

# TANZANIA

## 1. PRESENTATION<sup>1</sup>

Basic Facts <sup>2</sup>	
Name of Country	United Republic of Tanzania (Tanzania)
Capital	Dodoma, where the legislature sits, although the executive has its seat in Dar es Salaam.
Population	37,445,392 (July 2006)
Area	945,087 sq km
Average Life Expectancy	45.64 years
Ethnic Groups and Religions	Mainland - Native African 99% (of which 95% are Bantu consisting of more than 130 tribes), other 1% (consisting of Asian, European, and Arab); Zanzibar - Arab, native African, mixed Arab and native African
GDP per capita, PPP	\$700 (2005 est.)

Community of Democracies	
Previous participation	Participant at all previous Community of Democracies summits

### Timeline of Recent Major Events in Tanzania:<sup>3</sup>

- **1985** – Julius Nyerere voluntarily retires, and is replaced by the President of Zanzibar, Ali Hassan Mwinyi
- **1992** – Constitution amended to allow multi-party politics, ending the one-party rule of the *Chama Cha Mapinduzi* (CCM)
- **1995** – Benjamin Mkapa elected President in multi-party elections, succeeding President Ali Hassan Mwinyi; CCM party gains landslide victory in parliament
- **2000** – Mkapa re-elected with 72% of the vote
- **2001** January – Political violence on Zanzibar as opposition Civic United Front (CUF) partisans and government forces clash
- **2001** March – CUF and ruling party (CCM) reach agreement to defuse the situation in Zanzibar
- **2001** October – CCM and CUF announce reconciliation agreement, promising a reform program
- **2005** March-April – political violence in Zanzibar ahead of local election
- **2005** December – Jakaya Kikwete (CCM) wins presidential election, succeeding retiring President Mkapa (CCM).

<sup>1</sup> Principal author: Democracy Coalition Project

<sup>2</sup> Source: CIA World Factbook at <http://www.cia.gov/cia/publications/factbook/index.html>, accessed on August 18, 2006.

<sup>3</sup> Source: 'Timeline:Tanzania' (30 June 2006) *BBC News* at [http://news.bbc.co.uk/2/hi/africa/country\\_profiles/1072386.stm](http://news.bbc.co.uk/2/hi/africa/country_profiles/1072386.stm), accessed on August 18, 2006.

# TANZANIA

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## 2. BACKGROUND

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Tanzania was formed out of the state union of Tanganyika and the islands of Zanzibar and Pemba in 1964, and its asymmetrical federal system of government reflects this union. From 1967 until 1995, Tanzania was ruled by one party, the Chama Cha Mapinduzi (CCM) or Party of the Revolution, formed out of the union of Nyerere's Tanganyika African National Union (TANU) and the Zanzibar Afro-Shirazi Party. President Nyerere's rule was marked by his efforts to create a particular form of "African socialism" in which traditional African collectivism would combine with a state-led economy to produce development, in a system known as *ujamaa*. Nyerere retired voluntarily in 1985, admitting that his program of African socialism had failed, and opening the door to free market reforms and multi-party democracy, which were pursued under his successor, Ali Hassan Mwinyi. However, Tanzania's transition to multi-party democracy was tainted by accusations that the first election after the reforms, in 1995, was marred by fraud and irregularities.<sup>4</sup> The election saw a landslide victory for the CCM in both the legislative and presidential elections, as the CCM candidate for President, Benjamin Mkapa, was elected.

The elections held in 2000 were seen as a modest improvement from 1995. Still, fraudulent polls were reported on the islands of Zanzibar and Pemba.<sup>5</sup> The CCM again won a victory in parliament, capturing 202 of 232 seats, and President Mkapa of the CCM was re-elected with 71% of the vote. However, protests and riots against perceived irregularities on the islands of Pemba and Zanzibar led to the death of 21 people.<sup>6</sup> The main opposition party, the Civic United Front, protested the results, and 16 Civic United Front (CUF) deputies were expelled from parliament after boycotting the legislature in protest against the election results.

In response to the bitterness produced by the outcome of the poll and the subsequent political violence, the CCM and CUF signed a reconciliation accord in October 2001 which envisaged a number of reforms in order to improve the transparency of the electoral process in the future. By-elections held in 2003, the first under the new rules, were generally considered free and fair, and resulted in a CUF victory.<sup>7</sup> Nevertheless, local elections in November 2004, won by the CCM, were marred by some violence. Opposition parties alleged that the CCM had received undue government support.

In 2005, elections took place for the autonomous institutions of Zanzibar as well as for President of Tanzania. On Zanzibar, the CCM won both the presidency and a majority of the legislature. The national ("union") elections, initially scheduled for October, were postponed due to the death of one of the candidates, as provided for in Tanzanian electoral law. In the December presidential elections, CCM candidate Jakaya Kikwete won with 82% of the vote, and the CCM captured 206 of the 233 seats in parliament. The election cycle of 2005 saw some improvements in the administration of elections, but

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<sup>4</sup> Freedom House (2005).

<sup>5</sup> Freedom House (2005).

<sup>6</sup> State Department (March 2006).

<sup>7</sup> Freedom House (2005); State Department (March 2006).

also a number of instances of political violence and electoral irregularities. International observers especially decried irregularities on the island of Zanzibar.<sup>8</sup>

### 3. ANALYSIS

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#### **Democratic Institutions and Processes**

##### *Constitution and Institutions*

The constitutional system set in place after the amendments to the constitution of the early 1990s brought Tanzania's system closer to a representative democracy. National elections are held every five years. A unicameral *Bunge*, or parliament, is elected at the same time as the President, and has a total of 323 members. Of these, 232 are elected through constituency first-past-the-post elections, and 75 are seats reserved for women, obtained through list-based proportional representation. Another 5 are from the Zanzibar House of Representatives, and 10 are appointed directly by the President of the Republic. In 2001, the government enacted a Human Rights and Good Governance Commission, with powers of recommendation. The Commission has been reviewing human rights cases since it was set up; for instance, in April 2005 it ruled in favor of 135 evicted villagers, and went to court to enforce its rulings in June 2005.<sup>9</sup> However, members of the Commission have complained about the lack of direct enforcement powers that the Commission has, and the Commission has been said to lack sufficient financial and human resources.<sup>10</sup>

In November 2006 the *Bunge* passed the Local Government Laws (Miscellaneous) Amendments Bill 2006, which allows the Prime Minister to appoint three councilors in each municipality. These powers could potentially be used to wrest a number of municipal councils away from the control of the opposition parties.

##### *Elections and the Multi-Party System*

While Tanzania has made great strides toward democracy from the days of one-party rule, a number of concerns remain surrounding the operation of its multi-party system. The constitutional amendments passed in 1992 to set up the multi-party system contained a number of criteria for party registration which may restrict the free operation of some political groups. Parties have to have a base in both the mainland and the islands, cannot advocate the dissolution of the union, and cannot be based on ethnic, regional, racial, or religious grounds.<sup>11</sup> In addition, the Political Parties Act places certain restrictions on the formation of coalitions or mergers among parties that might facilitate

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<sup>8</sup> State Department (2006).

<sup>9</sup> State Department (2006)

<sup>10</sup> 'Human Rights Commission says It's Toothless' (July 22, 2006) *Guardian* at <http://www.ippmedia.com/ipp/guardian/2005/07/22/45064.html>, accessed on August 21, 2006; Commission on Human Rights (6 March 2006) p274

<sup>11</sup> Electoral Institute of Southern Africa (EISA) (2006) p2; State Department (2006)

## TANZANIA

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the emergence of powerful opposition parties. While such principles may perhaps be defensible from the perspective of conflict management or prevention, they clash with the principles of multi-party democracy. Furthermore, these criteria were not agreed upon by all the parties, but drawn up by the ruling party, the CCM.<sup>12</sup> However, the agreement between the CCM and CUF in 2001 is a welcome sign of Tanzanian parties coming together to improve the democratic process, although not all the reforms envisaged in the agreement have been implemented.<sup>13</sup>

Some opposition voices claim that, in addition to the structural barriers imposed by the constitution on multi-party elections, free and fair elections are hampered by the lack of independence of the electoral commission.<sup>14</sup>

Security forces harassed members of the opposition during 2005 and 2006, and sometimes stopped opposition rallies from taking place during the election campaign. In confrontations with the police, opposition party supporters were dispersed with tear gas and live bullets.<sup>15</sup> Opposition candidates were briefly detained for short periods of time.<sup>16</sup> In September 2006, regional police forces banned an opposition party from holding a rally in Dar es Salaam.<sup>17</sup>

The 2005 elections in Zanzibar were marked by violence and some concerns about irregularities, where the CUF alleged that its supporters were beaten, arrested arbitrarily, and harassed by pro-CCM youth militias.<sup>18</sup> Observers from the Electoral Institute of Southern Africa (EISA) noted that they had witnessed such a violent incident.<sup>19</sup> They further noted a number of irregularities with the voter registration process.<sup>20</sup> The Zanzibar Election Commission (ZEC) was accused by other observers of disenfranchising voters through inaccuracies in the Permanent Voter Roll (PVR).<sup>21</sup>

The union-level elections of December 2005 were also marked by outbreaks of violence between government and opposition supporters, though these were seen as relatively minor.<sup>22</sup> There were some concerns about equal media access, but observers and civil society organizations noted that media access had improved since the last election.<sup>23</sup>

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<sup>12</sup> EISA (2006) p2

<sup>13</sup> Freedom House (2005).

<sup>14</sup> Anonymous Opposition member of the *Bunge*, in comments on this report, November 2006.

<sup>15</sup> State Department (2006).

<sup>16</sup> State Department (2006).

<sup>17</sup> 'Tanzania police ban planned opposition party public rally in Dar es Salaam' Radio Tanzania (September 29, 2006) accessed through BBC Monitoring Africa.

<sup>18</sup> Amnesty International (2006); State Department (2006).

<sup>19</sup> EISA (2006b) pp40-41.

<sup>20</sup> EISA (2006b) pp40-41.

<sup>21</sup> State Department (2006).

<sup>22</sup> EISA (2006) p24.

<sup>23</sup> Ibid.

## Rule of Law

### *Judiciary*

Whilst observers have noted the significant improvement in the administration of justice in Tanzania, they point out that the judiciary still has a number of problems. According to human rights observers, the judiciary is highly susceptible to influence from external forces, especially the executive branch.<sup>24</sup> Furthermore, it faces severe underfunding and is apparently open to corruption.<sup>25</sup>

### *Prison Conditions*

Concerns have been raised about the conditions of prisoners in Tanzania's correctional facilities. According to Freedom House, 45,000 inmates were being kept in the country's prisons despite the fact that their maximum is of 21,000.<sup>26</sup> Large delays in bringing detainees to trial were noted; many detainees had already served the equivalent of their sentence by the time they were convicted.<sup>27</sup> Furthermore, the security forces have been accused of corruption and the excessive use of force.<sup>28</sup> The traditional village militia, or *sungusungu*, have been accused of abusing detainees with relative impunity.<sup>29</sup> There are some indications that national police forces maltreated or tortured detainees and prisoners, especially through such methods as floggings and beatings.<sup>30</sup> Furthermore, there are indications that police use excessive force against civilians, particularly in dispersing demonstrators. However, senior police officers have spoken out against these abuses.<sup>31</sup>

## Freedom of expression, association and assembly: media and civil society issues

Whilst the freedom of assembly and association are guaranteed by Tanzania's constitution and its adherence to international human rights instruments, in practice the government often interfered with peaceful gatherings of a religious and political kind. Particularly worrying, from the perspective of Tanzania's democratic development, are reports that opposition party rallies during the election campaign of 2005 were sometimes interfered with or banned.<sup>32</sup> However, some suggest that since the arrival of a new police chief in March 2006, police harassment of opposition events has declined.<sup>33</sup> Religious

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<sup>24</sup> State Department (2006); Amnesty International (2006).

<sup>25</sup> State Department (2006).

<sup>26</sup> Freedom House (2005).

<sup>27</sup> State Department (2006).

<sup>28</sup> State Department (2006).

<sup>29</sup> State Department (2006).

<sup>30</sup> State Department (2006); see 'Tanzania 'killer police' in court' (February 20, 2006) *BBC News*, <http://news.bbc.co.uk/2/hi/africa/4732878.stm>, accessed on August 22, 2006.

<sup>31</sup> State Department (2006).

<sup>32</sup> State Department (2006).

<sup>33</sup> Anonymous opposition member of the *Bunge*, in comments on this paper, November 2006.

## TANZANIA

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gatherings were also targeted, with evidence that the government has singled out Muslim groups in particular.<sup>34</sup>

A number of human rights observers have raised concerns about the guarantee of the freedom of association in Tanzania. A 2006 report by the UN Special Representative of the Secretary-General on Human Rights Defenders, Hina Jilani, drew attention to the uncertain conditions for non-governmental organizations (NGOs) in Tanzania. While she recognized that the introduction of multi-party democracy in Tanzania in the 1990s meant that “the environment for human rights defenders is becoming increasingly open”, she pointed out that recent legislation may be obstructing the freedom of association.<sup>35</sup> The 2002 Law of NGOs attempts to regulate NGOs in a way that creates “serious obstacles” to the exercise of the freedom of association. In particular, the law imposes an obligation on NGOs to register with a state NGO Board, and a refusal to do may result in up to one year’s imprisonment. Furthermore, NGOs may be rejected for registration if they do not act in the “public interest”. The law also allows the President of Tanzania to appoint the director of NGO boards, and allows the government to set policy guidelines within which an NGO may act.<sup>36</sup>

The government occasionally takes a heavy-handed approach to certain critical NGOs: in September 2005, the government banned Haki Elimu, a local NGO, from publishing any articles on schools or the education system, arguing that the NGO disparaged the education system and failed to follow government policy.<sup>37</sup> However, many NGOs have reported that their fears regarding the act have not been realized, and that the NGO Act has not been prejudicial to their operations so far.<sup>38</sup>

A similar problem exists regarding freedom of expression, especially that of the media. While the political and constitutional climate for a free, diverse and critical media in Tanzania has undoubtedly improved with the arrival of multi-party democracy, the specific legislation and regulations in place pose threats to the freedom of expression of journalists. The constitution protects the freedom of expression and Tanzania has seen an explosion in the number of privately owned and operated publications and media.<sup>39</sup> Nevertheless, journalists have not been able to overcome the “hangover of state control of the media” in its attempts to establish for themselves a more favorable and protective legal and regulatory position.<sup>40</sup> A series of laws dating back to more authoritarian times - such as the Newspaper Registration Act, the Broadcasting Services Act and the National Security Act - give the government wide powers to influence and control the media’s freedom of expression.<sup>41</sup> At the same time, the government stated a new policy on a freer and better regulated media in 2003, but very little of these new policies have been

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<sup>34</sup> State Department (2006).

<sup>35</sup> Commission on Human Rights (2006) p273.

<sup>36</sup> Commission on Human Rights (2006) pp273-274.

<sup>37</sup> State Department (2006).

<sup>38</sup> State Department (2006).

<sup>39</sup> Media Institute of Southern Africa (MISA) (2005) p118.

<sup>40</sup> Ibid.

<sup>41</sup> Freedom House (2005) p197.

transposed into enabling legislation.<sup>42</sup> Furthermore, individual journalists have been targeted and physically maltreated in a number of incidents.<sup>43</sup>

### **Is Zanzibar's autonomy used as a cover for repression?**

A special examination must be made of the democracy and human rights record of the autonomous government of Zanzibar. As discussed above, the islands of Zanzibar have a special autonomous status under the United Republic of Tanzania. The scope of the so-called "union" laws is fairly restricted, and hence many human rights observers have suggested that the autonomous government of Zanzibar may be using its particular status for repressive purposes.<sup>44</sup> A number of the problems cited for Tanzania as a whole are worse in Zanzibar.

The 2005 elections in Zanzibar saw significant armed clashes between the security forces and supporters of the CUF, and CUF members made allegations that they had been beaten and maltreated by CCM partisans. Zanzibari authorities denied opposition parties entry to certain constituencies on the islands and rejected requests for opposition campaign rallies.<sup>45</sup> Some registration sites for both the Zanzibari and national elections saw violence between paramilitary forces and opposition supporters, and pro-government gangs prevented opposition supporters from filing challenges to the registration of certain voters.<sup>46</sup>

The media face a more restrictive situation in Zanzibar than they do on the mainland, as the islands' government uses the Zanzibar News Act, which allows the immediate withdrawal of a license to publish, to punish journalists.<sup>47</sup> In November 2003, Zanzibar's only private and independent newspaper, *Dira*, was banned by the authorities, after the newspaper had made accusations against the government.<sup>48</sup> Since then, there has been no private print media.<sup>49</sup> The mainland government's new policy on the media does not even apply to Zanzibar; at the same time, the government of Zanzibar has been responsive to appeals for a better, and less restrictive, regulatory framework for the media.<sup>50</sup>

Some of the institutional safeguards that exist on the mainland do not apply in Zanzibar. For instance, the Commission on Human Rights and Good Governance, while it does have an office in Zanzibar, does not have any authority to investigate on the island.<sup>51</sup> Similarly, the Tanzanian Prevention of Corruption Bureau (PCB) does not operate on Zanzibar.<sup>52</sup>

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<sup>42</sup> MISA (2005) p119.

<sup>43</sup> MISA (2005) p120.

<sup>44</sup> State Department (2006); MISA (2005) p120; Freedom House (2005).

<sup>45</sup> State Department (2006).

<sup>46</sup> State Department (2006).

<sup>47</sup> State Department (2006).

<sup>48</sup> Freedom House (2005) p198.

<sup>49</sup> MISA (2006) p120.

<sup>50</sup> Ibid.

<sup>51</sup> State Department (2006).

<sup>52</sup> State Department (2006).

## 4. SUGGESTIONS FOR IMPROVEMENT

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Tanzania's transition from one-party rule to a rudimentary multi-party democracy with a vibrant civil society and media shows that there has been clear evolution toward democracy. There are, however a number of worrying developments that should be addressed satisfactorily.

Four issues in particular stand out. The legal position of civil society has been significantly altered by the 2002 Law on NGOs, putting into doubt the guarantee of the freedom of association. Secondly, the government must make good on its stated commitment to overhaul the antiquated and undemocratic media laws. Thirdly, the Tanzanian government should aim to ensure that basic standards of human rights, good governance, and democracy are not undermined in Zanzibar under the cover of autonomy. Finally, the government must address the concerns of the opposition regarding the electoral process, as well as the limitations on the formation and registration of political parties.

The NGO Law of 2002, while it attempted to bring clarity to the legal status and regulation of NGOs, which is a necessary element for a strong civil society, must be reformed. Removing the vagueness in the definition of "public interest" would take away one avenue for threatening NGOs with arbitrary closure. The government should also remove criminal penalties for the failure to register. The language of the law and government policy should move away from the idea that NGOs are to work according to government direction, as this denies the very notion of civil society.

The government already stated in October 2003 that it wishes to overhaul the media laws that are a relic of a more authoritarian time, by passing, *inter alia*, a Freedom of Information Act. However, according to the Media Institute of Southern Africa, no timetable has been published for the deliberation and approval of such a bill.<sup>53</sup> The government must, as soon as possible, take concrete steps to move forward with media reform. The mainland government should put pressure on the Zanzibar government to follow a similar path on media reform and address the serious limitations to the freedom of the press that exist on those islands.

Tanzania must do more to address popular concerns about the electoral process. While international observers have concluded that the country has improved its administration of free and fair elections since the implementation of multi-party rule in the 1990s, the riots and protests of 2005 evidence a strong distrust among the opposition parties of the electoral process and its fairness. Tanzania should also consider lifting the restrictive criteria for political parties: while they may have contributed to stability, they are effectively a form of censorship on the range of positions which any politician may take.

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<sup>53</sup> MISA (2006) p118.

## TANZANIA

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A greater effort must be made by mainland and union leaders to convince their colleagues in Zanzibar to introduce on the islands the sort of democratic and human rights reforms that Tanzania has seen as a whole. Extending the reach of the Human Rights and Good Governance Commission to the islands would be an important start.

### 5. STATISTICS AND INDICATORS

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World Bank Institute Governance Indicators 2005	Tanzania Score	Key
Voice and Accountability	37.7	Range 0-100 (Lower value indicates weak voice and accountability; higher value indicates strong voice and account)
Political Stability and Absence of Violence	33	Range 0-100 (Lower value indicates weak political stability and high violence; higher value indicates opposite)
Government Effectiveness	42.1	Range 0-100 (Lower value indicates weak government effectiveness; higher value indicates strong govt. effectiveness)
Regulatory Quality	33.7	Range 0-100 (Lower value indicates weak regulatory quality; higher value indicates strong regulatory quality)
Rule of Law	41.1	Range 0-100 (Lower value indicates weak rule of law; higher value indicates strong rule of law)
Control of Corruption	28.6	Range 0-100 (Lower value indicates weak control of corruption; higher value indicates strong control of corruption)

Freedom House: Freedom in the World 2007	Tanzania Score	Key
Political Rights	4	Range 1-7 (Lower value indicates good system of political rights; higher value indicates bad system political rights)
Civil Liberties	3	Range 1-7 (Lower value indicates good system of civil liberties; higher value indicates bad system civil liberties)
Status	PF	3 Categories: F (Free); PF (Partly Free); NF (Not Free) / (*) Indicates electoral system

Freedom House: Freedom of the Press 2006	Tanzania Score	Key
Total Score	51PF	Range 0-100 (Lower value indicates total free press; higher value indicates less freedom) / 3 Categories: F (Free); PF (Partly Free); NF (Not Free)

Bertelsmann Transformation Index 2006	Tanzania Country Score	Key
Stateness	7.8	Range 0-10 (Lower value indicates negative democratic development; higher value indicates positive democratic development)
Political Participation	7.0	
Rule of Law	5.8	
Stability of democratic Institutions	6.0	
Political and Social Integration	5.8	

## TANZANIA

Total Score Political Transformation	6.45	Range 0-10 (Lower value indicates negative democratic development; higher value indicates positive democratic development) / Arrow shows trend in democratic development (↑Improved; ↓Worsened)
Total Score Political Management	5.92	Range 0-10 (Lower value indicates lower quality of political management; higher value indicates higher quality of political management)

Corruption Perceptions Index 2006	Tanzania Score	Key
Total Score	2.9	Range 0-10 (lower value indicates high corruption; higher value indicates lower values of corruption)

### 6. SOURCES

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