions (like Kadhi's courts and membership to OIC) to become part of the legal system (Tanzania Episcopal Conference (TEC) Manifesto, 2010).

Indeed, the pressure from Christians jeopardises the move by CCM to establish the court. As an exit strategy to drop the Kadhi's court agenda, CCM has consistently argued that it did not promise to establish the court but rather to find out a solution something which leaves a lot to be desired. It is interesting to note that the Kadhi's court as well as the OIC agenda stirred up a heated discussion in the parliament.^{xix}

Corruption

The problem of corruption during election is not uncommon in Tanzania. TEMCO reports that one of the salient features of Tanzania's electoral system since the introduction of multipartism in 1992 is corruption (TEMCO, 1997; 2001; 2006). It should nonetheless be noted that, corruption during election is strictly forbidden under the Elections Act. No. 1 of 1985 as it compromises individual's rights to vote and be voted in office. Although there are accusations by the general public over the use of corruption to solicit votes, most of recorded corruption acts are those done by the ruling party. This may be due to the fact that the party has much resources (sometimes it uses state resources to corrupt voters) as compared to the opposition

parties. The typical incidence was in 1994 following the Kigoma by election. In the case of *the Attorney General and Two Others v. Aman Walid Kabourou*^{xx} it was held that the maintenance of the Kigoma Ujiji road during the campaign period was executed with the corrupt motive of influencing voters to vote for the CCM candidate and that it affected the results of the by election.

Yet, in 2000, the *Takrima* (meaning hospitality) Law was enacted as an amendment to the Elections Act that is Act. No. 4 of 2000, and thus Section 98(2) read: 'anything done in good faith as an act of normal or traditional hospitality, shall be deemed not to be treating.' Subsection (3) of the same section provided further that 'normal or ordinary expenses spent in good faith in the election campaign or in the ordinary cause of election process shall be deemed not to be treating, bribery or illegal practice.' The underlying logic of *Takrima* law was to legalize corruption albeit under the justification of African traditional hospitality. The impact of this law on corruption was critical as the 2000 and 2005 elections were marred with massive corruption. TEMCO (2001: 88) observed that 'in Shinyanga where there was food shortage, some CCM officials pegged government assistance to their voting for the party.' It is interesting to note that after the 2005 elections, President Jakaya Mrisho Kikwete promised a law to check election expenses so as to avoid corruption. It should be noted that in the 2005 elections the party distributed tons of T-shirts, Khanga, and Caps to voters across the country with greater impact in the rural villages where most people are poor. Baregu argues that CCM makes poverty its political capital to mobilize hungry voters particularly in rural areas.^{xxi}

The fact that CCM deploys corrupt mechanisms to solicit votes at the expense of the opposition parties is more exact than mere rumours. The Institute of Development Studies (IDS) of the University of Dar es Salaam survey of 2010 attests to this reality. Table 1 below provides opinions of respondents on the level of corruption by political parties during elections.

As can be observed, CCM scores a relatively higher degree. This can partly be explained by two factors. One is that CCM has a command of wide resource base including the ones obtained illegally from the state. The second is that the party cannot be held accountable by the relevant authorities that deal with corruption. To be sure, one officer from the Prevention and Combating of Corruption Bureau (PCCB) had this to say: 'The more powerful is the political party, the greater the level of corruption. This is why CCM is more involved in corruption cases during elections compared to other political parties. The problem is that when you report such cases, powerful political leaders in CCM interfere to threaten you claiming that you are ashaming (*Sic*) the ruling party.'^{xxii} It should be recalled that in 1999, the then first president of the United Republic of Tanzania and Chairman of CCM, Mwalimu Julius K. Nyerere made a similar comment as he said:

In 1990 the Chama Cha Mapinduzi (CCM) abandoned the one-party state for a multi-party system. But we do not have an opposition. The point I was making when I made the statement was that any party that stays in power too long becomes corrupt. The Communist Party in the Soviet Union, the CCM of Tanzania and the Conservative Party of Britain all stayed in power too long and became corrupt. This is especially so if the opposition is too weak or non-existent.^{xxiii}

The above paragraph is quite telling. It assumes that longevity of a party in power as well as weak opposition or its absence make the ruling party of the day corrupt. In my view, while strong opposition is essential for enhancing accountability mechanism against corruption, longevity of a party in itself has nothing to do with corruption. The most important question is related to the architectural design of the formal anti-corruption institutions as well as the political culture of the citizens. It should be understood that in Tanzania the anti-corruption institutions are weak^{xxiv} and most Tanzanians exhibit the subject culture of requesting rather than demanding. To cement this argument, the Afro-Barometer survey of 2002 found that Tanzanians are 'uncritical citizens' in which the ordinary people have not yet developed the healthy scepticism about authority, the independence of preference, and the courage to take action that are the life blood of a functioning democratic system (Chaligha et al, 2002).

Yet, the Member of Parliament^{xxv} (MP) for Karatu constituency, Dr. Wilbrood Slaa (from opposition party CHADEMA) complained on a more crude way of corrupting people by CCM. The MP said:

Now CCM has come up with another kind of new form of corruption which, if not immediately contained, it is going to kill democracy in this nation. This is a kind of corruption whereby CCM team of members pass in every single house, records the registration numbers of voters' identity cards ready to buy them before election as a way to stop those who are likely to vote for opposition parties from casting their votes in 2010 general elections (IDS, 2010).

It has to be asked, who is the source of corruption during elections? The IDS survey and its conclusion of 2010 found that, of the respondents interviewed, 85 per cent opined that it is leaders themselves; 3.7 per cent said that it is voters; and 11.3 per cent did not give any response (see table 2 below). As indicated by the percentage scores below, such corrupt candidates seem to be the ones who conduct corrupt campaigns to solicit voters as a way to influence their choices. When tables 1 and 2 are read together, it appears clearly that CCM candidates are at the forefront of corrupting voters. As such, the IDS findings are in line with what Robert Pinkney found in 1997. According to him, CCM employs systemic vote buying and thereby attracting 38 per cent of members from opposition

parties, 35 per cent from non-party members, and 14 per cent of members from CCM itself (Pinkney, 1997: 200).

In 2006, the *Takrima* law was declared unconstitutional for it perpetuated corruption during elections. In the case of the *Legal and Human Rights Centre (LHRC), Lawyers' Environmental Action Team (LEAT), and National Organization for Legal Assistance (NOLA) v. The Attorney General*^{xxvi} the High court held that the *Takrima* law fertilized corruption. Despite the repeal of this law, corruption is still a major problem during elections. In dealing with this problem, the Election Expenses Act. No. 6 of 2010 was enacted. Notwithstanding its existence, this law has failed to prevent corruption in elections. To be sure, during 2010 elections for example, CCM candidates in Arusha were alleged to have used money, clothes and food to corrupt voters (*Nipasha*, 21st October, 2010). Furthermore, the law benefits the rich candidates and parties (TEMCO, 2010).

Conclusion

Party mobilisation is an important aspect of party politics. Nonetheless, parties ought to use legal mechanisms for mobilising support in a multiparty democracy. This study observed that, the ruling party CCM and the state in Tanzania are intertwined thereby benefiting in terms of support and resource mobilisation contrary to the democratic principles of fairness. Four ways by which the ruling party mobilises its support were discussed. The first was the use of state ideologies of union and *ujamaa* in furtherance of its survival. The second way was through the use of state functionaries. The RCs, DCs, WEOs and VEOs have strategically been used to that end. Thirdly, apart from Tanzania being a secular state, the ruling party uses religion as a tool to mobilise support illegally. The use of the Kadhi's court has been instrumental to obtain support from the Islamic community especially in 2005 elections. Finally, corruption has since the advent of multiparty system been the characteristic feature of the ruling party in mobilising support. The use of *Trakima* that is 'traditional hospitality', was among the mechanisms used. Being poor and ignorant, most Tanzanians have been trapped by CCM to support it. These unfair and illegal mechanisms used by CCM work at the cost of opposition parties in particular and democracy in general. Although the country is re-writing a new constitution which is expected to be in force by 2014, the entire process seems to be controlled by the ruling party and its government.

Table 1: Respondents' Opinions on the most Corrupt Political Parties by Regions in percentage

REGION	MOST CORRUPT POLITICAL PARTIES						
	CCM	CUF	CHADEMA	NCCR	TLP	I DON'T KNOW	NO RESPONSE
Manyara	57.1	11.4	5.7	0.0	0.0	8.6	17.1
Arusha	48.6	0.0	13.5	0.0	0.0	10.8	27.0
Dar es Salaam	100.0	0.0	0.0	0.0	0.0	0.0	0.0
Tanga	50.0	0.0	0.0	0.0	0.0	0.0	50.0
Kilimanjaro	31.0	0.0	3.4	3.4	0.0	20.7	41.1
Morogoro	50.0	3.8	11.5	0.0	0.0	11.5	23.1
Dodoma	48.0	0.0	8.0	0.0	4.0	4.0	36.0
Total in %	49.5	2.7	7.0	0.5	0.5	9.1	30.6

Source: University of Dar es Salaam, Institute of Development Studies (2010:63).

Table 2: Respondents' views on who initiates corruption between voters or candidates by regions

S/N	REGION	Who initiates corruption in '%'		
		Candidates	Voters	No response
1	Manyara	80.0	4.0	16.0
2	Arusha	92.3	0.0	7.7
3	Dar Es Salaam	62.5	12.5	25.0
4	Tanga	83.3	16.7	0.0
5	Kilimanjaro	84.6	0.0	15.4
6	Morogoro	91.7	0.0	8.3
7	Dodoma	86.7	6.7	6.7
Average total in '%'		85.0	3.7	11.3

Source: University of Dar es Salaam, Institute of Development Studies (2010:45).

Notes

ⁱ Tanzania is a United Republic after the merger of the two independent states of Tanganyika and Zanzibar on 26 April, 1964.

ⁱⁱ The report of the Presidential commission on single party or multiparty politics in Tanzania 1991. This commission was tasked to collect the views of the people on whether Tanzania should go multiparty or remain single party. Although 77.2 per cent of respondents wanted Tanzania to remain one party state, the commission recommended for a multiparty system with above conditions be fulfilled.

ⁱⁱⁱ Tanzania got its independence on 9 December 1961 based on a multiparty system. In 1965 the country became constitutionally a one party-state. This system was abandoned in 1992 in favour of multipartism.

^{iv} It was stated by Hon. Edward Lowassa, then the Minister of State in the Prime Minister and First Vice-President's Office when introducing the Political Parties Act of 1992 that 'to make political parties to be national institutions which are not tribal, religious and organs only aimed at advocating and furthering ethnic and particular group or racial interests. Otherwise these conditions are also aimed at the safeguarding of the Union and democracy within the parties themselves and also peace and tranquillity in the conduct of political parties'. See Hansard: Majadiliano ya Bunge-Taarifa Rasmi: Mkutano wa Saba- 28 Aprili-8 Mei 1992. Part I (Dar es Salaam: Bunge Press-Government Printer, pp 684-685).

^v Literally translated as 'Chama Cha Mapinduzi has been the pillar of the Union since TANU and Afro-Shiraz Party merged on 5 February, 1977. The United Republic of Tanzania is made up of two governments, the Union government and the government of Zanzibar'.

^{vi} Literally translated as 'The life of the party depends on the survival of the Union'. See Chama Cha Mapinduzi, Hotuba ya Mwenyekiti wa Chama Cha Mapinduzi, Mheshimiwa Benjamin William Mkapa, Mkutano Mkuu wa CCM 2006: Hotuba ya Mwenyekiti ya Kung'atuka na Kuaga, Chimwaga, Dodoma, 25 Juni 2006.

^{vii} See the United Republic of Tanzania, 1992. The Presidential Commission on Single Party or Multiparty System in Tanzania, 1991. Volume One: Report and Recommendations of the Commission on the Democracy System in Tanzania, Dar es Salaam University Press, p. 143. (The Commission is popularly named after its chairman, the late Chief Justice Francis Nyalali).

^{viii} This was a committee formed by the President of the United Republic to solicit peoples' opinion with regard to constitutional review. It was headed by Judge Robert Kisanga. It is popularly known as Kisanga Committee after its chairman.

^{ix} See Chama Cha Mapinduzi, Maamuzi ya Zanzibar 1991, Kama yalivyofafanuliwa na Mwenyekiti wa CCM, Rais Ali Hassan Mwinyi katika Hotuba yake ya Twende na Wakati, Diamond Jubilee, Dar es Salaam, 25 Februari, 1991.

^x See Articles 79(1)(c) and 91(1)(c) of the CCM Constitution, 1977. Among other things, these committees deliberate on all matters pertaining to peace and security in their respective areas making the line between the state and CCM blurred.

^{xi} High Court Civil Case No. 168 of 1993, Dar es Salaam (Unreported).

^{xii} Court of Appeal, Civil appeal No. 28 of 1995, Dar es Salaam (unreported).

^{xiii} [1996] T.L.R., the Court of Appeal of Tanzania, Civil Appeals No. 32 and 42 of 1994. This case was filed by Kabourou, then the MP candidate for CHADEMA during the 1994 Kigoma by-elections. In that election, CCM won the seat but the court nullified the results.

^{xiv} See Hotuba ya Mwenyekiti wa Chama Cha Mapinduzi (CCM), Mheshimiwa Benjamin William Mkapa, kwenye Mkutano wa Halmashauri Kuu ya CCM, Dodoma, 25 Agosti, 2004; See also Ilani ya Uchaguzi ya CCM kwa ajili ya Uchaguzi Mkuu wa Mwaka 2005, Halmashauri Kuu ya Taifa, Agosti, 2005, uk. 87. Yet other observers like Max Mmuya believe that in Africa and other newly democratizing societies, the introduction of multiparty system towards the end of 1980s has revived ethnic and regional loyalties and heightened tensions around class, religious and other factional differences which have undermined the previously existing institutions and structures that knit the societies together and promoted social and economic development. See Mmuya Max .2000. "Democratisation, Party Politics and Elections in Tanzania" in Engel Ulf et al. (eds) Tanzania Revisited: Political Stability, Aid Dependency and Development Constraints, Institute of African Studies, Hamburg. pp. 71-92. This position while equates multiparty democracy with violence, it is too general. It impliedly assumes that peace, unity, tranquillity and development are inherently a property of a single party system. However, other scholars have challenged this view by arguing that unity can still be possible when there is consensus and discussion. For detailed analysis see Shivji, Issa G. 1991. "Towards a New Democratic Politics", UDASA Bulletin, No. 12; See also Erdmann, Gero, (2000). A Cautious Promise for Stable Democratization?: Comments on Mmuya's "Democratization, Party Politics and Elections in Tanzania" in Engel Ulf et al. (eds) Tanzania Revisited: Political Stability, Aid Dependency and Development Constraints, Institute of African Studies, Hamburg. pp. 93-6; See also Bergstermann, Jörg 2000. "Structural Changes and Challenges in Tanzania Politics: Comments on Mmuya's "Democratization, Party Politics and Elections in Tanzania" in Engel Ulf et al. (eds) Tanzania Revisited: Political Stability, Aid Dependency and Development Constraints, Institute of African Studies, Hamburg. pp. 97-104.

^{xv} Literally translated as 'to find out solution on the establishment of the Kadhi's Court in mainland Tanzania'.

^{xvi} Respondent from CCM: 'It was not a breach of law. The government does not have religion but people do have. However, the government is there to solve people's needs and problems. CCM creates the environment for the court to be established by Muslims without threatening the interests of other religions.' When asked: why did the registrar keep quite on the issue, he said "party manifestos and policies are not brought to the registrar but only the constitution. Manifestos are brought to the people." Interview with Mr. Akmlombe Shahib , Deputy Secretary General Ideology and Publicity Department, CCM Headquarters, Dar es Salaam, 4th January, 2010.

^{xvii} Respondent from NEC: 'The issue was the same as women's problem or disabled people. The party looks at the peoples' welfare and that is part of it. The issue of Kadhi's court is therefore not a breach of law.' But she admitted 'they put it in their manifesto so strategically. In Zanzibar, for example, the judge of the Kadhi's court is paid by the government.' Interview

with Ms. Clothilde Komba Principle Election Officer, National Election Commission (NEC) Dar es Salaam, 5th January, 2010.

^{xviii} Respondent from the Registrar of Political Parties: 'CCM said it will work on the problem.' He said further that 'Mtikila came to our office claiming that the office should deregister CCM. He was given an answer that made him not go back again.' When asked what exactly was the answer, he declined to say it. He furthered that 'voters have religion. However, the problem of establishing the court is still in process and is tackled by a committee of Mufti.' Interview with Mr. Muhidin Mapeo, State Attorney to the Office of the Registrar of Political Parties, Dar es Salaam, 30th December, 2009.

^{xix} See Jamhuri ya Muungano wa Tanzania, Bunge la Tanzania, Taarifa Rasmi (Hansard), Mkutano wa Nne, Kikao cha Thelathini na Moja, Tarehe 27 Julai 2006. Kimetayarishwa na Kupigwa Chapa na Idara ya Taarifa Rasmi za Bunge, Ofisi ya Bunge Dodoma.

^{xx} Court of Appeal of Tanzania, Civil Appeals No. 32 and 42 of 1994, Dar es Salaam 1996[T.L.R]

^{xxi} Interview with Prof. Mwesiga Baregu, Independent Analyst, Dar es Salaam, 23 December, 2009.

^{xxii} Institute of Development Studies (IDS), University of Dar es Salaam, (2010) *Grappling with Corruption in Local Government Elections: A Focus on Arusha, Dar es Salaam, Morogoro, Dodoma, Kilimanjaro, Tanga, and Manyara Regions*. A Research Report Submitted to the Prevention and Combating of Corruption Bureau (PCCB) Headquarters, Dar es Salaam, March, 2010:63.

^{xxiii} See the Heart of Africa. Interview with Julius Nyerere on Anti-Colonialism, New Internationalist Magazine, issue 309, January-February 1999 <http://www.oneworld.org/>, accessed 23.04.2010).

^{xxiv} Just like the National Electoral Commission and the office of the Registrar of political parties, the Prevention and Combating of Corruption Bureau (PCCB) is also a presidential appointee. Its allegiance is to the president who is the chairman of the ruling party. The security of tenure of its officers depends on the good will of the president

^{xxv} He was the member of parliament for Karatu constituency in Arusha (1995-2005). In the 2010 general elections, Dr. Slaa contested as a presidential candidate for CHADEMA.

^{xxvi} High Court of Tanzania, Miscellaneous Civil Cause No. 77 of 2005, Dar es Salaam (unreported).

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