Political Reform in Tanzania: The Struggle for Associational Autonomy

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The shift to multipartyism in a large number of African countries, the growth of opposition parties and the opening up of electoral processes were major changes on the African political landscape in the 1990s. These were perhaps the most visible manifestations of attempts at political reform and ones that have received greatest media, scholarly and donor attention. The electoral arena was an important site of resistance. However, all too often, electoral contenders were fighting simply to gain access to political power but not to fundamentally alter the structure of power and the personalistic, clientelistic basis of political rule. Subsequently, scholarly attention began to focus on the limitations of the democratization process in Africa (and elsewhere) and, in particular, on the erosion of political and civil liberties in countries that had succeeded in establishing electoral democracy.

This preoccupation with the superficiality of electoral democracy is an important critique, but it also tends to privilege the electoral arena in countries where parties are weak and fragmented and multipartyism has done little to change the way in which politics is conducted. The notion of "eroding" liberties makes little sense in countries that never attained those liberties in the first place. This study suggests that as critical as elections are to democratization, a more important locus of the struggle for political reform in Africa has been with associations that are seeking to establish and maintain their autonomy from the state. Even in countries like Uganda, where there have been no multiparty elections, key non-governmental, women's, media and other organizations have struggled intensely to establish and to preserve their autonomy from the state and in doing so have sought to strengthen the freedom of association and expression.1 One of the key challenges to the status quo has come from organizations which do not have a stake in the perpetuation of "politics as usual" and whose very existence is contingent on more thorough-going political reform.
Thus, even in situations like Tanzania where the democratization process has been stalled after multiparty elections and the government has shown little inclination to deepen the democratization process, critical struggles have continued at the societal level over issues pertaining to political and civil liberties. These struggles become important if one takes a long term historical view of democratization that shows that countries that have had earlier experiences with democracy are more likely to succeed in subsequent attempts, more so than countries that have no democratic tradition. The efforts to create and preserve associational autonomy become part of a broader project of institutional change — of fighting for the freedom of expression and association, and for the rule of law — in addition to transforming the political culture.

This article explores these issues in the context of Tanzania. It draws on fieldwork carried out in Tanzania in 1994 and in 1997-98 involving interviews with 77 leaders of a cross section of organizations at the national and local levels (media, women's, religious, credit, human rights, environmental, etc.). In addition, I carried out extensive interviews with newspaper editors, publishers and journalists, TV producers, radio commentators and radio producers as well as officials in the Ministry of Information and Broadcasting. I interviewed officials in the Ministry of Community Development, Women Affairs and Children and members of the Local Government Reform team in the Office of the Prime Minister. Representatives of key donor countries (within aid agencies and embassies), academics, members of parliament, leaders of the various parties, and many others were also consulted.

Limits of Electoral Democracy

Richard Joseph has suggested that many African countries exhibit little more than "virtual democracy" in which the ritual and symbolism associated with elections has provided an aura of adherence to democratization in form, but not necessarily in substance. Many like Joseph have expressed similar reservations about the depth of democratic reform in Africa. Some have
examined the limitations of democratization by focusing on problems of political culture and political legitimacy. Others have emphasized the weakness of institutions in newly democratizing countries. Larry Diamond, for example, is concerned with the deteriorating quality of third wave and third world democracies, arguing that it is the prevalence of a wide range of electoral and pseudo democracies that characterizes much of the third wave democratization today. Building on the work of Terry Karl and Philippe Schmitter, Diamond shows that competitive elections are only a first and minimal step in the direction of democratization. Liberal democracy not only encompasses regular, free and fair elections, but also freedom of expression and association, equality under the law, rule of law, protection of civil liberties etc.

Diamond along with Fareed Zakaria, Samuel Huntington and others make an important distinction between democracy and liberalism, which is sometimes referred to as "constitutional liberalism." Democracy is concerned with who rules. Democracy in the form of elections to the legislative bodies and other public positions becomes the main mechanism through which people exercise their rule under conditions where direct democracy is not possible. Liberalism, in contrast, refers to the limits on government and is characterized by free and fair elections, the separation of powers, the rule of law (especially the constitution, human rights or inalienable rights) and the protection of the private sphere.

Electoral democracies, according to Diamond, fall short of the liberal ideal in that political and civil liberties are not important beyond ensuring meaningful electoral competition. Pseudo democracies are even weaker than electoral democracies, according to Diamond. They have a legal opposition and some other features of constitutional democracies but cannot ensure free and fair electoral contestation. African countries, he argues, are especially likely to fall into the categories of electoral or pseudo democracies because so often they have been able to liberalize politically in response to donor pressure, but simultaneously carry out as much repression as they can get away with in order to cling to power.

Although most would agree that Africa does not have optimal economic and political
conditions to sustain democracy, some have gone so far as to argue that the process of
democratization under premature economic and social conditions is more harmful than
maintaining the status quo. Samuel Huntington, for example, argues that non-Western countries
lacking in Western liberal traditions frequently carry out elections appealing to ethnicity, religion
or nationality that exacerbate divisions within a country, often giving power to "nativist" and
anti-Western and anti-democratic political movements, e.g., Turkey, India, Israel, Algeria. The
problem with this argument is that non-democratic regimes are just as likely or more likely to
manipulate such divisions. Moreover, in countries like Kenya where political allegiances have
been built in a divisive way along ethnic lines in electoral politics, these are subversions of
democracy rather than consequences of it. The causes for these subversions can be found in the
legacy of the countries' authoritarian colonial and post-colonial history, rather than in the recent
introduction of a few democratic institutions.

Fareed Zakaria sees democratization without constitutional liberalism as dangerous,
resulting in the "erosion of liberty, the abuse of power, ethnic divisions, and even war." Liberal
autocracies, he concludes, are better than illiberal democracies. A cruder version of this
argument is apparent in the oft-cited article of journalist Robert Kaplan who argues that because
African economies do not provide the necessary economic conditions to sustain democracy,
democratization in Africa has weakened institutions and services and ultimately "after a few
months or years a bunch of soldiers with grenades will get bored and greedy, and will easily
topple their fledgling democracy. As likely as not, the democratic government will be composed
of corrupt, bickering, ineffectual politicians whose weak rule never had an institutional based to
start with . . . "

While I endorse the view that electoral democracy has proven to be relatively hollow in
most African countries, it cannot be assumed that nothing has changed, nor that authoritarian rule
is preferable over a limited democracy. Tanzania is a country that attained electoral democracy
in the early 1990s. By the end of the decade, the country's leadership had shown little inclination
to move in the direction of consolidating democracy, defined as the legitimation and
strengthening of the legislature, judiciary, political parties and other political institutions. Nor had the government taken steps to strengthen constitutional liberalism. Nevertheless, it would be a rare individual in Tanzania who would trade the country's socialist past for the political freedoms of the present, even given their limitations. The very fact that there is an opposition in parliament, as weak as it is, means that there is more room for societal organizations to maneuver and it opens up greater possibilities for legislative change. The relative freedom of the press and greater freedom of association, even given the myriad of constraints, are not taken lightly by those who have experienced the absence of these rights. Most of these changes have not come from above. They have been appropriated by society itself, which has asserted itself in the context of a weakening state.

It is difficult to imagine where the impetus for constitutional liberalism or consolidation would come from without its advocates within society. Thus this emphasis on the failures of electoral democracy overlooks the role societal actors are playing in trying to establish a firmer institutional ground on which to build democracy in a country like Tanzania. It exaggerates the importance of electoral democracy by assuming that electoral democracy ought to have resulted in consolidation without more fundamental changes in the country's political culture, institutions and associational life, changes which have only begun to materialize. The drive for electoral reform came largely from the ruling party, Chama Cha Mapinduzi (CCM), and opposition parties that didn't have a serious commitment to fundamentally changing the rules of the game. There is little reason to believe they have much interest in furthering a process which ultimately will undermine the way they conduct politics. The social forces that do have a lot to gain by bringing about change, only began to become activated as political space opened in the early to mid-1990s. Thus, it is too early to talk about the erosion of liberties in a country where they are only beginning to be identified and claimed. In other words, the polity cannot lose something it never had.

Democratization has always been a messy non-linear process with many countries moving haltingly from illiberal to liberal democracies. Mexico is one of the most recent
examples of a country that has been an illiberal democracy for decades and has begun to strengthen aspects of constitutional liberalism. Moreover, non-democratic political cultures are fairly entrenched and cannot be transformed overnight. But the kinds of struggles for constitutional rights that are detailed in this piece are transformative and they do result in an appreciation for new norms and political practices. These types of struggles may lay the groundwork and provide a basis for more far reaching changes in the future. At the same time, it should be emphasized that it certainly is not inevitable that they will provide such a basis, given the vagaries of regime change in Africa and the weakness of conditions supporting the consolidation of democracy. The loosening up of state hegemony over associational life as a result of decades of economic decline has left the state with much less leverage in resisting this kind of societal mobilization. Most of these organizations did not exist in the 1980s, and had they been in existence they would have balked at challenging the state's attempts to dominate their activities. This has all changed as they have begun to emerge and work together in coalitions and networks.

The Tanzanian case is not unlike other newly democratizing countries in Africa. As Gyimah-Boadi puts it:

Clearly, Africa's civil societies are among the chief engines driving the continent's political development. With their increased sophistication and mounting capabilities, they are helping to drive the shift from unalloyed state hegemony to nascent pluralism. Their growing self-awareness and determination to defend their autonomy against all efforts at suppression or cooptation (especially those originating from the state) are signs that they are here to stay.

The kinds of struggles outlined in this chapter are very similar to those found in other African countries that have growing autonomous non-governmental sectors. For example, Tanzania is not the only country where NGOs have had to mount a campaign to resist governmental legislative efforts to create an agency for the monitoring and control of NGO activities. NGOs have in recent years opposed such strategies to create national regulatory bodies in Botswana, Ghana, Kenya, Zimbabwe and Uganda. This article also describes how a large independent women's organization in Tanzania resisted government efforts first to coopt it
and later to deregister it. In an almost identical series of events in Zimbabwe, the leadership of the independent Association of Women's Clubs (AWC) was suspended in 1995. The matter was taken to court and in 1997 the courts struck down a key part of the Private Voluntary Organisations Act on the grounds that it violated the Constitution.16

The piece then shows how media workers in Tanzania successfully rejected a media bill that would have severely curtailed the freedom of the press. Similar initiatives have been introduced in other parts of Africa as well. In Uganda, a proposed 1991 Media and Press Bill in 1991 was strikingly similar to the Tanzanian one. Like the Tanzanian legislation, the Ugandan bill was later shelved after journalists mobilized against it. When it was reintroduced in 1993, it once again met with bitter opposition from media workers and was unable to garner parliamentary support to bring it to vote.17

Why Autonomy is So Critical

This study of associational autonomy in Tanzania incorporates but goes beyond the civil society case for autonomy that argues that autonomy is necessary in order to gain leverage with which to demand policy changes. Associational autonomy is important for many other reasons. It has to do with the capacity of non-governmental organizations to determine and broaden their own goals, regardless of whether or not they conform to the goals of central government, local government, political parties, donors and other powerful actors. In the case of Tanzania, autonomy from state institutions permitted organizations to take up issues like violence against women, land reform, children's rights, environmental concerns, constitutional reform, and many other politically sensitive demands that are rarely if ever addressed by CCM-affiliated associations.

Autonomy has permitted organizations to select their own leadership rather than have their officeholders selected by government or party officials based on political loyalties, as is the case with party-affiliated organizations and government controlled associations that dominated associational life in so many African countries since independence until the early 1990s.
Independence also allows associations to organize in ways of their own choosing.

Autonomy has meant that organizations can pursue collective action aimed at improving the welfare of the community by building a neighborhood well, road, clinic or school. Urban youth associations in Dakar, Senegal, and Kampala, Uganda, became frustrated with the lack of government public services and began to take matters into their own hands. Dakar young people who were part of a "Clean, Make Clean" movement formed groups to collect garbage, clean and paint buildings, shaming community leaders and public officials into making their own improvements in the city.18 A similar association of youth in Kampala started on a voluntary basis cleaning public toilets, market places and painting pedestrian crossing near schools, similarly challenging the city authorities to do more in the provision of basic services.

Studies in eastern Yorubaland and Western Nigeria describe hometown voluntary associations which existed since the colonial era but have gained in importance in the 1980s. They build schools, medical facilities, install electricity, water pipelines and telephone facilities, even providing infrastructure for postal services.19 Membership is open to members of the community who participate in meetings and planning. The associations tax members to finance projects, ensuring compliance through social pressure and in some areas they have become the apex organization for all the communities’ associational activities. They play an intermediary role mediating between local and national interests and enjoy a high level of legitimacy among the communities they operate in.

For organizations both at the national and local levels, autonomy has allowed marginalized sectors of society like women to challenge existing resource and power distributions that have discriminated against them. Throughout East Africa, women's organizations in the 1990s began to strategize and mobilize to increase the number of women running for political office, to find ways to gain access to business credit and to improve women's legal standing.

Finally, autonomy has allowed organizations to operate outside of state-based patronage networks. They have often created new norms of association that are distinct from the patterns of
participation associated with state-led institutions. Their autonomy from the state, is in fact, the basis for their own legitimacy. In Senegal, for example, there are 200,000 peasants who participate in the Federation of Senegalese Non-Government Organisations (FONGS) founded in 1978. FONGS is an umbrella national organization of 23 farmers associations and one urban association that has attempted a strategy of autonomization as a means to establishing legitimacy and out of a concern that their resources and structures might be claimed by the state, which continues to reduce services and inputs. The new leaders do not belong to long-established patronage networks and as a result they have been able to make negotiations with the state over producer prices become more transparent. Negotiations with rural extension centers, for example, have succeeded in becoming more open regarding services and other matters and peasants no longer pay illegal unofficial fees which in the past had resulted arbitrary interactions between peasants and state and a lack of trust.20

A Stalled Transition

This article shows how fierce struggles are being waged over associational autonomy in several arenas in Tanzania: between the state, on the one hand, and media, women's, business, youth and labor associations as well as the broader non-governmental sector on the other hand. Taken together, these struggles have had a greater impact to date on the quality of democratic life than any electoral outcome. This is because the opposition parties in Tanzania that might have pressed for change have been so internally divided and weak that they have had little impact on legislative processes since being elected to seats in parliament. Moreover, they have been unable to play any kind of linkage role between state and societal interests.

Tanzania opened up its political process in the early 1990s, when it separated the ruling party, Chama Cha Mapinduzi (CCM), from the government, passed legislation that shifted the country from a one party to multi-party system, delinked the trade unions and cooperatives from the ruling party, allowed for greater freedom of the press and freedom of association and held multiparty elections in 1995. The magnitude of these changes can only be appreciated in the
context of Tanzania's post-colonial history. In the years after independence from British rule in 1961, the Party was often indistinguishable from the government. The Party and government had a monopoly on the media; Party mass associations dominated associational life; while autonomous mobilization was sharply curtailed. Associational life at the national level was effectively crippled and was only beginning to assert itself in the late 1980s as a result of general economic decline and the decrease in state provisioning of social and welfare services.

When in the early 1990s, the Tanzanian government and ruling party initiated measures to liberalize the country politically, they were not being propelled by a massive popular movement. Instead, the leaders were responding to a variety of pressures given their reading of the political tea leaves. Political authorities had taken note of the democratizing winds sweeping Africa and sensed that there was a certain inevitability to the process that would eventually take hold in Tanzania. By jumpstarting political liberalization, they hoped to be able to manage it without risking their own political standing. The leaders also wanted to stay in the good graces of foreign donors, who were beginning to exert pressure to democratize. And finally, the CCM thought that by injecting an element of competition into the process, they would be able to reinvigorate their own party. They launched the liberalization process only because they believed they would be able to stay ahead of the game and that by taking the initiative, it would enhance CCM credibility over that of the opposition.

The CCM leaders' calculations proved to be correct. Generally the voting in the 1995 presidential and parliamentary was regarded as free and fair, with the exception of the elections on Zanzibar, where there were serious irregularities that remained uninvestigated. In the parliamentary elections, CCM won 59% of the votes and gained 80% of the seats through Tanzania's plurality system. The CCM candidate, Benjamin Mkapa, won 62% of the presidential vote. The CCM's position was strengthened in subsequent elections as it claimed victory in seven of the nine parliamentary by-elections, including the December 1997 victory of a CCM candidate in Arusha, the stronghold of the leading opposition party.

Meanwhile, societal actors began to take advantage of the new political openings to seek
more thorough going reform. The major constraint, however, on the Tanzanian transition has been that it was initiated from above. The government's liberalizing initiative dissipated with the holding of the first multiparty elections and there is little evidence of commitment on the part of the government to adopt any measures beyond continuing to hold multiparty elections. In 1992 a government sponsored Nyalali Commission identified 40 unconstitutional and repressive laws that remained on the books. Promises were made at the time that this legislation would be amended to bring it in line with the 1984 Bill of Rights. Subsequently the Minister for Justice and Constitutional Affairs stated publicly that the majority of Tanzanians wanted the forty laws to continue, implying that the government had no impetus to introduce legislation to amend the laws. The Nyalali Commission also recommended the convening of a constitutional commission that would oversee the drafting, debate and adoption of a new constitution, but since then there has been little indication of government commitment to such a process.

The executive continued to dominate the judiciary and legislature, making it difficult for the legislature to hold the president and cabinet accountable and for the judiciary to limit executive power. While in the early 1990s, sections of the judiciary appeared to be at the forefront of the reform process, by the late 1990s they were being hamstrung by legislation like the Basic Rights and Duties Enforcement Act of 1994, which was aimed at containing reformist judges who had declared various laws to be unconstitutional and in violation of basic rights and freedoms. Another amendment to the Advocates Act (1997) threatened the practice of pro bono human rights law.21

Not only did the government leaders take little initiative in moving the democratization process forward, but they actively sought to constraint those elements in society that were pressing for continued reform. By holding multiparty elections in 1995, the leaders felt that they had accomplished the minimum of what donors expected of them and the process of liberalization was brought to a grinding halt. By the late 1990s, what momentum remained for continuing the process came almost solely from societal actors.

Opposition political parties have done little to advance the reform process in Tanzania.
Tanzania has fourteen registered political parties, four of which emerged as key contenders in 1995 elections in addition to the CCM: National Convention for Construction and Reform (NCCR-Mageuzi), Chama cha Demokrasia na Maendeleo (CHADEMA), Civic United Front (CUF) and United Democratic Party (UDP). Since the election, key opposition parties have been sharply divided and crisis riven. The NCCR-Mageuzi is split between supporters of Mabere Marando, founder of the party, and Augustine Mrema, chairman of the party and former Deputy Prime Minister. The 19 NCCR members of parliament back Marando while the members of the party and regional chairpersons are behind Mrema. Tensions between supporters of the two wings of the party resulted in violence and shouting matches at a 8 May 1997 meeting of the NCCR. Other parties have also been wracked by intraparty conflict over embezzlement of party funds and charges of autocratic leadership. Because of these tendencies in the political parties and their lack of leadership and vision, leaders of key women's, human rights, lawyers and other societal organizations are fairly dismissive about the potential of political parties to influence efforts for political reform. In the late 1990s, women's and lawyer's associations began to discuss strategies to revise the constitution and, in particular, issues that have to do with the separation of powers, the bill of rights, and the union between the mainland and Zanzibar. One of their main concerns was to keep the initiative and leadership of constitutional reform out of the hands of the political parties, which they felt had no interest in genuine reform and were only interested in manipulating the process for their own self-serving interests. The parties were seen as disruptive to an already politically sensitive and difficult process.

The potential for political parties playing a linkage role between society and state is almost non-existent because of the parties' own internal weaknesses. Parties have thus far been unable to develop distinct platforms, resulting in support based largely on personality and individual personal leverage. Women's organizations, which are leading much of the reform initiative at the moment, have generally been disillusioned with the opposition political parties because they have done even worse than the CCM in taking up their concerns.
Growth of Associational Life

Throughout the 1990s the numbers of non-governmental organizations increased exponentially. In 1993 there were 224 registered international and national NGOs, of which the majority had been formed in the previous ten years. By mid-1997 there were reportedly 8,360 NGOs registered with the Registrar of Societies in the Ministry of Home Affairs and countless unregistered ones. Most were women's organizations, which make up 80 percent of all NGOs. Women have historically had more experience in organizing, especially in local and informal groups as well as religiously based organizations. Their exclusions from formal organizations had already given them more opportunities and avenues for mobilization independent of the party and government prior to the political opening in the early 1990s.

The NGOs had grown in response to economic crisis, hardships brought on by economic reform, state retreat and the opening up of new public spaces outside of the jurisdiction of the government and ruling party. In many cases, people needed to find mechanisms through which to provide services the state was no longer able to provide. A change in donor funding strategies away from the public sector towards non-governmental actors also contributed to the increase in formal associations.

These developments were accompanied by changes in attitudes regarding the role of the government. As one leader of the Tanzania Media Women's Association (TAMWA) put it, *What changed was psychological . . . Years of paternalistic state-led development had led to a prevalent attitude that if you want educational facilities, you wait for the government. If you want health services, you wait for the government. And then when that did not come, you blame the government. Economic crisis forced people to think for themselves. Economic crisis and political decontrol and loosening up stimulated people so much in terms of income-generation and in terms of real self-help efforts.*

As the organizations proliferated, so too did the networking activities in umbrella organizations like the Tanzania Association of Non-Governmental Organizations (TANGO), Tanzania Gender Networking Programme (TGNP), or at the regional level through organizations like the Kilimanjaro Women's Information and Education Corporation (KWIECO).
Increasingly ad hoc coalitions formed to protect citizens against government actions and to lobby for change. For example, pastoralist organizations, women's organizations and legal rights groups formed a coalition, the National Land Forum, to express reservations about a draft land bill, forcing the government to slow down its effort to hastily push through the bill.

Organizations of lawyers, academics, media organizations and human rights activists came together and were able to secure the release of a journalist who was imprisoned for allegedly being in illegal possession of government documents. Similar coalitions were formed to successfully resist the government's formation of a Media Council that would have introduced draconian controls on the freedom of the press. In another instance, when residents of Dar es Salaam's Ubungo-Kimara faced demolitions of their homes without compensation, organizations like the Tanzania Tenants Association and the Catholic Church Volunteers, rallied to their defense and offered concrete assistance. Women's associations together with human rights organizations were heavily involved in lobbying to get legislation passed that would reform the laws pertaining to inheritance, domestic violence, land reform, children's rights and defilement. The Tanzania Gender Networking Programme had been lobbying to get women's interests accounted for in the national budget by working with different ministries, including the Ministry of Finance and the Presidential Planning Commission.

In addition to local, regional and nationally networks, NGOs were also networking with similar organizations in East Africa, throughout the continent and internationally. Within the women's movement, for example, these kinds of linkages were being built around issues pertaining to reproductive rights, women and politics, legal rights, environmental concerns, children's rights and many other areas.

Although these newly formed organizations frequently faced serious problems of low capacity, weak administrative skills, transparency, poor leadership and donor dependency, some of the biggest dilemmas they confronted had to do with their lack of autonomy from the government and dominant party.

Some semi-autonomous associations like Tanzania Home Economics Association
(TAHEA) successfully extricated themselves from their ties to government and reestablished themselves as independent organizations. TAHEA not only severed its financial relations with the Ministry of Education, but it strengthened its ties to the rural groups it coordinated and worked with an expanded number of groups after it became independent. Moreover, it initiated a new agenda that diverged dramatically from its previous emphasis on domestic skills. Today it links its activities in health, nutrition and family life to women's rights, and women's economic and political empowerment. Still other organizations like the Tanzania Journalists Association (TAJA) became so discredited because of party and government domination of their leadership that their membership abandoned them to create new more effective and autonomous media organizations.

The mass organizations that were tied to the CCM had an especially hard time delinking themselves from the party. Elements within the leadership of the youth (VIJANA) and women's organizations (UWT) were thwarted in their efforts to break from the CCM.

Even though the workers' federation was able to nominally free itself from the party, its newer incarnations have not exhibited significantly greater autonomy. The first umbrella organization of workers that replaced the party-controlled trade union was the Organization of Tanzanian Trade Unions (OTTU), formed in 1991 through a highly restrictive Tanzania Trade Unions Act that made OTTU the only body allowed to represent workers in Tanzania. The act grants the president the power to deregister OTTU and the Minister of Labour and Youth Development can close down any OTTU branch at will.

Given such limitations, 11 new trade unions joined to create the Tanzania Federation of Free Trade Unions. However, the Federation and 10 of the unions have been denied registration by the Ministry of Labour and Youth as long as the OTTU Act is in place. Some of the unions within the Federation are pressing for the creation of an autonomous labor movement. However, the old leadership of OTTU was able to insinuate itself into the TFTU and thus the organization still remains only semi-autonomous from the CCM. The TFTU has, nevertheless, been lobbying the government to create new laws and review or repeal old labor laws that limit the freedom of
association and the right to organize collective bargaining. It has called on the government to ratify two ILO conventions related to the freedom of association, rights to organize, child labor, forced labor and equal pay for equal work. The labor movement appears to be torn between two divergent tendencies: one that aligns its fate with the CCM and the other that is eager to press for associational autonomy.

Unlike the labor movement, the cooperative movement was successful in extricating itself from the CCM through the Cooperatives Act of 1991. However, the legacy of one party control and the destruction of the cooperatives between 1976 and 1984 left the movement weak and it has never really been able to reclaim its pre-independence momentum.

Most of the new generation of organizations that emerged in the 1990s were quite independent of the party and government but they too faced enormous pressures for cooptation. This paper focuses on these organizations and the variety of ways the government has sought to limit and influence their activities. Deregistration was one such strategy. Another was to establish various umbrella organizations that would coordinate women’s, youth, labor, NGOs and many other sectors. Even in the area of business, the government was attempting to transform the Tanzania Chamber of Commerce, Industries and Agriculture (TCCIA) into an apex organization, named the Tanzanian National Business Council (TNBC). The effort was met with resistance from top TCCIA leaders, one of whom let it be known that he felt this was "a sinister machination to abolish the TCCIA through the back door." Juma Mwapachu, member of TCCIA and chairman of the organization of large manufacturers, Confederation of Tanzania Industries (CTI), expressed his resentment at the undemocratic manner in which the decision was taken to replace TCCIA with a new organization that mandated the incorporation of other legally formed bodies like CTI.

Thus, in spite of the political opening of the early 1990s, independent organizations emerged in a highly restrictive environment, steeped in the political culture and legacy of the one-party state. The government remained suspicious of non-governmental organizations, especially those that were involved in activities that were deemed too "political." Even the most
politically savvy and non-confrontational associations found it difficult to maneuver their way through the tight space between accomplishing their independent goals and remaining in the government's good graces.

There were costs for non-compliance. Those who did not toe the line were subject to harassment and indirect pressure in the form of denied opportunities for employment, promotion or other positions. Even those in the business sector that made "too much noise" similarly suffered the consequences. Some leaders were coopted through offers of "attractive" government positions. All of this took place in an atmosphere where associations, for the most part, were seeking ways to better cooperate with and influence the government.

Resisting Government Efforts to Depoliticize Organizations

One of the legacies of one-party rule is the fear that the new non-governmental organizations will challenge the hegemony of the CCM and its mass organizations. Organizations that have posed such a threat have been targeted and accused of being too "political." Organizations are often reminded that they need to maintain their "developmental" focus rather than adopt political objectives. For example, the Tanzanian Women Miners Association (TAWOMA) was told at its inaugural conference by the Minister for Minerals and Energy to distance itself from "politics" and concentrate on economic, technical and commercial activities.29

Any manifestation of opposition to government policy, even advocacy, can be interpreted by the authorities as a sign of adopting an anti-governmental position. The Minister of Home Affairs warned in July 1997 that NGOs engaging in hostile exchanges of words with the government would risk losing their registration as would NGOs that confronted the government through forums that created confusion and insecurity.30 A 1997 NGO policy drafted by the Vice President's office states that "NGOs as legal entities are restricted from engaging in any activity that will be construed to be political in nature," but are allowed to "engage in debate on development issues." Human rights organizations, in particular, have suffered from these types
of restrictions and have had difficulty in registering.

The Tanzanian National Women's Council (BAWATA) is another case in point and its registration difficulties are indicative of the limits on freedom of association and the political climate within which NGOs operate. Initially, elements within the leadership of the CCM's women's wing, Umoja wa Wanawake (UWT), wanted to make the UWT independent of the party, but the top party and the UWT leadership decided against this strategy. Instead, the UWT and the Ministry of Community Development, Women's Affairs and Children decided to form a non-governmental umbrella organization that would include all women's groups in Tanzania, one that was ostensibly independent but still under the control of UWT. One top official in the ministry explained that women's NGOs did not feel "comfortable with the Ministry" and so the thinking was that the Ministry would find it easier to "monitor, regulate and collaborate" with women's groups through a separate council.

It was with this in mind that they convened a national meeting in 1994 to create BAWATA. The organization was registered a year later under the Societies Ordinance as an independent NGO. With the help of significant amounts of donor aid, BAWATA was able to gain a modest presence throughout the country. It claimed a membership of 150,000 in 3,000 groups, although its actual strength at the grassroots level is disputed. BAWATA became involved in policy advocacy on issues including violence against women, sexual abuse of children, improved social services delivery, inheritance laws, land ownership and girl's access to education.

The UWT had thought it would be able to control the organization and keep it under CCM influence. However, much to the chagrin of top UWT leaders, BAWATA's leaders sought to make it a truly independent organization outside of the influence of any party with a membership open to anyone regardless of their party affiliation. The UWT then began to decampaign BAWATA in the media and at public events. One top UWT leader, who was also the Minister of Local Government, ordered women District Commissioners to discourage women from participating in BAWATA because it was being managed by women who were allegedly
too "independent minded."

Even under these circumstances, the overwhelming majority of BAWATA members remained UWT members. Nevertheless, several key UWT leaders felt shut out of an organization they had helped create and were annoyed by the fact that they were unable to control BAWATA. BAWATA’s visibility and success in accessing donor money soon placed it in direct competition with the UWT, which sought to deregister BAWATA.

The Minister of Home Affairs, under pressure from various individuals in his own Ministry, from leaders in the Ministry of Community Development, Women and Children, and from the CCM and UWT, suspended BAWATA’s activities on September 17, 1996. The Minister alleged that the aims of the organization were political, that it had the same structure as that of a political party, that BAWATA had branches at workplaces, and the procedures of running the organization were akin to mobilization and sensitization rather than being action oriented. BAWATA was told to amend its constitution, which they did at a meeting of their National Congress. But because they did not change their leadership to the government’s liking, the government banned the organization on 2 July 1997, and BAWATA was told to wait indefinitely to find out their legal status. BAWATA took the matter to the High Court on the grounds that the government action was unconstitutional and in violation of international human rights conventions to which Tanzania is a signatory.

The Court issued an injunction against the government prohibiting it from deregistering BAWATA until the case was heard. After the crisis erupted, members of BAWATA faced death threats, harassment and intimidation, sometimes even from security officers. Husbands of BAWATA leaders were demoted or lost their government jobs, while members of the organization’s branches faced intimidation from local authorities. Local chapters found themselves unable to meet and run their nursery schools and day care centers.

Meanwhile, the Ministry of Community Development, Women’s Affairs and Children took measures to form a new women’s council, claiming that BAWATA had been deregistered. A BAWATA document concluded, "It seems BAWATA is being held back deliberately in order
to promote other pro-government or pro-ruling party groups to establish themselves!"³¹

The deregistration of BAWATA was widely condemned by other NGOs who were disturbed by the implications of this action on the freedom of association. As one lawyer and journalist, Robert Rweyemamu put it: "Can an NGO geared to the development of the people be completely cut off from political life? It [The deregistration of BAWATA] is a test for those who claim to be devoted to uplifting the social, economic and cultural standards of Tanzanians."³²

By taking its case to the High Court, BAWATA challenged the country's Societies Ordinance. BAWATA used its law suit as a test case on the grounds that the government action and the Ordinance were unconstitutional. For some time NGOs have been concerned about the extensive powers granted the Registrar of Societies in the Societies Ordinance of 1954, which was an inherited colonial ordinance used to closely monitor and watch civil and political organizations in the pre-independence period. The Societies Ordinance is one of the 40 laws identified by the Nyalali Commission report for amendment. Various NGO groups have studied the ordinance, raised their objections with the authorities, and mounted media campaigns to abolish the ordinance.

It has been suggested by some that BAWATA's case is unique because of the UWT's hand in forming the organization and because of the personality conflicts between UWT and BAWATA leaders. However, other organizations have also faced difficulties becoming registered and since June 1996 there was an indefinite ban on the registration of all NGOs. Moreover, 30 NGOs were deregistered in June 1997 and 206 received notification that they were slated for deregistration. Some, like BAWATA, were told that their constitution was too "political." Others were simply told there was no need for an NGO of the kind they were initiating because the party affiliate already existed. Clearly, these efforts to suppress existing independent organizations or prevent the emergence of new organizations are responses to concerns that they might challenge the hegemony of the state and the ruling party.

For example, until 1988, the Tanzania Council of Social Development (TACOSODE) had been the only umbrella association for non-governmental organizations and was made up of
welfare associations for the blind and others with disabilities. It operated under the jurisdiction of the Social Welfare Department and was considered by many NGOs to be the government's "watchdog" of NGOs in Tanzania. When the first independent umbrella organization, Tanzania Association of Non-Governmental Organizations (TANGO), was formed, TACOSODE lobbied the Registrar of Societies in the Ministry of Home Affairs to obstruct TANGO's registration, arguing that TANGO was duplicating the role of TACOSODE. After TANGO became registered two years later, it began to face constant pressures of cooptation.

Other women's organizations also had trouble registering, including the Tanzania Media Women's Association (TAMWA), which was one of the first of the new generation of NGOs to form in the late 1980s. In this case, the pro-party Tanzania Journalists Association (TAJA) objected to its formation. Similarly, a youth group was denied permission to register because there already was such an organization in existence — CCM affiliated VIJANA youth organization.

The Tanzania Gender Networking Programme (TGNP) had trouble registering because of fears in the Ministry of Community Affairs, Women and Children that it would eclipse the Ministry's and UWT's efforts to coordinate women's organizations. These tensions became especially apparent when TGNP began playing a leading role in mobilizing women's NGOs for the 1995 United Nations Women's conference in Beijing.

Preventing registration is not the only way in which organizations are controlled.

Organizations are also required to obtain permission to hold meetings, rallies and celebrations. When BAWATA members requested permission from the police to hold a demonstration to protest the banning of their organization, their request was denied. This was by no means an isolated incident. In another case, the prominent Tanzania Gender Networking Programme (TGNP) was forced to cancel a workshop on the regulation and legal rights of NGOs because they failed to secure the necessary permission.33

**Opposing Legislation to Control NGOs**
Other more concerted efforts have been taken by the government to control NGOs under the pretext of coordinating their activities. In 1993 the Prime Minister's office proposed that it would form a NGO Liaison Unit and devise a code of conduct to guide NGO activities. NGOs expressed strong objections to this measure, which they perceived as an effort by the government to restrain NGOs and curtail their autonomy.

When this strategy failed, the government initiated even more aggressive efforts to assert its authority over NGOs. It sought to create umbrella organizations of women, business, labor, media workers and other groups to monitor/coordinate their activities. Then, in 1997, the Vice President's office issued a draft policy statement for NGOs proposing to coordinate NGO activities, provide information about NGO activities, establish mechanisms to facilitate monitoring and evaluation of NGOs, and strengthen NGO capacity and accountability. The Vice President's Office, which had consulted with only a select few NGOs in drafting the policy, was to "provide guidelines for transparency and accountability," and "ensure that NGO programs and projects focus on their roles and objectives." This was basically a blueprint for advancing government control of the NGO sector. Alarmed by this initiative from the Vice President's office, leading NGOs and the Tanganyika Law Society drew up a Non-Government Organization Act to head off any further government action. The NGOs were especially concerned that the government's primary goal in monitoring and regulating them was to lay claim to their finances, especially donor money, that might be required to pass through the Vice President's office.34

Defending the Right to Free Speech

The independent media has been one of the most vital and critical forces for change in Tanzania. As it has increasingly asserted itself, the government has stepped up its efforts to regulate media activities and to control media organizations. In response, media workers have initiated unprecedented and extremely important efforts to defend the freedom of speech and expression.

Up until the late 1980s the main news publications in Tanzania were limited to the
government owned *Daily News/Sunday News*, the ruling party's *Uhuru/Mzalendo* and the party dominated trade union federation's *Mfanyakazi*. The government controlled radio station was the only one permitted in Tanzania and there were no TV stations on the mainland. In 1987 the first privately-owned Tanzanian weekly emerged. Ten years later there were 78 registered Swahili language newspapers, 26 English language papers, eight radio stations, and two major TV stations. Most of these media outlets were owned by a handful of wealthy Tanzanian business people and manufacturers. The major shift that occurred in the early 1990s from a government dominated media to an independent media is best exemplified by the press. The circulation of this independent press, especially the Swahili papers like *Alasiri, Nipashe, Majira* and *Dar Leo*, increased dramatically in a very short time, while the circulation of the government and party papers dropped at an equally fast rate. Likewise, the number of reporters increased to 6,000 by 1997, most of whom were freelancers and the quality of reporting gradually began to improve. The amount of reporting from the various regions also increased.

As the independent press proliferated, the boldness of coverage also increased. The independent media began to challenge the consequences of political monopoly and the legacy of a one-party state. In particular, they focused on government corruption, misuse of public funds and the complicity of government leaders in illegal activities, including unauthorized land sales and the illicit drug trade. They provided information on political debates, covered activities of opposition parties and NGOs, and provided information that would help readers critically evaluate the country's leaders. Sections of the media representing special interest groups (e.g., Tanzania Media Women's Association and Journalists Environmental Association of Tanzania) used the media to raise public awareness of issues pertaining to women's rights, children's rights, environmental concerns, human rights and other such issues.

Although the tradition of investigative reporting is still weak, almost all journalists in Tanzania can point to past events that went uninvestigated but under today's freer environment would certainly attract media attention. In the past the Minister of Information or other government officials would phone the editor of the *Daily News* to kill a story or have it rewritten.
For example, one *Daily News* journalist described to me how not so many years ago he had written a story about a police officer who had beaten a woman. He was surprised later to find the article completely rewritten to the extent that it bore little factual resemblance to the original version. Upon investigation, he learned that a Regional Police Chief had placed a call to get the story altered. Pressure for self-censorship, however, continues even in the free media, especially on Zanzibar.

But even with the freer political context of the 1990s, journalists continued to operate within a prohibitive legal and regulatory environment. The Newspapers Act, 1976, remained in effect even though it had been deemed unconstitutional by the aforementioned Nyalali Report because it permitted the Government to continue controlling and censoring all major forms of public communication. It could be used to prohibit the publication of newspapers that were said to be "incompatible with the maintenance of peace, order and good government." Not only were there no signs of withdrawing the act, but its more repressive elements were being fine tuned. The Act was amended in 1994 to increase fines levied against those charged with seditious offenses, publication of false news and incitement to violence and libel. Moreover, the act was being used with increasing frequency in the 1990s to arrest, harass and detain journalists, editors, publishers and to close down newspapers. For example, in the months leading up to the 1995 elections on Zanzibar, the publisher and editor of the Swahili language paper, *Shaba*, were charged with "instigation against public order" because they had published a leaked internal government document dealing with the activities of an opposition party. In another 1997 incident, police interrogated a journalist for the *Majira* newspaper for writing articles about problems along the Tanzania-Burundi border. In April 1998, Tanzanian police detained and interrogated the Balinagwe Mwambungu, Chairman of the Journalists Environmental Association of Tanzania, for publishing an article in *Mfanyakazi* implying that the party had taken excessive measures in its crackdown after a riot at Muslim mosque in Dar es Salaam. The atmosphere is considerably more restrictive on Zanzibar, where in 1996 the government of Zanzibar banned the newspaper *Majira* and has arrested people in possession of the paper.
In response to these attacks, media organizations and Press Clubs heightened their mobilization to defend the freedom of speech. When, for example, the High Court fined Majira 90,000,000 shillings for reporting the victory of the opposition presidential aspirant in the 1995 presidential elections, journalists, through the Zanzibar Press Club, organized to support the paper. Similarly, when there was a roundup of reporters in Arusha after a mob fight at a football match, the Arusha and Tanga Press Clubs wrote strong letters demanding the release of the reporters. Although Press Clubs have been in existence for 15 years, in the 1990s they expanded to 14 registered clubs coordinated through the National Union of Press Clubs and became critical advocates of press freedom.

One of the most controversial parts of the Newspapers Act was the cover it provided the government to continue hiding public information deemed secret. This meant that information on government actions or plans was considered a privilege rather than right, thus shielding public officials from criticism and from being accountable to the country's citizens. Numerous editors and journalists mentioned to me that they ran up against this type of stonewalling when they tried to obtain the government position on a particular issue. In the end they would be forced to publish an allegation and mention that there was "no comment" from the responsible official, hoping to embarrass the government into responding. But as the 1995 elections approached, the Act was used to ban direct contact between the media and government ministries. One editor explained, "People in the government and party see us as enemies, as if we are people who want their blood."

In 1997, the Tanzania Information Services, also known as Maelezo, (which replaced the Ministry of Information prior to the 1995 elections and operates out of the Prime Minister's Office), warned that it would ban newspapers and other media outlets if they published obscene articles or comical cartoons that ridicule officials. Similar warnings were made during the 1995 presidential and parliamentary elections.

The Newspapers Act also infringes on freedom of expression by making printers liable for printing material that can be considered "seditious." Few printers under these circumstances
will readily sign all the affidavits necessary for the publisher to become registered. For example, the editor of the Tanganyika Law Society's journal *The Lawyer, Tanzania* had to go to 20 printers all over the country before she could find one that would agree to sign the affidavits.

In addition to the Newspapers Act, the Nyalali report also cites the Tanzania News Agency Act (No. 14 of 1976) as a violation of the constitution. This particular Act established the Tanzania News Agency (SHIHATA) as the sole institution responsible for collecting and distributing news in and outside of Tanzania. In spite of its official monopoly of information, media workers had little regard for SHIHATA, which by 1998 appeared to be a shell of its former self. In flagrant violation of the Tanzania News Agency Act, an independently owned Press Service of Tanzania was created and quickly became the most active news agency in Tanzania.

With the advent of political reform not only did old repressive laws remain intact, but new prohibitive laws were enacted. The Broadcasting Services Act was passed in 1993, reflecting the continuing legacy of one party rule by permitting the government to curtail the activities of broadcasters through the control of licenses, registration and control of the Broadcasting Commission. This Act was used against Dar es Salaam Television (DTV) in 1995, when it was fined for having broadcast that the opposition candidate had won the Zanzibar presidency in an election that was widely considered rigged in favor of the CCM. There are two major TV stations, Independent Television (ITV) and DTV, in addition to three other registered stations and 12 locally based cable stations throughout the country. No stations, however, have been permitted to cover the entire country. When in 1995 ITV opened public viewing centers in 12 regions, it was forced to close them down, being told it was permitted to broadcast only in 25% of the country. Meanwhile, the government was planning to start a national television station in 1998.

Similarly, there are 8 major registered radio stations but only three, Radio Tanzania (Dar es Salaam), Radio One and Radio Free Africa with coverage outside of Dar es Salaam. Stations can broadcast locally, but as with television, no independent radio stations can cover the entire
As journalists expanded their use of the media to expose government corruption and present balanced news coverage, the government responded by creating a Tanzania Media Council through a Media Professions Regulation Act. The Act would have given the council the right to register journalists, to shut down any paper or jail reporters without the right to legal representation. The Bill also would allow the council to scrutinize foreign publications, confiscate foreign materials, property or equipment of a radio station or newspaper if employees were merely accused of an offense, even if not convicted. Journalists considered the bill more onerous than the Newspapers Act and the Tanzania News Agency Act combined. One journalist argued that it was "the biggest blow to the democratization process." Another suggested that it was "the most unjust and most sadistic idea ever to come from the brains of the CCM leadership." 

The effort to muzzle the media by creating a Media Council was eventually scrapped in 1993, but only after media and lawyers organizations spearheaded by Tanzania's chapter of the Media Institute of Southern Africa (MISA) openly resisted the government's efforts. The Association of Journalists and Media Workers (AJM), the Tanzania Journalists Association, the International Federation of Journalists and other organizations then established their own independent Media Council of Tanzania in 1997 to protect the freedom of the media, to assist in enforcing a code of ethics for those involved in media communication, and to serve as a watchdog to protect the rights of the media.

For years the government and party maintained their grip on Tanzanian media workers through control of the leadership of the Tanzania Journalists Association (TAJA). Most of the executive committee of TAJA were presidential appointees. As the independent press proliferated, new independent media organizations emerged and gained in prominence as TAJA's influence began to decline, especially after its leadership came out supporting the government's Media Bill. In fact TAJA's leaders had to be forced by its own membership to back down from supporting the bill. By 1997, 60 journalists had formed a new Tanzania Union of Journalists
with the objective not only of defending and promoting the professional and financial welfare of its membership, but also of defending the rights of the media against government control and encouraging the government to respect international covenants regarding the principles and practice of journalism. It is nothing short of remarkable how in spite of this onslaught of government measures to curtail and suppress the media, media workers have refused to back down and have mainly continued to exercise their right to free expression without being intimidated.

Conclusions

It is highly fashionable these days to be concerned with democratic "reversal" in many newly democratizing countries. As important as it is to recognize the limits of electoral democracy, it appears premature to talk about "reversal" in many African countries that have undergone multiparty elections, when it is not clear that substantial gains were ever made beyond the holding of multiparty elections. Clearly, military takeovers of civilian regimes like Niger and Gambia constitute reversals. But in much of Africa, it is not so much that there has been a qualitative deterioration of democratic rights after the holding of multiparty elections, but rather that the process has not moved much beyond the holding of elections. The patterns of neo-patrimonial rule, personal rule, state-based clientelism remain intact and are simply manifesting themselves in a multiparty context.

What has changed is the extent to which societal organizations and institutions have begun to assert their autonomy from party and state control. Where party and government affiliated organizations once dominated associational life at the national level, new non-governmental organizations have usurped the scene. In many countries where the state once heavily controlled the media, a free media has begun to make its presence felt with few signs of flinching in the face of repression. It is these kinds of struggles to claim and maintain autonomy that represent the frontline of the efforts to press for greater political and civil liberties, liberties that would genuinely deepen democratization. These protracted and painstaking processes have
barely got off the ground. Thus it is too early to speak of their demise before they have even begun to take root.

It is even more problematic under such circumstances to assume, as Zakaria does, that adopting electoral democracy without constitutional liberalism is a dangerous recipe for unrest. It assumes that the sources of reversal are within the democratization process itself rather than with the much longer historic legacy of authoritarianism, both colonial and post-colonial. Moreover, such an analysis does little to explain the forces in many African countries that have started to challenge this undemocratic legacy.


8 Plattner, ibid, 171-180.


10 Zakaria, ibid.


16 High Court of Zimbabwe, SC 15/97


25 Interview with author, Pili Mtambalike, Secretary General, Tanzania Media Women's Association, 2 July 1994.

26 *Dar Leo* 23 October 1997.


31 BAWATA, "When Women are Denied their Right to Organize Themselves Effectively in Order to Fight for their Basic Rights: A Brief on the BAWATA Crisis in Tanzania and An Appeal for Support to BAWATA." International appeal, 1998.


36 http://pen.org/freedom/africa/updates/tanzanup.html


40 Juma, ibid., pp. 31-33.

41 *Weekly Mail* 16 August -22 August 1993; *Africa Events* October 1993, 2.

42 *Weekly Mail* 16 August -22 August 1993