

Colonial Origins of Postcolonial Authoritarianism in Tanzania: The Reflection on Democracy

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Abstract

The authoritarian style of rule and democratization in Tanzania after independence cannot be understood without analyzing the colonial state and the nature of its administration. The colonial state was alien, illegitimate, and established to facilitate the exploitation of Tanzanians and their resources. It was also compounded with highly centralized power, suppression and coercion, and imprisonment of anyone threatening the authority of the state. These features were against democratic principles thus, facilitated resistance

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to colonial rule. Political opposition was forbidden. Civil liberties were not respected. Coercion was the order of the day, and the colonial state did not hesitate to deport or imprison anyone threatening its authority. Independence was cheered by the masses as a new chapter in the road towards democracy and development. But to their disappointment, the postcolonial state was of similar caliber to the colonial state. As such, colonial legacies of authoritarianism continued to dominate. This has not changed to date, posing a threat to building a developmental and democratic state. This paper discusses the colonial heritage of authoritarianism and its reflection to “democratic” Tanzania. It argues that the administrative structure of post-colonial government in Tanzania, imitated the colonial administrative styles of rule, which works against contemporary democratic ideals.

Keywords

Democracy, Authoritarianism, Colonial Administration, Postcolonial government, Tanzania

1. Introduction

Tanzania, to use Clapham’s (1985) terminology, is an “artificial state” for, like all other third world states and in contrast to the states in western countries, it is exogenous. The Germans established an East African protectorate in 1885 under the leadership of the German East African Company (DOAG) and later passed the administrative functions to the imperial government on January 1, 1891 (Ilfiffe, 1976). The territory included the present mainland Tanzania, Rwanda, Burundi, and the Kionga Triangle, a tiny enclave that extended across the mouth of the Ruvuma River down to Cape Delgado in Mozambique. When the victors of the First World War divided the spoils, German East Africa was divided between Belgium, Portugal, and Britain. Belgian troops occupied Rwanda and Burundi, the Portuguese occupied the Kionga triangle, and the remainder was put under British occupation and renamed Tanganyika¹. In

¹ For a detailed history of the formation of Tanganyika, see Ilfiffe, *A modern history of Tanganyika*, Chapters 4 and 8

place of hundreds of independent clans, lineage groups, and chiefdoms with open frontiers, are now a new state with fixed boundaries². By sandwiching much chiefdom into one state, colonialism automatically created a crisis of nationhood, which Elaigwu and Mazrui (1993) define as a crisis of flawed collective identity.

On top of setting the boundaries of the state, colonialism established within the territory a system of administration to run it. Logically, following on and closely linked to the crisis of nationhood, the colonial administration was also fragile. In the words of Clapham (1985), the state's fragility refers to the weakness of legitimacy to rule. Defined by Kurian *et al.* (2011) as political trust, legitimacy requires an agreement between the people and the government, according to which the rulers agree to rule justly and the people to obey. In the absence of such political trust between the natives and colonial officers, the alien colonial administration experienced a crisis of legitimacy³. As a result, the colonial institutions necessarily had to be enshrined with authoritarian measures of administrative control from above (Wambali, 1997). There was no other way for alien rulers to gain control over people who were not their own and over whom they ruled without mutual consent (Clapham, 1985).

What the new rulers inherited at the time of independence were the twin crises of nationhood and statehood, all originating from the artificial colonial boundaries. In struggling to become a more coherent nation, the postcolonial government found itself returning to the old colonial authoritarian methods. The rulers also inherited the colonial attitude that maintained the colonial government: a sense of superiority over those, whom they ruled, a sense of power emanating from above rather than growing from below. This situation brings sense to the conclusion by Chipkin and Meny-Gibert (2011) that the colonial state becomes a postcolonial one while retaining its original colonial DNA.

² Pre-colonial societies in Tanzania had no precise boundaries. Even in the highly organised regions, the extent of political authority grew weaker with distance from the capital until they merged into the statelessness of peripheral peoples (Iliffe, 1969).

³ Elaigwu and Mazrui (1993) name the crisis of legitimacy as the crisis of statehood, that is, a crisis of unstable authority.

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This paper discusses the colonial heritage of authoritarianism and its reflection to democracy in Tanzania. The paper is organized into five sections. Immediately after this introduction section two explains the traits of the colonial administration. It is in this section where the authoritarian tendencies of the colonial administration are explained at their full length. Section three shows the continuity of authoritarianism from the time of independence up to the time when the political system was liberalised in 1992. Section four explains the failure of democratization in replacing authoritarianism many years after the colonialists had gone and the political system had been liberalized. Finally, a conclusion and recommendations are drawn in section five of the paper.

2. Colonial Administration Traits

Excessive use of force

Because no colonized people were complacent about colonization, its oppression, and exploitation, they resisted colonial rule from the beginning. The Germans, determined to impose their rule on Tanganyika, they suppressed the resistance ruthlessly. The coastal resistance, led by Abushiri bin Salim of the Harith clan, a hereditary enemy of the Busaidi, and Bwana Heri, a Zigua who had successfully resisted Omani attempts to control Sadani, was defeated by Hermann von Wissmann's forces in 1889, imposing many cruel and brutal reprisals on the people of that area (Wambali, 1997). In the South-East, Wissman's expeditions destroyed crops and villages to defeat Mchemba, the Yao adventurer who refused to submit his territory to the Germans⁴. In the north-east, Wissman's troops stormed Sina's stone fort and slaughtered every living thing inside (Iliffe, 1979). Then Captain Johannes raided Meru until there was nothing more to fight or plunder, and he hanged the Meru Chief and Arusha spokesmen (Iliffe, 1979). On the central caravan route, a private expedition led by Emin Pasha traversed Ugogo, destroyed nineteen villages and looted 2000 cattle. Later on, the German governor sent Lieutenant Tom von Prince to the western plateau where he stormed Isike's

⁴ Mchemba is reported to have written a letter to Wissman telling him that "I have heard your words, but I do not see any reason why I should obey you. I would rather die... If it is a matter of friendship, I shall not refuse, today and always, but I shall not be your subject... If you are strong enough, come and get me" (Iliffe, 1979).

boma (dubbed as fort in English), hanged him, killed his son and dismantled the Mirambo empire (Iliffe, 1979). In the Southern highlands, Colonel Freiherr von Schele, avenging the death of Zelewiski⁵, assaulted Mkwawa's four metres high stone fortress at Kalenga, killing 250 Hehe (Iliffe, 1979). When Mkwawa died in 1898, the Germans controlled all the Tanganyika's main population centers and lines of communication.

Just as they established their rule by force, the Germans also maintained it by force. German officers seriously believed that they could successfully implement their development plans using the iron hand. With this belief, their rule was nothing but brutal instant injustice, meted out by a strong and ruthless hand (Wambali, 1997). Corporal punishments such as flogging, whipping, and arbitrary imprisonment, which officers and employers claimed the right to inflict, were the order of the day⁶. Between 1901 and 1913, no fewer than 64, 652 sentences of corporal punishment were awarded by courts—five a week, on average, at every district office in the country (Iliffe, 1969). Officers travelled without armed escorts. Their offices were massive “bomas” (“dubbed forts” in English) situated to command the best fields of fire. Their brutal soldiers burned people's houses and plundered their wealth (Iliffe, 1979). Any revolt was met with the maximum use of force. In 1902, Lieutenant Kohlermann entered Usandawe and killed 800 men in three days after they had had seized the Nyamwezi settlers' cattle (Iliffe, 1979). In 1911, the government killed 548 Ha for resisting the payment of taxes (Iliffe, 1979). In 1906, Gotzen, following the advice of Captain Wangenheim, brutally crushed the Maji Maji rebellion by, among other strategies, creating famine throughout the rebel area whereby the military seized food and destroyed all crops (Iliffe, 1979). From the use of excessive force, the people came to realize that it was better to accept colonial rule rather than to oppose it (Wambali, 1997).

⁵ Zelewiski was speared on August 17th 1881, by a sixteen-years boy in a battle at Lugalo, Iringa.

⁶ It's is no wonder that "Germans were known in the colony as people of "hamsa sherini"... twenty-five strokes". (Wambali, 1997)

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Absolute Centralization of Powers

The German colonial administration was extremely centralized⁷. Legislative and executive power devolved from the Kaiser through the Imperial Chancellor and the colonial department of the Foreign Service to the governor. The governor was supreme, for he had no executive council and was under no obligation to take advice from any official. The central government was again divided into a number of specialist departments (*Referates*), each headed by a *Referent*. The Chief Secretary (*Erster Referent*) coordinated these departments, but all important decisions, even on local or technical matters, were taken by the governor, whose signature was required for the majority of documents (Iliffe, 1969).

The governor delegated executive and legislative authority to district officers charged with maintaining peace, order, and good government, enacting legislation, collection of taxes, and building roads (Iliffe, 1979). The chief characteristics of German rule were the power and autonomy of the district officer. Considering the problem of poor communication, the district officers were actually the ultimate authorities (Wambali, 1997). They were required to report only their most important decisions to the capital, Dar es Salaam. In normal circumstances, they would act at their own discretion. No provincial commissioners supervised them, so a remote station could expect a visit from a senior official only once every decade (Iliffe, 1967). The district officer exercised full jurisdiction over natives, for although legislation specified punishments he might impose, nothing defined the offences for which he might impose them. As many remained in one district for a long time, their districts inevitably took the imprint of their views and personalities (Iliffe, 1979).

Like its predecessor, the British colonial administration was equally highly centralized. Executive and legislative authority came from His Majesty the King of England and was channeled to the territory through the Governor. Executive power was concentrated in the office of the Governor, who was responsible for the 'good administration' of the Territory. The business of government was divided into clear-cut departments and the heads of these departments formed the Executive Council under the Governor. The Council

⁷ The definition of centralization of power adopted in this paper follows that of Mukandala (2001: 119): centralization as "a concentration of administrative power at the apex of administrative structure".

was merely an advisory organ, thus leaving the Governor with enormous powers. He had the power to demarcate Provinces and Districts⁸. All land in the Territory was public land vested in the Governor in trust for His Majesty the King⁹. The Governor was the chief employer of all public servants, only subject to the directions of the Secretary of State, capable of prescribing duties, let alone creating offices, and he could suspend and terminate them at will. Other enormously powerful powers included authority to grant pardons to convicted criminals¹⁰, the authority discretion to confirm death sentences¹¹, and the authority to deport prisoners and political offenders from their original domicile to some other places within the Territory, or any other place within the British Empire¹². With all these powers, the governor was meant to rule with an aura of unrestricted grandiosity, within an unlimited avenue of the exercise of autocratic and personalized power (Wambali, 1997).

The power of the governor was devolved to the provincial administration under provincial commissioners and district administrations under district commissioners. Because of the remoteness of most of the districts and the Territory's poor communication system, which Dryden (1968) characterizes as "of a kind probably a little better than that of rural England before the Industrial Revolution", District Commissioners were the real powers at grassroots level (Wambali, 1997). They enjoyed a lot of "freehand" to develop their districts as they wished. Though departmental specialization was accompanied by vertical distribution of authority and functions to local heads of departments located at provincial and district levels (Dryden, 1968), provincial and district officers were placed in a position of authority over their departmental colleagues. The authority of the provincial or district officer on local issues was rarely questioned, and the departmental officers were to act under their directions (Dryden, 1968).

⁸ Tanganyika Order in Council, Section 7, 1920

⁹ Tanganyika Order in Council, Section 8, 1920

¹⁰ Tanganyika Order in Council, Section 11, 1920

¹¹ Tanganyika Order in Council, Section 29, 1920

¹² Tanganyika Order in Council, Section 33, 1920

*Fusion of power*¹³

Colonial administration was not only centralized but also fused. Throughout colonial rule, there never existed a genuine separation of powers because the same people formed part of the legislature, executive, and judiciary. The German government vested legislative, executive, and judicial powers in the bodies of district officers. The district officers were responsible for the day-to-day administrative duties. These included tax collection and the appointment and dismissal of chiefs and other agents. They were also judges as well as executors of punishments (Wambali, 1997). They commanded the district police and were in charge of local prisons.

Likewise, the governor during British rule was the chief executive, being the chairman of the Executive Council, the lawmaker, as well as the chief enforcer thereof. If the people whom he was governing considered his policies unjust, no other action was open to them but protest. Down the ladder, the provincial and district commissioners did everything, including maintenance of law and order, revenue collection, performance of statutory duties in respect of township authorities, registration of marriages, acting as agents of the Administrator-General, performance of judicial duties, and generally effecting native administration through on-the-spot follow up and constant supervision of the local chiefs and other officials. It was a system based on personalized non-democratic institutions (Wambali, 1997)¹⁴. By concentrating all government powers in the executive branch, colonial rule allowed colonial officers to make tyrannical laws and execute them tyrannically. Justice was also lacking because the tyrannical officers were judges in their own cases.

Unrepresentative institutions

Briefly stated, there was absolutely no existence of representative organs throughout the colonial period, not even for the interests of non-natives. The Governor's Council was introduced in 1903 with the idea of involving some European non-officials in discussing the budget, proposing ordinances, and any other matters of general interest raised by members. In 1901, district councils were established to advise the district officer on matters pertaining

¹³ The definition of the administration fusion adopted in this paper follows that of Thomas (1989:33): fusion as "concentration within the single unit of policy making function and policy implementation function".

¹⁴ Also see Dryden (1968), p. 18 & 19

to public works and social services. These councils were comprised of officials and at least three non-officials. Effective representation would have required that non-official members be elected by the people, but all of them were nominated by the governor (for the Governor's Council) and the district officers (for the district council). The only concession the government could make to "widen" representation on the Governor's Council was to allow for representative elections whereby the Governor selected non-official members from the elected list (Iliffe, 1969)¹⁵. The situation worsened for the indigenous inhabitants of the territory when literacy in German was introduced in 1904 as a condition of membership in the district councils. Three years later, all members were Europeans, affecting the balance of expenditure as the sums devoted to public works increased and those spent on education diminished (Iliffe, 1969). On top of being unrepresentative, the councils had no powers of decision and therefore remained mere advisory bodies. "Right to concur" was also rejected by Governor Rechenberg in 1904 to preserve the advisory principle of the Governor's Council. His reasoning was that he was the only authority in German East Africa able to weigh justly the interests of all those concerned (Iliffe, 1969). Since they could not be legislative bodies, the Governor's Council and District Councils could only be pressure groups (Iliffe, 1979).

The British did not deviate from their predecessors. District councils were established in the districts, but they were not fully representative since the balance was made up of chiefs and other hereditary rulers. There existed no equivalent of a regional council of elected representatives of to match the administrative level of regional government (Dryden, 1968). Provincial Advisory Councils were introduced in the 1950s but were not representative

¹⁵ The concession followed an attempt by settlers to control the Governor's Council by making it elective. The settlers wanted power of control because they saw Rechenberg as a 'niger-lover' whose 'lax handling of negroes contained within it the awful danger of a sudden rising'. His programme of developing Tanganyika through African cash crop production threatened settlers' livelihood, which depended heavily on the use of political power to their advantage. Governor Rechenberg refused settlers' demand and in turn they created the Territorial Business League of German East Africa in 1908. Those members of the League who sat on the governor's council were regarded as its delegates. Faced with the threat of a 'settlers' parliament', the governor reversed his position and sought to build up the council as against the League. In December 1909 he drafted an ordinance establishing presentative election.

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and were purely advisory¹⁶. At the national level, the Legislative Council (LEGCO) was introduced in 1926, but care was taken to make sure LEGCO was a purely an advisory council of the Governor, not an organ for people's participation. It was in 1955 when the composition of LEGCO was reconstructed to permit the representative side. However, by looking at the composition of LEGCO by 1955, it would be correct to agree with Betts (1985), who makes the point that "while the Africans began to make their appearance in the colonial legislative bodies, their number effectively guaranteed that they would have no noticeable impact on the mode of European domination." This is because the government side was composed of 8 extraordinary members¹⁷, 9 official members¹⁸ and 14 non-official members¹⁹, making their total number 31, one more member compared to the representative side²⁰. This gave the government side assurance that whatever policy it proposed to LEGCO would be supported by the majority of the members. As a rule, all the non-official members were expected to support government policy in LEGCO. The governor was not allowed to nominate them unless he was satisfied that they would do so when requested. In any case, LEGCO was not a separate Legislature, but rather an extension of the monolithic colonial administrative structure into the realm of law-making (Wambali, 1997).

In spite of the introduction of the system of indirect rule, which provided for the native authorities to give effect to a form of local government close to the people and to initiate participation by the indigenous people in the government of the territory, in practice, the colonial state had always been

¹⁶ Membership consisted of officials (provincial heads of government departments) and **non-official** appointed by the Governor from various districts within the province.

¹⁷ Extraordinary members were all persons from whom the Governor wished to obtain the views pertaining any matter within the territory (Section VIII of the Tanganyika (Legislative Council) Order In Council, 1926)

¹⁸ Official Members became members of the Council according to their seniority in the Executive Council (Section IX(1) of the Tanganyika (Legislative Council) Order In Council, 1926)

¹⁹ **Non-official** Members became part of the Council according to the length of time during which they have been continuously members of the Council (Section IX(2) of the Tanganyika (Legislative Council) Order In Council, 1926)

²⁰ The representative side was made up of 30 members, distributed evenly among the three races in the country-10 Africans, 10 Asians, and 10 Europeans. Out the 30, 27 members represented the constituencies: one African, one Asian, and one European in each of the nine electoral constituencies into which Tanganyika was divided. The other three represented special interests.

fully and completely in charge of what was going on in the native authorities. Traditional chiefs were legally recognized as rulers of their tribes, legally empowered to exercise some administrative, executive, and judicial powers, but the central colonial government was actually committing them to obeying orders from the government (Max, 1991). Therefore, it is a correct observation by Max (1991) that “believing the chiefs and the colonial regime were “partners” in ruling the territory is misleading, for the native authorities were nothing but the “agents” of the colonial administration”.

Legalized Violation of Human Rights and democracy

During the colonial period, the law was used as an instrument of control (Ellet, 2008). Fundamental human rights, especially freedoms of expression, association, movement, and political participation, were neither granted nor protected, for they were at odds with the maintenance of peace and good order. It was for that matter that the Deportation Ordinance of 1921²¹, the Expulsion of Undesirables Ordinance of 1930²², Township (Removal of Undesirable Persons) Ordinance of 1954²³, the Emergency Powers Orders in Council of 1939, the Witchcraft Ordinance of 1928, the Collective Punishment Ordinance, the Newspapers Ordinance of 1928²⁴, and the Societies Ordinance of 1954²⁵ appeared in the statute book. The legal but illegitimate violations of

²¹ The Governor might order a person to be deported from the Territory to such place as the Governor may direct, where it was shown by evidence on oath and to his satisfaction, that such a person was conducting himself so as to be dangerous to peace and good order in the Territory, or was endeavoring to excite enmity between the people of the Territory and His Majesty, or was intriguing against His Majesty's power and authority in the Territory. The deportees were not given a chance to appeal against an order of deportation.

²² The Ordinance was designed to enable the country to expel from its territory persons who may be considered undesirable for one reason or another than political.

²³ When “public interest” demands, District Commissioners were given powers to issue removal orders, to arrest and detain for a period not exceeding one month. “Public demand” was defined in terms of “curbing the ever increasing problem of unemployment and criminal activities in urban centers”.

²⁴ The indigenous were denied the right of expression and the right of information.

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human rights provided extensive powers to the executive arm of the state which invariably denied redress to the affected victims.

3. Postcolonial Administration in Tanzania

Authoritarianism Reincarnated and Democracy Distortion

Tanganyika attained its independence on December 9th, 1961. The outgoing British colonial government bequeathed to the newly independent Tanganyika a state with clearly defined boundaries as laid down during the colonial era. As Tordoff (1967) puts it, though a new state had been born, the nation²⁶ of Tanganyika had still to be created²⁷. Indeed, colonialism complicated identities due to its administrative, economic, and social policies. The first identity colonial rule established in Tanganyika was the tribe. Because of the high degree of social homogeneity, colonial officers focused their efforts on combining small chiefdoms to form tribes (Iliffe, 1979). Each tribe was considered a distinct administrative unit under a chief with legislative, executive, and judicial powers. Running the colony through traditional rulers solidified the legitimate standing of norms inherent in local communities and the way they were traditionally ruled (Hyden, 2006).

On top of crystallizing tribal identities, colonialism also strengthened other communal sentiments. Being discriminatory in character, colonialism tended to close doors for the people of Tanganyika. In the country where they form the majority, African Tanganyikans had been placed in the position of a third race after the Europeans and the Asians (Shivji, 1975). The colonial administration structured society around religious communities because it was considered the way of civilizing the uncivilized Africans (Mesaki, 2011). The colonial economy created regional imbalances between cash crop

²⁵ The Ordinance laid down conditions and procedures for registration of civil societies in Tanganyika and required the aforesaid associations to furnish information on the associations and the members of the association to the Government for assurance of integrity and solvency.

²⁶ The concept of a nation refers to a single inclusive group whose members - or the majority of them - share common traditions, institutions, history, and ethnic identity (Elaigwu and Mazrui, 1993)

²⁷ The reason is that no state-and especially no colonial state-creates a nation but only subjects (Iliffe, 1979)

producing areas and labour reserve areas. Social services tended to be concentrated in potential areas. Transport and communication services are also concentrated in the same areas. Town centres were also favoured at the expense of rural areas. Alongside the regional imbalances was the question of the gap between the rich and the poor (Shivji, 1975).

As independence was drawing closer, some of the latent communal sentiments became increasingly manifest. Muslim leaders, fearing that religious inequalities could be carried on to the post-independence period, sought the delay of granting independence until Muslims were adequately educated. Threatened by the Tanganyika African National Union's (TANU) demand that Africa should be for the Africans and Tanganyika for the black Tanganyikans, Governor Twining sponsored the formation of The United Tanganyika Party (UTP) aimed at building up a non-racial Tanganyika nation (Iliffe, 1979). Trade unions strongly demanded the immediate Africanization of the civil service and discriminatory citizenship (Shivji, 1975). Conscious of their identities, different tribes began to reconstruct themselves into close-knit organizations with aims ranging from mutual aid and tribal development to preserving their languages and maintaining good customs²⁸. It is these sentiments which led Governor Twining to predict that "...the authority (of TANU) would collapse in economic chaos and political anarchy at the expense of ordinary people of all races" (Iliffe, 1979:552).

Indeed, later events in immediate post-independent Tanganyika proved that Twining's prediction was not a foolish one. Tribal sentiments were stirring strongly among the people, and they were yet to identify themselves with the central government as a symbol of the nation (Tordoff, 1967). Most Africans believed that only when their tribal units were strengthened could they be united into a nation (Iliffe, 1979). Muslims complained that the post-colonial government maintained the Christians' privileged position, so they wanted to change the status quo. On the other hand, Christians viewed Muslims' grievances as attempts to capture the state power to advance their religious interests of turning Tanganyika into a Muslim country. Wondering why they should be excluded from the material benefits of independence at a time when TANU leaders were becoming government ministers, members of parliament, regional commissioners, or area commissioners, workers in their

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trade unions threatened to paralyze the economy by staging a series of strikes²⁹. The soldiers openly demonstrated their grievances over Africanization and conditions of service in the 1964 army mutiny. For that case, thousands of Tanganyika's remained without formal jobs in towns. Life was not only fairly grim, but they were aware of the fact that they were left behind as a few were plucking all the fruits of independence. Due to economic plunder peasants complained that they were forgotten children of *Uhuru*^{30, 31}.

The post-independence unity of the African population began to crumble, and the arising conflicts between different sections were threatening to mar the production process and the stability of the regime itself (Miti, 1980). In order to preserve the integrity of the nation and to prevent the centrifugal forces from disintegrating the state, President Nyerere needed to do three things: inculcate emotional unity among the people irrespective of the colours of their skins, tribes, religions, or economic positions; move forward all the people at an even rate of progress³²; and elevate his government above other political

²⁹ In sum, there were 203 industrial disputes in 1960, which involved 89,000 workers; 101 disputes in 1961, involving 29,000 workers; and 153 disputes involving 48,000 workers (Chachaghe, Globalisation and Democratic Governance in Tanzania, p. 10)

³⁰ Uhuru means freedom

³¹ The peasants complained about low prices paid for their crops, later sold at a price almost double that obtained by peasants. They complained about other illegal exploitative mechanisms: an empty bag supplied to the farmer weighed 1 kilo but when the farmer returns the same bag filled with his produce it weighed 2 kilos; extra half-kilos and quarter-kilos were not shown on the weighing scale and are not paid to them; numerous deductions were made from the gross proceeds of their produce; crop prices were fixed without taking into consideration the farming costs incurred by peasants. Peasant farmers were also urged to join TANU and pay their membership fees. They were exhorted to join adult education classes and asked help to buy teaching materials. Womenfolks were entreated to join Umoja wa Wanawake Tanzania (UWT) and pay subscription for the privilege. Contributions were sought periodically for national festivals such as Saba Saba Day and Republic Day or for local development projects. On top of this a peasant farmer might be directed to cultivate several acres of land and grow such crops on it as his local authorities deem appropriate. And, he was expected to give his labour free for development projects as and when called upon to do so by his village development committee.

³² Legitimacy is the product of satisfying felt needs and solving perceived problems. The legitimacy crisis could, to some extent, be explained by the discrepancy between high

organizations. These three amount to nation-building and state-building. At any rate, the independence constitutional arrangement that accompanied independence did not seem to satisfy the political desire of nation building. By making the National Assembly the central institution of government, control over government policy has been denied to the executive branch of government. By allowing the existence of a multiparty system, the President was also aware of the growth of factionalism. President was aware of the possibility of powerful groups furthering their own interests at the expense of others by allowing the existence of independent civil society institutions³³.

All the sentiments and observable actions by the leaders of the new independent Tanganyika and those of today's Tanzania maintain similar caliber. The expectation of the new independent government was to iron out colonial traits and create a democratic state to promote effective governance, political participation, and the rule of law under a congruent separation of powers and share economic achievements (Kim, 2018). Despite aspirations to be a democratic state, the post-independence result has been a strong stirring of authoritarianism in Tanzania. Inherited from the colonial government, the administrative structure and the general conduct imitate the colonial administration style. Thus, threats, orders, and banning of political parties and newspapers become widespread in the country. This hostility is towards the fear of the government as it is less likely to be challenged by people who demand democracy (Bangura, 1991; Brancati, 2014). For instance, newspapers have been banned; there is media bias, interruption of opposition campaigns, and continuous harassment by state officials. The concerns in these actions are the use of excessive powers that have been the order of the day to preserve the interests of leaders and the ruling party. The establishment of the Cybercrime Act of 2016, for example, restricts freedom of speech and narrows the political space for society to benefit from political awareness. The government, through its governing instruments such as

expectations created in the policy discourse and the government's incapacity to offer sustainable solutions to ongoing problems (Anders, 2003).

³³ Workers, through their trade unions, despite the government's call for restraints, were asking for wage increases, which in many cases they managed to get. This led to the idea that workers had gained more from independence by getting increases in wages at the expense of peasants.

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ministries, has induced the arbitrary suspension of the media, such as Mwananchi and Mtanzania in 2013, the East African in 2015, and Mawio in 2016, and the end of live television coverage of parliament sessions in 2016 (Kim, 2018). These are indications that Tanzanians today live in a threatened atmosphere and fear exercising their rights to freedom and the practice of democratic tips in elections. All of these tendencies contradict the vision of the nation's founder, President Nyerere, who campaigned for Africa's liberation through democracy, a free press, tolerance of criticism, respect for one another, and the limitation of power (Brancati, 2014).

The issue of separation of powers, which was trivially observed during the colonial period, is incarnated in Tanzania today. In today's government, most of the things are done by the state instead of the organs that are formed to perform different functions for the common good of the nation. What the government wants, all the state organs should follow. For instance, the High Court in Tanzania has sided with the state on every major issue under contention (Bungura, 1991; Paget, 2015). In 2016, the high court threw out an application by human rights groups challenging the media service Act, which places severe restrictions on publishing (Africa Center for Strategic Studies, 2019). In January 2019, the Dar es Salaam High Court quashed a plea by lawmakers to halt legislation that expands the grounds on which opposition members can be suspended or jailed, including conducting political education without government consent (Collord, 2021). These are the indications of how authoritarianism has backed down after independence until the present, which triggered out democracy.

For it is in this context that the return to authoritarianism, which Dryden (1968), refers to as "responsible authoritarianism," for lack of the better term must be understood. President Nyerere and his successors and their governments had no choice but to create political structures capable of containing the divisive effects of divided loyalties (Hyden, 1980). Otherwise, Tanzania would have started off down the slope of political anarchy that Governor Twining had predicted in 1957.

Violation of Human Rights and Democracy Buckle

President Nyerere was aware of the fact that the new nation of Tanganyika, at the time of independence, had neither the long tradition of nationhood nor the strong physical means of national security that older countries take for

granted³⁴. In order to prevent a “handful of individuals” from putting the nation into jeopardy and reducing to ashes the efforts of millions, he very quickly moved to legislate against any such future actions. The Preventive Detention Act of 1962³⁵, the Regions and Regional Commissioners Act of 1962, and the Area Commissioners Act of 1962 (Cap. 466)³⁶, were added to the list of inherited repressive colonial laws such as the Collective Punishment Ordinance, 1921; the Townships (Removal of Undesirable Persons) Ordinance, 1944; and the Deportation Ordinance of 1938. The Acts empowered the President, Regional Commissioners, and District Commissioners to violate all other laws, including the Constitution, allowing them to ignore the principle of the rule of law that is fundamental in the democratic state and empowered them to do whatever they liked with the life and personal liberty of a detained individual. This destroys the rights of individuals and obliterates democracy. Similarly, the huge powers of the president results in diminished checks and balances resulting from an imbalance of power between the branches of government with civil servants and elected officials tied to central government patronage rather than citizen constituents. Further, the mischief aimed at by the Acts was in respect of the deeds that might be committed in the future and not those that had already been committed³⁷. Later on, the government enacted other repressive laws such as the One Party (Interim Constitution) of 1965³⁸, The National Security Act of 1970³⁹ and the Tanzania

³⁴ J.K. Nyerere, 1967

³⁵ Under s.2 (l) of the Act, the President is empowered to detain a person who, in his opinion, is conducting himself so as to be dangerous to peace and good order in any part of Tanzania, or to the defense or security of the state.

³⁶ Section 7 of both Acts gives Regional and District Commissioners powers to arrest and detain a person for 48 hours if the Regional or District Commissioner has reason to believe that such a person is likely to commit a breach of the peace or disturb the public tranquility, and that such a breach could not be prevented otherwise than by detaining such a person in custody.

³⁷ Report of Nyalali Commission.

³⁸ The Constitution curtailed the freedom of political association by declaring a one party system.

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News Agency Act of 1976⁴⁰. Further, civilian rule also came to be characterized by an institutional failure in observing people's rights. For example, in order to hold on to power, the political leaders from the ruling party denied freedom of expression, practiced unlawful and extra-judicial killings, and rigged elections (Jonathan, 2016). This resulted in increasingly powerful executive branch closing civic space, a lack of political competition and still emerging civil society, limited government capacity, limited government accountability, and a lack of public demand for improvement, barriers to accessing information, and violations of human rights.

Coercion

In pursuit of a fast forward match, the independent government of Tanzania coerced the people into engaging in state designated economic activities. It was common practice to take a military approach to development efforts⁴¹. Few among the many were Operation Vijijini, Operation *Maduka*, *kilimo* cha

³⁹ The Act includes provisions for other activities such as communicating, certain information, protecting classified information, unauthorized use of uniforms and passes, interfering with persons on guard at protected places, possession of offensive weapons or materials, and spying on specific organizations and bodies. The definitions under section 2(1) of the Act i.e. "Classified matters" offensive weapons" and "protected places", are very broad to include practically "everything." Arrests may be made by any police officer without a warrant and the person so arrested may be detained for an indeterminate period of time.

⁴⁰ The Act was enacted to establish a national institution known as the Tanzania News Agency (SHIHATA), a body corporate with perpetual succession and an official seal. Among its principal functions are to provide, develop, and promote the establishment and operation of facilities for the collection and distribution of news and news materials. Within Tanzania the Agency was to act as a sole receiver and distributor of news materials from sources outside Tanzania as well as control and regulate the collection, distribution, and dissemination of news and news materials. Furthermore, the Agency shall take into account, among other things, the need to promote national and aspirations of Tanzanian people, to facilitate expeditious dissemination of news and news materials in the public interest, and to promote the accurate dissemination of truthful news. The provisions of the Act contravene Article 18 of the Constitution for they violate the freedoms of press and expression much as they make the Agency to monopolise collection and distribution of news and news materials within and outside Tanzania.

⁴¹ This approach is a direct consequence of the militarization of the party and the government, which happened in the mid 1960s. For a detailed study on the impact of incorporating the military into party and government structures, see Mihyo (2003)

kufa na kupona, Operation Barbaig, and the deportation of informal traders from urban areas. During Operation Vijijini⁴² large numbers of people were summarily rounded up, at short notice, together with their belongings, and trucked off to the site of their new village several miles away. During the 'Operation Maduka'⁴³ private shops were closed in all villages. The main actors in this operation were the people's militia and party leaders. During 'kilimo cha kufa na kupona' (meaning, 'cultivation as a matter of life and death') every able-bodied person in rural or urban areas had to be involved in food cultivation under the supervision of the party. A pass system was introduced, and passes were given to only those who had satisfied the requirements. Those without passes were not allowed to travel out of their villages. In some cases, even within their villages, they could not go to public places such as markets where the people's militia arrested those without passes. In 'Operation Barbaig', the Barbaig, a semi-nomadic community, were settled into permanent villages without their prior consultation or consent. Major security agencies such as the Field Force Unit, the Police and the Criminal Investigation Department were deployed for the exercise. Considered to be loiterers, idle and disorderly people, small informal traders were deported from urban areas into neighboring villages. Other people who suffered unnecessary state coercion were political trouble-makers, people who resisted self-reliance projects, suspected criminals, suspected persons (old people) practicing witchcraft, and even those people who resisted Chama Cha Mapinduzi (CCM) contributions (Nyalali Commission Report, 1991).

Tanzania's multiparty democracy period which began in 1992 has not resulted in the intended improvements (Kim, 2018). The party leader's actions and directives essentially encouraged the dominance of the ruling party over other political parties. The party executives, who are also state executives, have a track record of putting on a bad public show (Bamwenda, 2018). A slew of legislation and rules that reduce political space and bar opposition parties from democracy and development initiatives have been championed by the ruling party, Chama Cha Mapinduzi (Collard, 2021: Bamwenda: 2018). The party's actions encompass weakening the influence of opposing groups and

⁴² Vijiji means villages.

⁴³ Maduka means shops.

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concentrating power within its own domain. Executives of the government utilize laws that promote authoritarianism as well as financial and physical coercion as tactical instruments to further political control.

There are several actions that have been enforced by the state that fortified the infringing rights and freedom of opposition parties and citizens in general. For instance, banning of some newspapers, including, Mwanahalisi, Raia Mwema and Mawio prejudice in the media, gerrymandering of voting districts, interfering with opposition rallies and campaigns, intervention in civic association politics, and harassments of opposition party leaders by state officials are some of events that have all been documented (Collard, 2021). In addition, several police restrictions on public gatherings, including those of opposition parties and associations, were put in place on July 7th, 2016. These incidences lacked a convincing defense for such a significant restriction on political freedom. The president's June 2016 announcement prohibiting any political activity until the next election in 2020, reinforced police-ban of opposition rallies. The president's primary points of contention were the rise in civil unrest and the hold-up in his goals and the nation's progress. Thus, via arrests and the repression of opposition, the Tanzanian government has learned to be intolerant of public dissent (Collord,2021).

Several incidences of government officials using their authority to intimidate civilians have been reported. For instance, in February 2016, the former Dares salaam Regional Commissioner Paul Makonda, issued a list of persons allegedly involved in drug trafficking in Tanzania without revealing any evidence in that investigation (Bamwenda, 2018).

According to Human Rights Watch, 2019 there are several killings incidents by security forces and aligned militia during the election periods. In 2020 election for instance, it was reported that at least 14 people died and 55 were injured after soldiers and the police teargassed and shot at crowds between October 26 and 30 2020. More than 10,000 security forces were deployed to Unguja and Pemba Island in Zanzibar before election. Instead of maintaining security the deployed security force resulted in harassment, beatings, brandishing, teargassing, live bullets, and chasing people in public spaces. People were detained in unofficial sites for weeks, enforced curfews, and arbitrary arrests of residents and detaining of journalists who were covering opposition protests. That was not the first incident as even in the October 2000 general elections, more than 35 people were reportedly killed and more than 300 injured for protesting election irregularities in Zanzibar (Paget,2017).

Centralization of Power

It had been argued at the time of independence that unity and stability in the country needed an executive presidency. The presidency was expected to overcome divisions and act both as a stabilizing and mobilizing organ (Miti, 1980). In February 1962, therefore, TANU's National Executive Committee introduced a motion in Parliament to adopt a republican constitution, and in May, the government published a paper outlining its proposals on the issue. The new Constitution came into effect in December 1962, and Nyerere was duly elected the first President of the Republic of Tanganyika. At the commencement of the Republican Constitution, any rights, prerogatives, powers, privileges, duties or functions vested in or imposed on Her Majesty the Queen or the Crown in respect of Tanganyika were transferred, vested in, and imposed on the Republic⁴⁴. Moreover, any rights, powers, privileges, duties or functions vested in or imposed on the Governor General or the Prime Minister by the Independence Constitution were vested in and exercisable by the President⁴⁵. Constitutionally, therefore, the powers of the President were very broad. He was Head of State and Head of Government, Commander in Chief of the army and part of Parliament, without whose assent a bill would never become law⁴⁶. He appointed ministers and chaired the Cabinet. The Vice President and Ministers comprised the Cabinet, which advised the President on matters that he alone chose to refer to. But the President is not bound to accept the advice of the Cabinet and could act without its concurrence⁴⁷. He

⁴⁴ Article 7(1) of the Republic of Tanganyika (Consequential, transitional, and Temporary provision) Act, 1962.

⁴⁵ Article 7(2) of the Republic of Tanganyika (Consequential, transitional, and Temporary provision) Act, 1962.

⁴⁶Tordoff, 1967.

⁴⁷In the years following his return to the leadership of government as President, Nyerere assumed more responsibility for the definition of policy and he started to take a larger share of the political decisions without consultation with the cabinet. Nyerere was a leader strong in his convictions, and that if he could not broker agreement, he would impose it (Sundet, 2004). His power of decision rescued the government from the political divisions and conflicts that existed within the Cabinet between radicals and the conservatives as to the development

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also appoints members of the National Election Commission who coordinate and supervise voter registration, actual polling, and vote counting for presidential, parliamentary, and councilor's elections. It was under such circumstances during the 2020 election the ruling party won almost all the parliamentary, and councilor's seats all over the country. There is a big doubt about the neutrality and fairness of the commission, which was formulated by the incumbent president. It was very surprising that in the 2015 elections, the opposition parties, for example, had more than 116 parliamentary seats, but all of a sudden they won only 8 seats in the 2020 election. The president could nominate up to ten members of the National Assembly, address the Parliament at any time, and dissolve it whenever he chose-though this involved submitting himself to re-election also. He is free to decide how many offices of minister the Republic needs and could appoint any number of junior ministers to assist the ministers (Sundet, 2004).

Abolition of Local Government Authorities

The crusade for rapid but even social and economic development set a new role for the bureaucracy. On top of its traditional role of maintaining peace and order, the state bureaucracy was given the additional role of engaging in formulating and overseeing the implementation of development projects. This would only be a reality, however, if the bureaucracy was decentralized so that district and regional officials of the central government and local government officials had enough power to plan and control development projects at the local level instead of waiting for decisions from Dar es Salaam (Nyerere, 1973). With this view in mind, the government decided to decentralize the government through deconcentration. Through the Decentralisation of Government Administration (Interim Provisions) Act No. 27, 1972, the government dissolved local authorities and, in their place, created departments of central government called Development Councils (for districts) and Development Committees (for regions)⁴⁸ under Development

policy in Tanzania. These conflicts, if allowed, would have stalled important nation-building projects on lengthy discussion and potential deadlock in the cabinet (Sundet, 2004).

⁴⁸ See Decentralization of Government Administration (Interim Provisions) Act, 1972, Article 7(2)

Directors. Below the Development Directors were functional officers⁴⁹ who, together with the Development Directors, constituted the management teams. The Act provided for all these officers to be appointed by the President and Prime Minister⁵⁰. Therefore, what the government did was to replace the local representative councils with central government bureaucracy.

All persons who were, immediately before the dissolution of the local authority, elected members representing the wards within the district continued to be the members of District Development Committee⁵¹. Upon the expiry of their term of office, the Prime Minister was conferred with powers to appoint other members to fill the vacancies⁵². This continued to be practiced until 1975, when the Parliament enacted the District Development Council (Elections) Act No. 24, 1975. But it is in official records that no elections were held during the whole period of decentralization, even though the Act provided that elections be conducted to give the councils local representation. Therefore, the elected members were gradually eliminated, and those who were elected before 1972 just ceased to attend the meetings of their councils because they were frustrated by the dominance of the central bureaucrats. With the disappearance of local representation, the central bureaucracy managed to wield power to control the masses.

The colonial government in Tanzania was government run by civil servants. In the words of Dryden (1968), civil servants were responsible not only for the implementation of policy but also for the framing of it. The reason behind this is that the local administration in colonial Tanganyika followed the English system of local government, which is informed by the assumption that though councilors may be competent to frame policies, they lack the professional expertise to implement the decisions that they make. Local government was regarded as the business of specialists. Like its colonial

⁴⁹ Functional officers were responsible for matters relating to health, education, agriculture, natural resources, commerce and industries, Ujamaa and co-operative development, public works, water and land development.

⁵⁰ The President appointed the Development Directors while the Prime Minister appointed the Functional Officers.

⁵¹ See Decentralization of Government Administration (Interim Provisions) Act, 1972, Article 7(3).

⁵² See Decentralization of Government Administration (Interim Provisions) Act, 1972, Article 18(3)

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predecessors, the independence government in Tanzania ended up decentralizing the servants of the central government to the local level. Thus, despite the efforts made in decentralization after independence, the country reconsidered centralizing many functions that were proposed in decentralization by devolution policy of 1998. For example, the finance act of 2020 section 46. (9A1) orders a minister responsible for local government authorities to establish and maintain centralized system of collecting service levy from holders such network facility and network service licenses.

Abolition of Political Parties

The party that had served as a unifying and moderating factor in the pre-independence days was seen as able to play the same role in the post-independence era. It was with this intention in view that a call for a one-party state system was made (Miti, 1980). A Presidential Commission was appointed in January 1964 to consider the changes in the Constitution of Tanganyika, in the Constitution of TANU, and in the practice of government that might be necessary to bring into effect a democratic one-party state in Tanganyika (Dryden, 1968). The function of the commission was very narrow, for the decision to move to a one-party system had already been made (Nyerere, 1966). After consultations with all shades of opinion, the Commission submitted its report, leading to the adoption of the Interim Constitution of 1965, which incorporated the Executive Committee of TANU into the structure of government authority (op. cit.). What the institutionalization of the one-party system did was to transfer the process of decision making from both the cabinet and parliament to the party forums (Miti, 1980). The National Executive Committee (NEC) of TANU was, through the National Committee (Powers and Privileges) Act 1965, conferred with powers and privileges similar to those enjoyed by the National Assembly (Mtaki, 1994). Its scope and powers had now been increased, and it had begun to function in certain governmental capacities (Msekwa, 1995). Under the guidance of the President, the NEC was vested with the power of unifying and controlling political activities and, above all the power of mediation in all conflicts arising in the political arena. All conflicts were to be resolved in private under party umbrella from then on (Miti, 1980).

The contention that the executive eroded the supremacy of Parliament by masking the concept of party supremacy also finds justification in the personnel that sat in both institutions. The Chief Executive who assented to bills passed in the National Assembly and also acted as the Chairman of

Cabinet meetings which initiated the bills, was at the same time the chief functionary of the party, and the chairman of NEC and Central Committee meetings. Similarly, the cabinet which consisted of party members was heavily nominated by NEC members, with others finding their way to the Central Committee, the think-tank of the party (Mtaki, 1994). The concept of party supremacy was merely a synonym for executive supremacy.

The enactment of the Interim Constitution went hand in hand with the abolition of all opposition parties⁵³. TANU and ASP remained the sole political parties on the mainland and Zanzibar, respectively⁵⁴. All political activities in Tanzania were required to be conducted under the auspices of the party⁵⁵. It was an authoritarian decision because it curtailed freedom of political association.

Colonial mindset and democracy lie

Having been subjected, most of their lives to an authoritarian political order, independence leaders inherited an authoritarian colonial mindset as well. A few examples can be cited. Silencing the MP's challenges against the Government motion for a presidential system, Nyerere said that "...the people of Tanganyika would not understand the idea of a Head of State who has no power because they were used to a colonial administrative system where power was identified with the person of the Chief, District Commissioner, Provincial commissioner, or governor-general. Just as there was a Governor-general during the colonial rule, an Executive President was required during independent rule. It is what the people were used to, and it is the practice they could understand, so it must be continued". In other words, President Nyerere found that the inherited parliamentary system did not give him as much power as it gave to his predecessor. He rejected it and returned to the colonial authoritarian style of rule by centralizing power under the head of the state.

The other colonial heritage is elitism. Elitism is the perception that, in a population mainly illiterate, the educated have a special claim to leadership because of superior enlightenment and greater capacity to handle the complex affairs of the modern state (Coleman and Roseberg, 1964). Due to

⁵³ Interim Constitution, 1965, Section 3(1)

⁵⁴ Interim Constitution, 1965 Section 3(2)

⁵⁵ Interim Constitution, 1965 Section 3(3)

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their colour, German colonial officers believed Africans, were illiterate. They were, therefore, systematically removed from district councils by introducing literacy in German as a criterion of membership. British colonial administrators considered the members of the local authorities, including the chiefs, to be illiterate and therefore incapable of drawing up tangible plans (Max, 1991). With similar attitudes, President Nyerere felt far more confident in his ability to determine what was best for his people than in their ability to determine it for themselves⁵⁶. This may be a plausible explanation as to why Nyerere (1966) put it categorically clear when handing over the terms of reference to a One-Party-State Commission that "...the Commission was not to consider whether Tanganyika should be a one-party state or not. That decision had already been made". As Clapham (1985) correctly points out, it was not Nyerere who sought support from the majority of the Tanzanians, but the Tanzanians who adapted to the dictate of their leader's, because he knew what was best for them.

4. 1992 and Beyond

Though multiparty politics was re-introduced in 1992, the political space has continued to be haunted by authoritarian tendencies of the past throughout. In a similar manner to the socialist one-party period, CCM monopolizes every facet of political life in such a way that Makulilo (2008) describes Tanzania as a *de facto* one-party state. The reason for this situation is that the umbilical cord between CCM and the state which ought to be severed during the transition to multipartyism remains intact to date. Consequently, CCM has exclusive access to the resources - legal, coercive, financial, media, and the state which gives it the (unfair) competitive advantage over all the remaining opposition parties (Makulilo, 2012; Makulilo, 2014). Years after Tanzania formally adopted a multiparty system in 1992, CCM continues to misuse and abuse state resources to retain and maintain its hegemony (Paget, 2017).

The 2020 general election marked a climax in the return to a *de facto* one-party state. The ruling party CCM by fouls tactics reminiscent of past elections, won by landslide margins. According to Collord (2021), CCM misused and abused the state resources in its favour, including refusal to accept opposition candidates' nomination forms by the returning officers or simply shutting their offices early, banning or interrupting opposition candidates'

⁵⁶ Clapham, C (1985) *Third World Politics: An Introduction*, pp. 64.

campaigns, intimidation by police at polling stations, and blocking opposition polling agents from accessing polling stations. CCM victory of 99% of all the seats in the national assembly is attributed to these tactics and it effectively resulted in a one-party parliament.

5. Conclusion

The seed of authoritarianism sown during colonial and irrigated throughout post-colonial Tanzania continues to haunt the country's path to democratic development. The seeds are artificiality and the fragility of the state. These two factors pose a threat to national political authority and democracy, slowing down development. While the brights of post-independence Tanzania would have created hopes for democracy, the country has endured long periods of political suppression. In the contemporary world, where the effects of colonial legacies would have been forgotten, authoritarianism and its features continue to be embraced as methods for exercising political control. Realisation of democratic ideals would entail uprooting colonial elements from political institutions, including the Constitution.

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