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## Defence and Security Forces and the 2000 General Elections in Tanzania

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"...The textbooks on criminology like to advance the idea that prisoners are mentally defective. There is only the merest suggestion that the system itself is at fault..." (Jackson, 1971).

### Introduction

Little attention has been paid to the role of defence and security forces on democratization processes (including elections) in Africa. This general observation is also true in the case of Tanzania. This may not be accidental. Part of the explanation is that defence and security forces are usually (not inevitably) insulated from public scrutiny and scholarly enquiry. An excessively high degree of secrecy and lack of transparency within these organs raise a question regarding their position and role in society. If these are really public institutions, one would expect them to have a reasonable degree of public accountability and be somewhat accessible to public scrutiny.

The 2000 general elections in Tanzania were characterised by a distinct feature that has never been witnessed in the country in the past elections since independence. During the 2000 elections coercive organs of the state, particularly the police force, and to some extent, the army occupied a conspicuous profile in the electoral processes at various stages. The police force was invariably deployed to "maintain law and order" during the election processes. It was involved in verbal wrangling with the opposition; and in a number of incidents it was involved in physical confrontation supporters of opposition parties. Police commanders constantly issued statements of political nature that were supposed to be given by politicians. The army was mobilised, deployed and kept on alert<sup>1</sup>. Given the sensitivity of elections particularly in young democracies such as Tanzania, undoubtedly, coercive organs of the state ought to assume a prominent position in maintaining law and order so as to facilitate the conduct of electoral processes. What raises the main concern

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is not only the use of those organs during elections, but also the extent of their use and behaviour, including whether or not their conduct is congruent with universal democratic norms and practices (TEMCO, 2000: 113,119).

The purpose of this paper is two-fold. First, it attempts to examine the extent to which the police force and armed forces were involved in the electoral process and their actual behaviour in the process. Second, it explores possible reasons accounting for the emergence of that peculiar phenomenon on extensive use of defence and security forces in electoral processes in Tanzania, a country that is still regarded by many people as one of the few oases of peace in a conflict-ridden region of sub-Saharan Africa. The objective is to highlight possible repercussions of that phenomenon on electoral politics in particular and politics in general, as well as how that phenomenon could be averted.

### Theoretical Premise

A brief review of criminology theory may greatly help us to underpin the subject of our discussion. *Correctional criminology or the traditional deviancy theory* was the first intellectual endeavour to study criminology. This theory is premised on the assumption that the "criminal" is suffering from lack of socialisation caused by either a genetic inability to become fully human or environmental constraints, which have hindered his social development (Becker, 1963; Matza, 1969). The main deficiency with this theorisation is that the social world (the context) is a taken-for-granted consensus where, it is assumed that members of society agreed on the basic fairness and rationality of their society. Thus, involvement in stealing, drug abuse, prostitution, violence, criticizing and challenging the regime in power, are precisely seen as individual deviant anti-social behaviours. What is suggested as a corrective measure by thinkers subscribing to the above view, namely, correctional criminologists, is institutionalization of a severe punishment to the offender.

Following failure of severe punishments to reduce crime rates, a new wave of deviant theorists emerged. These came up with a critique to correctional criminology which had unwaveringly served interests of the powerful. Correctional criminology (traditional deviancy theory) was criticised largely for its failure to answer two fundamental questions: Why is the individual predisposed to commit crime; and why is the action considered criminal in the first place? The key concept of new deviancy theorists is what is referred to as

"labelling" (Pearce, 1976:13). According to them, society does not consist of a monolithic consensus. It has a pluralistic set of values. Thus, the designation of an action as criminal or deviant is usually subjective and is influenced by a group's perception and position. The powerful group (the moral entrepreneur) in society having more power than others tends to enforce its values upon the less powerful, labelling the non-conformists with stereotypical tags, such as thieves, thugs, hooligans, psychotics, traitors, puppets, foreign sponsored Muslim fundamentalists, terrorists, and the like. The situation in Tanzania during the 2000 general elections was typically informed by the correctional criminology theory. The ruling party and the government of the day branded opposition political parties with a host of nasty tags, whereby coercive organs of the state were instructed to deal with them without mercy.

### Why Excessive Coercion?

No government on earth can rule without a significant degree of compliance of the ruled. Three types of mechanisms are usually employed to elicit compliance or consent from the ruled. These are coercive, remunerative, and normative mechanisms (Etzioni, 1961:22-34). Coercive mechanisms involve the presence of a credible threat or the actual use of force to induce compliance, which is the threat of violence or incarceration. Remunerative mechanisms are those of utilitarian nature such as economic benefits and other privileges. Normative mechanisms involve ideological reinforcement or value systems. These three types of mechanisms are ideal. In the real world of politics, there is no polity that will exclusively use one type. The three may be combined although there is a possibility of determining the dominant mechanism in use.

### Compliance Mechanisms Implications in the Tanzanian Context

In Tanzania, the balance of sources of compliance has remarkably shifted from a predominantly normative model to a coercive model. Until the late 1970s, the Tanzanian state was using nationalism and a populist ideology, which was a brand of African socialism (*Ujamaa na Kujitegemea*) to elicit compliance. Subjects were indoctrinated with a heavy dose of nationalist ideology as well as socialism and self-reliance. The former was aimed at making the subjects believe that the nationalist party (TANU and ASP, later merged to form CCM) and their leaders had struggled for independence. Therefore, to challenge them was equated not only with lack of patriotism but also treason. Socialism and self-reliance was geared at indoctrinating people to believe that the regime in power was seriously committed to people's development based on

egalitarianism. The above two elements were the main pillars of what came to be referred to as the ideology of *developmentalism* which discouraged pluralist ideas and competitive politics on the pretext that they would promote divisiveness and hinder rapid socio-economic development.

Antonio Gramsci, for example, was preoccupied with the question of *consent*. Although he focused mainly on the developed societies, his concept of *hegemony* is useful even in the underdeveloped areas. According to Gramsci, a heavy reliance on coercion is a strategy of the last resort when the ideological struggle to produce consent has failed. When the ruling class is successful in such a struggle, its dominance is considered to be *hegemonic*. On the contrary, when it has failed, it inevitably experiences a *crisis of authority* (Gramsci, 1971). Based on Gramsci's formulation, it is clear that the Tanzanian ruling class is no longer hegemonic because it experiences a more serious *crisis of authority* than of any time since independence. Abject poverty, unequal distribution of resources, deterioration of social services, and total despair of the majority of the citizenry and so on, render a remunerative basis of consent ineffective.

To be sure, the normative basis of consent has almost disintegrated with the demise of socialism and self-reliance. Besides, the ideology of "developmentalism" is now obsolete and nationalist appeals are fading away. Until now, there is no genuine replacement such as genuine social democracy and the rule of law or any other popular doctrine. In its attempt to cultivate an alternative normative basis, the ruling class now grapples here and there claiming to be the custodian of peace and tranquillity, as well as labelling their opponents with a range of tags such as hooligans, power hungry, tribalist, regionalist, Muslim fundamentalists, foreign sponsored terrorists, and the like. Thus given that state of affairs, the ruling class is left with two alternatives, first, to look for alternative bases of consent by embarking on far reaching economic reforms (leading to poverty alleviation), and second, democratisation or continuing to rely heavily on coercion to elicit compliance. The latter alternative, albeit, may yield some desirable outcomes of deterring opponents in the short-run, its cumulative effect in the long-run may plunge the nation into catastrophe.

During the 2000 general elections, there was excessive display and use of coercive forces in the election processes. The trend has drastically increased in the aftermath of the election. Why does this phenomenon come about? It was pointed out before in the

introductory part that reasonable use of force is justified as circumstances dictate. But when display and use of force are considered excessive even by the Tanzanian standards, that is, compared to all previous elections since independence, and then it is worth inquiring, what has gone wrong?

Ideally, display and use of force illustrate the existence of disharmony and disorder or potential for disharmony. It is unreasonable to display or use force in a situation of harmony and order. The threat and use of force in Tanzania take place because of the presence of both disorder, as well as potential for disorder. In due regard, the 2000 general election was in a situation of disorder because there were already incidents of physical confrontation between the police force and members of the opposition. It was also a situation of potential disorder because the governing structures and the rules had not been consented to by all major political actors. Consequently, those resenting the governing structures and rules were anticipated to react in different ways demanding for restructuring of the governing system, including rules.

When there is disorder or violence, there must be at least one of the three factors or a combination of them. One is that it is simply *unruly violence* committed by deviants: hooligans, thugs, thieves, and so forth. In other words, such kind of violence may have no political content or objectives. The second type of violence is basically political. This is often an outcome of the presence of genuine grievances on the one hand, and lack of commitment, including sensitivity on the part of the political leadership to effect changes in the country's political landscape on the other. In the case of Tanzania, the fact is that until now there is no consensus on the governing structures and rules of the political game. Thus, lack of consensus plus the conduct of the political leadership, defence and security forces have worsened the political situation.

### Pre-2000 General Elections Situation

Until late 1999, the ruling party anticipated an easy ride towards a staggering victory (*ushindi wa kishindo* in CCM's words). This expectation arose from the fact that the strongest opposition party on the Mainland, NCCR Mageuzi had been split into pieces. The other opposition parties, given their weaknesses and failure to form a united front, were not expected to provide any serious challenge to CCM establishment, which has deep roots, as well as networks all over the country. The overwhelming victory, over 90 percent, in the December 1999 hamlets and village authorities' elections also strengthened the confidence of the ruling party that it had no frightening contestant on the Mainland.

Contrary to those expectations, CCM seemed to lose confidence as the 2000 general elections approached. It started to face a serious challenge due to existence of a formidable opposition in Zanzibar and the cropping up of opposition on the Mainland, but also more strikingly, due to the upsurge of dissent within the ruling party itself. Cracks within the ruling party were still concealed, but they were real. There was a rift between CCM-Mainland and an important fraction of CCM-Zanzibar. This rift occurred following the National Executive Committee (NEC) rejection of Salmin's ambition to recontest in the Zanzibar presidential election after his two five year terms had expired. Connected to that, his favourite candidate for the Zanzibar presidency, Dr. Gharib Bilal, was also defeated in the NEC nomination process. This created suspicion among CCM leaders on the mainland and those close to the Zanzibar presidential candidate, Amani Abeid Karume, that Salmin and his loyalists could sabotage CCM campaigns in Zanzibar.

In addition, the nomination process within CCM further weakened the party. Some parliamentary aspirants who had won in the primaries in their constituencies were axed by the National Executive Committee on allegations of corruption. This created resentment not only among the axed aspirants but also their supporters who threatened to boycott voting or vote for the opposition. In dealing with this issue, the government and the ruling party used both negotiations, as well as threat of sanctions against dropped aspirants. Almost all of the axed aspirants were asked or forced to express their acceptance of the nomination outcome and their willingness to campaign for the ruling party candidates.

There was a certain degree of uncertainty and apprehension on the part of the incumbent government. CCM's electoral victory in Zanzibar was very unlikely if the election would be free and fair. But even on the Mainland, CCM's victory could not be taken for granted. The constitutional amendment repealing the provision requiring the presidential candidate to score fifty per cent or above of the valid popular votes was therefore affected. If CCM was satisfactorily confident, it would not have thought of changing the constitution. A plurality win for the presidential candidate in presidential system whereby the president wields excessive powers (both constitutional and *de facto*) may raise questions with regard to the degree of representation and accountability to the public.

Lack of confidence was, therefore, one of the factors, which led to constitutional changes. The same applies to the display, threat and use of force by the regime in power during the election and thereafter.

Apart from lack of confidence, the regime was suffering from an "overkill" syndrome, that is, overstretching of its muscles and public resources to ensure that opposition parties do not even retain their 1995 seats, thus to 'liberate' constituencies that fell under the opposition in the 1995 election. Consequently, there were widespread threats to government and party employees that they would lose their jobs or positions should their constituencies fall under the opposition.

The use of force is certainly not a new phenomenon. That was the situation in 1995 as well. The only difference is that in 1995, followers of the opposition were so timid and fearful to stretch their muscles against coercive forces of the state. In 2000, the story was different and the degree in use of force was higher than in 1995. The opposition by words and deeds seemed to be prepared for any violent eventuality; and that was precisely what the state worried about.

What the state proclaims in public may be fundamentally different from its inner motives. In public it says it is seriously concerned with preservation of unity, peace and tranquillity. But in practice, those concerns seem to be secondary, the state is all out to coercively contain the opposition, to deprive its right to mobilise support and eventually to deprive it of electoral victory if it wins as was the case in Zanzibar in the 1995 and 2000 elections. This raises some pertinent questions.

Why is CUF extremely suspicious of or distrust coercive organs of the state and the Electoral Commissions? It is against the backdrop of the 1995 election and of the failure of the peace accord (*muafaka*) that has created conducive environment for violence in the isles. In the presence of electoral laws, which are not consented to by the opposition, the presence of an electoral commission whose independence is seriously doubted, and the presence of coercive organs of the state, which are conspicuously biased against the opposition, there is an opportune ground for violence. Election is inherently a very sensitive process, to embark on it in the absence of agreed rules by contending parties is a very risky adventure.

Should the country be plunged into catastrophe, the *primary* responsibility should rest on the state, which was unwilling to implement the Commonwealth brokered accord (*muafaka*). The spirit of the accord was precisely to lay the foundation for a fair and peaceful electoral contest in the isles. There is no doubt that the

preoccupation of the incumbent regime is to retain power by whatever means. If holding of free and fair elections could not guarantee the realisation of that prime objective, then it follows that the election process has to be manipulated in order to retain power as reflected in the following dialogue:

### **Difficult Questions, Simple Answers**

*Question: Why has the Union government sent to Zanzibar police and military reinforcement?*

*Answer: The situation in the isles is tense?*

*Question: Why is the situation in the isles tense?*

*Answer: The opposition is bent on violent politics (tooth-for-tooth).*

*Question: Why is it bent on violent politics?*

*Answer: It wants to capture political power by any means.*

*Question: Can't it capture political power through free and fair elections?*

*Answer: No, not at all. That is impossible. We are not prepared to relinquish power through the ballot. This is a revolutionary government. Power can never be surrendered to people who scorn the holy Revolution and who intend to break the Union<sup>2</sup>*

The foregoing are some typical questions posed by political analysts and typical responses given by government and the ruling party. In the light of the preceding, one could make a judgement as to who is responsible for political violence. Mkapa and CCM's position is that Zanzibar could not be left to leaders who scorn the revolution, as well the history of the country. What may happen when election is not a mechanism of peaceful transfer of power from one party to another? What may happen in a situation where only one party has the right to rule and others have only the right to participate in unfair elections? What may happen when electoral victory is associated with possession of guns and missiles?

At this point, it is important to examine the behaviour and conduct of political elites, defence and security forces by briefly reviewing the politico-military relations in Tanzania.

### **Politico-Military Relations (PMR) in Tanzania**

First and foremost, it has to be noted that "...many African governments build security forces, not primarily for national security but for the survival of regimes... (Abogonye, 1998:119). Just like many other African regimes, the Tanzanian regime deploys its military and security establishments in order to stay in power, as well as appropriate the nation's wealth. One of the tactics of making

the armies obedient to ruling politicians is to politicise them. Once they are effectively politicised they may be readily used to perform an unconstitutional task of crushing popular dissent as instructed by their political bosses (Luckham, 1998:5). Thus, when this type of regime talks of national security and defence, it also implies the use of excessive coercion in order to terrorise, as well as exploit rather than protect its own citizens. But the bare fact is that national security is not guaranteed by excessive reliance on coercion particularly when the regime is faced with a serious internal opposition.

The restructuring of Tanzania's politico-military relations "occurred within the context of a single party and overt politicisation..." Lukham and Hutchful (1998: x) argue that "...it is surely a supreme irony of the democratic transition in Tanzania that the formula that guaranteed civil control of the military is now found inconsistent with democracy." Tanzania, which is fortunate to have never experienced a successful coup, extensively politicised all its defence and security establishments (see, eg., Shivji, 2001). The Presidential Commission on Single or Multiparty System (The Nyalali Commission, 1991) recommended that all defence and security organs of the state be depoliticised. Thus party branches in defence and security establishments were shut down. Military and police officers were barred from being in any political party or actively participating in politics. Those who are interested in seeking political posts are required to resign from their commissions.

Despite these legal reforms, defence and security organs remain highly politicised. A long time indoctrination, clientelism and paternalism at the expense of meritocracy, as well as professionalism make the cosmetic legal reforms ineffective in depoliticisation of coercive organs of the state. In other words, politicisation of these organs has been formally (legally) abolished but this did not translate into corresponding substantive behavioural change.

### **Militarisation of Elections: Ngunguri versus Ngangari<sup>3</sup>**

The partisan role of the defence and security forces, particularly the police force was evident at all stages of the election processes: registration, nomination, campaigns, ballot casting, counting, and even after the declaration of results. In fact, the entire electoral process was militarised so to speak. This is a very dangerous precedent as Hutchful and Bathily (1998, p. iv) observe that "...the militarisation of the political function in African countries has been an important ingredient in the decay of the state and the

disintegration of the military institution itself..." This section attempts to provide a brief account of the scope and extent of the use of defence, as well as security forces in the electoral process.

### **Military Interventions in Voter Registration**

On the first day of registration, August 8<sup>th</sup> 2000, it was reported that CUF supporters invaded several registration centres. A report issued by CCM Sub-Head Office, Kisiwandui claimed that CUF followers caused violence in some registration centres. It was claimed that they had stones and knives to scare some people who wanted to register. Among the registration centres claimed to have been invaded were a centre in the Shehias of Kiembe Samaki, Tomondo, Magogoni and Mwanyanya where one CUF official allegedly had caused disorder following refusal by the *Sheha* to register some 150 people accompanied by that official on the ground that they were not residents of that area. The CCM report also alleged that chaos occurred in some constituencies in Pemba namely Chambani, Mtambile, Mkanyageni, Ziwani, Wawi and others. Officially, CCM wrote to ZEC and government complaining of the alleged chaos caused by CUF supporters (*Mwanachi*, August 9, 2000). There were reports of police beatings and arrests in cases related to registration in several places particularly in Zanzibar.

In Unguja, for example, during registration the police escorted non-residents and under-age youths to registration centres where they were allowed to be registered by the Returning Officers, as well as *Shehas*. Hundreds of youth were sent to Pemba, they were taken to registration centres by trucks under FFU escort. These were registered in some centres in Mkoani and Kiwani constituencies in Mkoani district, including Wawi constituency in Chake Chake district (TEMCO, 2000:113;119). Illegal registration organised by defence and security establishments was also undertaken in Unguja. Hundreds of policemen, soldiers, and CCM youths from the Mainland were sent to Unguja, some were treated as transferred JKU members and hence "qualified" to be registered as transferred civil servants (*ibid.*).

### **Military Interventions in Campaigns**

Clashes between the police and electorate during campaigns were reported not only in Dar es Salaam, Unguja and Pemba but also in areas such as Musoma, Songea, Tabora, Rukwa, Mtwara, and so on. Unguja, particularly Zanzibar Town, was the most volatile area. In many areas in the country, it was reported that the police force was overtly biased against the opposition. There was undue police

interference with respect to rally times, processions and even venues. No incident of interference against the ruling party was reported.

In Zanzibar, the police obstructed some CUF rallies by putting up roadblocks, searching each passenger and hence causing excessive delays leading to postponement of some of the scheduled rallies. The searches were allegedly aimed at looking for weapons, the definition of which included knives, sticks and stones. The CUF presidential rally at Bumbwini, Unguja North, on September 8<sup>th</sup>, for example, had to be rescheduled because of the police roadblock at Mfenesini Police Station. The Police claimed that they decided to search the CUF entourage following an incident at Makunduchi where CUF followers were alleged to have assaulted the incumbent MP of that constituency, Abdusalaam Issa Khatib and vandalised his vehicle (*Mzalendo*, September 10, 2000).

On both Zanzibar and the Mainland, opposition campaign processions were disrupted and criminal charges were levelled at opposition followers, including leaders for staging "illegal demonstrations." Over 400 election-related arrests were reported by the police. Almost all such cases involved opposition supporters, not because they were exclusively responsible for unruly conduct, but precisely because the police was excessively biased against the opposition (*TEMCO Fortnightly Bulletin*, October 1 -15, 2000).

Police in Zanzibar disallowed gatherings of more than three people without permit. The police also disallowed house-to-house campaigns (*Mtanzania*, September 6, 2000). Was there an adequate reason to forbid gatherings of more than three people? Why did the police reach that decision? What was the background? Gatherings of people are actually the life pattern in Zanzibar in *Maskanis*, coffee and "gossip" centres. Such gatherings are the main entertainment activities in Zanzibar.

The police fabricated unreasonable charges that people returning from campaign rallies were demonstrating. The definition of demonstration was overstretched. When people go to rallies normally they do not constitute a large procession but they normally do when they return. It is unrealistic to expect people from rallies to disperse or return one by one or walk silently as if they are from funerals. Shouting and singing make politics entertaining and exciting. But related to that, why is it that claims of holding demonstrations are only levelled against one party? Do followers of the ruling party not walk in groups to and from political rallies?

One of the charges of an "illegal demonstration" was levelled against the Zanzibar presidential candidate on the CUF ticket, Seif Shariff Hamad, and five other leaders. They appeared before the Vuga Magistrate Court on September 4<sup>th</sup>, charged with staging an illegal demonstration. They pleaded not guilty and were released on 200,000/= bail each plus two sureties of the same value (*Daily News*, September 5, 2000). It is instructive, at this juncture, to briefly explain the legal controversy regarding police interference with campaign rallies and processions.

### Legal Framework Governing Election Campaigns

Article 20 (1) of the Constitution of the United Republic of Tanzania, 1977, stipulates that:

Subject to the laws of the land, every person is entitled to freedom of peaceful assembly, association and public expression, that is to say the right to assemble freely and peaceably, to associate with other persons and, in particular to form or belong to organisations or associations formed for the purposes of protecting or furthering his or any other interests.

Against the spirit of the Constitution, the Political Parties Act, 1992 (Act No. 1 of 1992) and the Police Force Ordinance (No. 51 of 1952, Chapter 322 of the Laws) provide the police with wide discretion concerning whether or not to allow processions and public rallies to take place. The police have been consistently stopping opposition parties' public rallies relying on provisions of the *Political Parties Act*, 1992 and the *Police Force Ordinance*.

In a famous case of *Rev. Christopher Mtikila v. Attorney-General* (1995), Mtikila asked the High Court of Tanzania to declare a number of statutory provisions illegal for infringing rights and freedoms guaranteed under the Constitution. These included section 11 of the *Political Parties Act*, 1992 and Sections 40, 41, 42 and 43 of the *Police Force Ordinance*. Judge J. Lugakingira who presided over the case ruled that a law which seeks to make the exercise of rights subject to permission given by another person is inconsistent with the express provisions of the Constitution, for it makes the exercise illusory. Here he specified Section 40 of the *Police Force Ordinance* and section 11 (1) of the *Political Parties Act*. Thus, although Section 40 of the *Police Force Ordinance* is still in the statute book, it is null and void after the said ruling that has not been challenged in the Court of Appeal. That is to say, political parties are now only required to notify the police of their intent to hold public rallies or

processions and not to ask for a permit. This is clearly provided for under the Written Laws (Miscellaneous Amendment) Act of 1995, which allows political parties to hold public rallies after giving a forty-eight hours notice to the police (Mapunda, 1998:149).

### Cooling Political Heat: Reconciliation Initiatives

At some point, there was a half-hearted attempt to ease tensions between the police and opposition. A tripartite meeting between the police, Zanzibar Electoral Commission, and political parties was convened on October 2<sup>nd</sup>. As an outcome of this meeting, it looked as if tensions were cooling. On October 11<sup>th</sup>, 2000, however, it became evident that the police had not changed its attitude. Violent clashes between the police and CUF supporters occurred at Kilimahewa when CUF supporters beat up three police officers and a gun was alleged to have been robbed by the CUF supporters. The reason for that bloody fracas was that the police had short with live ammunition six CUF followers at a campaign rally. Five of the six shot were hospitalised with gunshot wounds. They were later arrested and charged in court with destroying property and causing injury.

On October 15<sup>th</sup>, the Inspector General of Police (IGP), Omar Mahita, held a meeting with CUF's isles' presidential candidate, Seif Shariff Hamad, and thereafter the IGP met with Amani Karume, the CCM isles' presidential candidate. Meanwhile, the appearance of Laurian Tibasana, Commissioner of Police-Operations and Training on Dar es Salaam Television's (DTV) programme on the 2000 General Election had a symbolic meaning of easing tensions between the police and civilians. Tibasana answered challenging questions relating to the police conduct in the election posed by TV programme's presenters and viewers (*TEMCO Fortnightly Bulletin*, October 1-15, 2000). With all such initiatives, nothing substantial was achieved and tensions were mounting day after day.

### Chronology of Events Implicating Defence and Security Forces

During the campaign period, there were strong police and military reinforcements in the isles from the mainland who were joined by the Zanzibar Anti-Smuggling force, popularly known as "KMKM". All these units were heavily armed and the armoured vehicles mounted with missiles as well as rocket launchers were patrolling the streets in the urban centres. In the morning, soldiers were jogging and singing threatening songs. There was an extra-ordinary display of force, not for the purpose of maintaining security and facilitate the election, but basically for the purpose of ensuring that

the ruling party wins by whatever means and scare the opposition to stage any protest. The manner in which the police used excessive force by beating up and arresting CUF supporters at Darajani, Zanzibar Town on October 30<sup>th</sup> is an illustration of its intent to silence any protest.

On the part of the ruling party, there were mixed statements from senior party leaders. Some leaders were urging the electorate to scorn hostile politics [(e.g. Salmin Amour, the outgoing Zanzibar President at a campaign rally, at Mkwajuni; Dr. Omar at a campaign rally at Kiwani, Mkoani) (*Uhuru*, September 7, 2000)]. Salmin told the audience that CCM supporters should not react to CUF's insults and assaults; instead, they should wait the Election Day to retaliate by voting for CCM. He further said that acts of violence committed by CUF is a sign of desperation after realising that it had no chances to win the forthcoming election.

Ali Hassan Mwinyi, former President of Tanzania, who was vigorously campaigning for the CCM Zanzibar presidential candidate, on the contrary, sensitised people to conduct adverse politics telling them that the state is behind them. Some other leaders of the ruling party were inciting their followers to react to violent acts committed by their opponents. Speaking at a campaign rally in Sinza constituency, for example, where Charles Keenja of CCM contested, the Kinondoni District CCM Chairman, Salum Londa, said that CCM would not tolerate unruly acts conducted by CUF. He was quoted to have said: "...From now on, we shall be prepared to respond to any unruly acts committed by CUF..." (*Mtanzania*, September 6<sup>th</sup>, 2000). President Mkapa while addressing campaign rallies on October 19<sup>th</sup> and 20<sup>th</sup> at Micheweni and Mkoani in Pemba, respectively, clearly stated that electoral victory could not be given to a party, which scorned the Revolution, as well as which intended to break the Union. He also claimed that CUF's intention was to make the country ungovernable but there were people including himself who had sworn in to defend the Constitution. He was obviously referring to coercive organs of the state that would be deployed to ensure that CCM remains in power in both Mainland and Zanzibar under the pretext of maintaining the Revolution, including the Union.

CUF, on its part, reacted with a militant tone. On October 22<sup>nd</sup>, Seif Shariff Hamad stated that if CUF would be robbed of its victory he would lead people into the streets. The militant tone was reinforced by the CUF Union presidential candidate, Professor Ibrahim Lipumba, while addressing a campaign rally in Micheweni, he

insisted that CUF would not tolerate election fraud by ZEC and that if it would be robbed of its victory, the response would be *ngangari* or *jino kwa jino* (tooth for a tooth). An analysis of the statements by politicians from the both the ruling party and opposition as well as the police behaviour suggests that all of them were prepared for violence. The ruling party aimed at winning the election by force. The police and other coercive organs of the state were prepared to help the ruling party achieve its objective by using force, while the opposition was also prepared to use force if the election would be rigged.

On September 24<sup>th</sup>, 2000, FFU blasted tear gas to disperse CCM and CUF followers at Mazense immediately after the end of campaign rallies. It was claimed that the riot started following an invasion of CCM followers by CUF youths who were returning from a rally held at Mburahati. CCM followers felt that CUF youths wanted to assault them. They prepared themselves to counter that assault if CUF followers would dare to do so. Before the followers of the two parties confronted each other, the police decided to disperse them by using tear gas. The Dar es Salasam police Commander, Alfred Gewe testified that nobody was injured or arrested in that riot. In a similar incident, the police used tear gas to disperse CUF followers at Mbagala on September 23<sup>rd</sup>. According to Gewe, in both incidents CUF followers had blocked the road. They were instructed to disperse but did not obey the order and "...the police had to blast tear gas to disperse them but wisdom prevailed as nobody was wounded..." (*Nipashe*, September 25, 2000). The latter incident happened just two days after the IGP, Omar Mahita, had warned that the police was not scared of CUF threats and that if the latter were *ngangari*, the former would become *ngunguri*.

It was in Pemba where the blood of the first person was shed. One, Humud Ali, allegedly died after he was beaten up by a CCM Parliamentary candidate. It was claimed that Humud was beaten to death after he had torn a photograph of the CCM Zanzibar presidential candidate, Amani Karume, and the photograph of that parliamentary candidate. It was expected that such an incident could attract a serious police attention to ensure that the law takes its course and the person involved arrested. Surprisingly, however, the person accused to have committed that offence was left free to continue with his campaigns. As days passed without any legal action taken, the family of the deceased issued a statement to the effect that it will revenge against that candidate for the death of their relative. Taking into account that many CUF followers had

been arrested and detained simply on allegation of using abusive language, or tearing photographs of CCM candidates, it was surprising that CCM followers were left free even when they were alleged to have been involved in acts leading to loss of life. The family of the deceased, Mahmoud Ali informed the police that "...it [the police] will be responsible for whatever is going to happen to the CCM candidate..." (Mtanzania, September 19, 2000).

A few days later, on September 21<sup>st</sup> the Inspector General of Police, Omar Mahita said that no dot of blood will be shed during the October 29<sup>th</sup> general election. The IGP issued that assurance while speaking to police corps in Dar es Salaam when he stated: "...I would like to assure Tanzanians that the election will be peaceful and fair. No dot of blood will be shed, every one will cast his vote without threat, firm security will be in place..." (Mtanzania, September 22, 2000). He further stated that the police would use force to contain violent acts committed by followers of the opposition: "there are no *ngangari*, NATO or Kosovo, now for the *ngangari*, the police force will be *ngunguri*" (that is, the police will harshly retaliate). The IGP's statement was a reaction to a speech by the CUF presidential candidate (Zanzibar), Seif Shariff Hamad who had told the audience two days before that "...the whole of Tanzania will be on fire should CUF win the election and be deprived of its victory..."<sup>4</sup>

As it has been stated before, the role of the defence and security forces was not only confined to registration, as well as campaigns but also was extended to voting. There were reliable reports that CCM youths (civilians) who were shipped to Zanzibar to vote were housed at KMKM camps and dressed in military uniforms, they were escorted by soldiers and the police when they went to cast votes on Election Day. These were dropped at polling stations and after casting their votes, they were to be taken by the police or military escorted trucks to other stations where they had to vote for the second or several times. Thus, the police and the army helped ineligible voters to register, as well as and vote. As well, it was alleged that soldiers as well as policemen and women sent to Zanzibar from mainland registered and voted in Zanzibar so as to increase the number of votes for the ruling party (TEMCO, 2000: 113; 119).

#### **CUF's Blue Guard Unit**

On the part of the opposition (CUF), there was also a kind of defence system. Immediately after the inception of multipartism in 1992, CUF created a defence unit (unarmed) to protect party leaders and

property. This was a reaction to harassment of innocent people (mainly CUF followers) by the police force. The distrust of the police force as protector of people's lives and property by CUF was precisely the reason which led to creation of a "defence" unit. It is of course unlawful for any political party to create a unit resembling a military unit. Time and again, the Zanzibar government has been stating that no political party is allowed to have a military unit. But the Blue Guard has not been disbanded to date. The reason is quite simple. It is probably because it does not in essence constitute a conventional military unit. First, the Blue guard neither possesses arms nor carries out military training. Second, it does not formally exist because the constitution of CUF does not provide for its existence. Besides, its chain of command is unknown and the unit does not use vivid symbols or military ranks.

The existence of Blue Guard was recognized by the Police. The Acting Director of Criminal Offences, Omar Ali Omar was quoted saying that "...there is no political party which has been legally permitted to create a unit that carries out police activities..." He further stated that if that unit would involve itself in guarding houses of party leaders or their offices, it would not be a problem for every citizen is entitled to that right. However, he claimed that the unit was undergoing training conducted by retired police officers and soldiers (Mwananchi, October 7, 2000). Establishment of the Blue Guard units and their operations within CUF is an outcome of absence of professional defence, including security forces of the state. The existing ones are believed by CUF and its supporters to be excessively biased towards the ruling party. Consequently, opposition parties decided to organise their own defence and only use the police force as complementary rather than and exclusively relying on it.

#### **"Stand-by" Situation**

In effect, since August 2000 when election campaigns and registration started, the defence and security organs were on a stand-by order. Hot spots were seats of governments, Dar es Salaam and Zanzibar Town. Pemba was also under strict military and intelligence surveillance. During the election period, it was claimed that more than 1000 policemen, as well as between 4000 and 5000 soldiers were sent to Zanzibar from the mainland. The deployment allegedly was usually done in secrecy. Some of the policemen and soldiers were sent at nights and landed in Zanzibar through special informal ports mainly those used by the Zanzibar Anti-Smuggling Force (KMKM). The deployed police personnel and soldiers did not

leave Zanzibar after the elections because it was seen that the situation was tenser after the "aborted" elections than before. In order to maintain the stand-by situation, the Union Government was forced to drastically increase its expenditure for defence and security engagements. It is claimed that the Ministry of Home Affairs, for example, had to disburse about Tshs 200 million per month since August 2000 to maintain its force in Zanzibar alone, instead of the usual Tshs 15 million per month under normal conditions. It is alleged that some of that money was taken from the national disaster fund.

In the wake of the January 26/27<sup>th</sup> "massacre", (where respectively 23 or 67 people are said to have died according to government and opposition sources) nearly 1000 policemen and policewomen had been sent to Zanzibar as reinforcement. There have also been massive transfers from Zanzibar to the mainland and vice versa. It is now reported that many policemen including middle-ranking and senior officers have been transferred from Zanzibar to the mainland and their positions have been filled by their mainland counterparts. In Pemba alone, more than 185 policemen have been transferred to the mainland (Majira, March 4, 2000). Given the large number of soldiers and police force including massive transfers of Zanzibari policemen to the mainland, together with the actual conduct of the defence and security forces; it seems the anti-union elements may claim that Zanzibar is more or less under "foreign" military occupation.

One of the greatest dangers to a regime could be weapons in the hands of anybody 'whose loyalty is not assured including the military. In times of economic and political uncertainty, weapons may be directed to any direction, against the rulers or the ruled with the purpose of deposing the government and/or engaging in plundering people of their properties, including other kinds of harassment. Luckham (1998:590) observes that "...demoralised military and security establishments perform their basic functions oppressively or do not perform them at all..." There is no assurance that they are always willing to crush popular protests in the streets as was the case in Benin and Mali; and recently Cote d'Ivoire where it was their refusal to do so which led to the fall of their respective commanders' in-chief.

In Zanzibar, even after "order" has been restored, there were reports of police misconduct such as house-to-house searches, looting of property, illegal arrests and detentions; beatings of innocent residents; and other sorts of harassments. Weapons are now loosely

directed against citizens, but if the situation becomes increasingly volatile, uncertain, and gets out of hand, they may be directed against their masters.

### Professionalism of the Defence and Security Forces

Military professionalism basically comprises three main ingredients, notably, expertness, social responsibility, and corporate loyalty to fellow practitioners (Huntington, 1957 cited in Finer, 1962:24). Military professionalism also involves what Finer (1962:28) refers to *the principle of supremacy of the civil power*. This is one of the indispensable principles of a democratic rule. If defence and security forces have so much entrenched themselves in politics, they cannot be considered professional. For the police force and the army to be accountable, as well as responsible to the public, they should maintain their professional integrity and disassociate themselves from partisan politics. Excessive encroachment of coercive state organs into party politics is detrimental to society and is unhealthy for democracy (Huntington, 1957:84).

Participation of the police force and, to some extent, the army as well as other security organs in the 2000 elections in Tanzania has clearly illustrated the fact that these forces have excessive loyalty to the government instead of the state. Loyalty to the government is supposed to be conditional, that is only in so far as the government has not breached its trust accorded by people. Loyalty to the state, however, is more or less supposed to be a permanent attitude and action. When Jerry Rawlings was about to stage his second coup on 4<sup>th</sup> June 1980, he proclaimed: "...My loyalty does not go to any government. It goes to the state, to the constitution..." (Hutchful and Bathly 1998: xiii). In Tanzania, *Article 28 (1) of the URT Constitution, 1977 stipulates that "...every citizen has the duty to protect, preserve and maintain the independence, sovereignty, territory and unity of the nation..."* In this light there is no constitutional provision, which orders unconditional loyalty of the defence and security forces to the government in power.

The primary responsibility of the defence and security forces is not to defend the government in power by whatever means. Instead, their primary responsibility is defend the state, that is, citizens including their lives and property, territorial boundaries, the constitution and laws of the land. In other words, it is not the obligation of the defence and security forces to defend unconstitutional as well as illegal practices of the government and the ruling party. In the same vein, it is not the responsibility of the

defence and security forces to register as well as vote several times in constituencies designated by politicians so that the ruling party can stay in power. Likewise, it is not their obligation to prevent lawful and peaceful demonstrations from taking place. Furthermore, it is not their obligation to kill peaceful demonstrators.

Just like judges and courts of law, defence and security forces are obliged to be loyal to the state as well as constitution; their loyalty to the government is conditional. Let us illustrate by the following ideal example: The President or the Minister of Justice instructs the Chief Justice or any Judge or even Magistrate to decide a case in an unconstitutional or illegal way? Are they obliged to obey that directive? The answer is precisely No. This is because they are sworn in to defend the constitution as well as laws of the land and not to be unconditionally loyal to their political bosses. Loyalty and obedience should always be within the confine of laws. The same principle applies to defence and security forces, although in somehow different contexts and relationships whereby these organs are an integral part of the executive branch of the government. In practice, they have to be more loyal to their political bosses than judges. But this relative higher degree of loyalty is not an acceptable basis for breaching the constitution and laws of the land. When they advise their political bosses and when they are instructed to conduct their operations, they are always obliged to respect the constitution including the governing laws.

The question whether or not obedience to superior orders shields the offender from the arm of law has long preoccupied minds of juristic thinkers. Unlike in other types of bureaucratic organisations, any army by its very nature is found on the basis of strict discipline. This implies that every subordinate is obliged to obey orders of his/her superiors. In order to maintain strict discipline within the national army and security units, the national legal system, specifies direct sanctions in case of insubordination, especially in time of war and in the presence of the enemy (Dinstein, 1965:6). When a soldier or police officer is caught in a dilemma of obeying an illegal order to perform an act constituting a criminal offence, the demands of military discipline (that is the duty of obedience to superior orders) come into conflict with the obligation to preserve the supremacy of the law. To put it differently, military discipline requires incontestable obedience to superior orders, and the supremacy of the law, on the other hand, prescribes commission of criminal acts (ibid.).

Two main doctrines attempt to resolve the aforesaid dilemma. The first one is the doctrine of *respondeat superior*. According to this doctrine "...a soldier committing an offence in obedience to superior order is relieved of responsibility automatically, without any condition or qualification..." (ibid., p. 8). Instead, the superior issuing the order is criminally answerable. The second doctrine is what is referred to as *absolute liability*. In accordance with this doctrine, a soldier must examine and weigh every superior order issued to him. "...If it is an order to perform a criminal act, he must refuse to carry it out, and it is impossible to punish him for the refusal..." (ibid.). Alternatively, if he obeys the order he is absolutely liable for a criminal conviction.

In between the two doctrines, there is a compromised solution (the general rule). This is referred to as the *manifest illegality principle*. In accordance with this principle, a soldier committing an offence pursuant to the superior order is relieved of responsibility for his wrongdoing. If, however, the illegality of the order is clear on the face of it, that is manifestly, and obviously, the soldier is not obliged to obey it and if he does he is liable to conviction (ibid., p. 8-9). International Law experts almost unanimously reject the doctrine of superior orders as an absolute justification of crimes (ibid., p. 44).

Defence and security forces ought to cater not only for the interests of the regime in power or even national security, but also they need to safeguard their corporate and individual interests including their integrity. Those goals can only be achieved in the context of professionalism based on rational-legal norms instead of loyalty based on personal favours and reward. When the latter means prevail, military, police and security officers (who are supposed to be professional) become enslaved by their political masters sacrificing their personal freedom as well as integrity.

Professionalism is what precisely distinguishes the civil policeman from the quasi-military or militia. The civil policeman should have no enemies. Even criminals who may be violent should not be considered as enemies to be destroyed (Jefferson, 1990:1). The attitude and conduct of the police force including other security forces in Tanzania suggest that political opponents are enemies to be destroyed as illustrated by various incidents of excessive use of force during the election and thereafter. How is it that a suspected 'criminal' or even a known 'criminal' who has not threatened anybody and who has not resisted arrest (who has surrendered

is running away from chaos is intentionally murdered in cold blood? If this kind of attitude and conduct is not reversed in time there is a great likelihood that not only political opponents but also pro-regime citizens may consider security and defence forces as not protectors as well as defenders of the people but as *enemies of people*. Such change in civil-military relations is extremely detrimental to national security and defence.

### Repercussions of Militarised Elections

Apart from the general systemic and legal constraints seriously affecting opposition parties, the police force as well as the military contributed in sabotaging the elections. Whereas the police force was used on both Mainland and Zanzibar in taming the opposition, the military was specifically deployed in Zanzibar where, together with the police, KMKM and JKU participated in intimidation, fraudulent registration, in voting several times in areas where they had no right to do so. The police also helped in grabbing ballot boxes at gun-point in Pemba and Unguja. The ballot boxes were sent to the District Commissioners' offices where they may have been tempered with in the absence of polling agents from the opposition parties.

The display and use of force by the security as well as defence forces were not confined to the election processes. This conduct has had a cumulative consequence of building up of tensions, which culminated in the January 27<sup>th</sup> massacre of innocent citizens in Zanzibar who were exercising their constitutional right. Initially, events of brutality by the police and military were considered as sporadic, but now they are steadily becoming phenomenal to affect politics as a whole. President Benjamin Mkapa, on his part, seems to take a hard-line position. This may be partly due to his overdependence on the defence and security forces, a factor, which some analysts see as a consequence of his weak power base within the party. One may presume that on certain issues Mkapa simply takes orders from the security chiefs. This might be inferred from the current behaviour of military officers acting as government spokesmen.

One of the most devastating consequences of excessive reliance on coercion in elections and in politics in general is the change in relations between coercive forces of the state and the citizens. The

relationship that is now in the process of formation is hostile. It is becoming abundantly clear that the police, military and other coercive state organs are not primarily committed to national defence and national security as they are sworn in, but they are essentially committed to serving their own selfish interests by maintaining regime's stability and security even when the legitimacy of the latter is highly contested. Currently, Zanzibar is under a *de facto* military occupation whereby the police and military still act ruthlessly under orders from the Union Government. After the January 27 killings of unarmed civilians, there are persistent events of detentions, beatings and presumably even political assassinations disguised as robbery. In view of the January 27 massacre, it is imperative to institute an independent judicial commission of inquiry in an attempt to harmonise police and military-civil relations without which the nation will be haunted by that ghost for a very long time.

The Tanzanian defence and security establishments are highly politicised and a certain extent unprofessional. If they do not change their attitude, if they do not become professional and committed to their constitutional obligations there is a great likelihood of overt confrontation between them and citizens whom they are supposed to protect.

### Conclusion

Why has Tanzania started to experience more political conflicts and, at times, political violence than at any time since independence? This is a pertinent question worth of an in-depth research and critical thinking. If we are to locate this issue on a theoretical basis we can generally postulate that political conflicts are caused by two sets of factors, namely, *structural factors and accelerating or triggering factors*. The former include political, social and economic factors of long term character such as failure to meet basic human needs, geo-political arrangements, unequal distribution of resources, religious tensions, ethnic tensions, and so on. Structural factors constitute a context on which triggering factors emerge. The latter are by nature more variable than the former. These involve specific attitudes, policies, decisions, actions of inactions, and events of dominant actors. These may lead to unequal distribution of power, exclusion or marginalisation of some sections of society, forcing a

political order or value system that is contested by some significant sections in society, and so forth. These are very important and sometimes even decisive in preventing or provoking political conflicts as well as violence.

While an in-depth research is needed on various structural and triggering factors including their relative impact as well as influence on Tanzania's politics, a tentative proposition can be advanced so that the emerging social and political conflicts as well as violence are not inevitable outcomes of the structural factors. By and large, they are outcome of conscious and unconscious decisions; actions, and inactions of the political leadership; and precisely, the government in power and the ruling party. Although maintenance of peace is the responsibility of all citizens, political parties, civic and religious organisations; however the primary responsibility rests on the government. At present, one could pose a question as to whether or not the rule-enforcers in Tanzania are not the most extravagant rule-breakers.

It is a paradox that the government in power and the ruling party claim that they secured a big mandate or an overwhelming victory of 71.7% of the union popular vote through a free and fair election. Why is it that they now rule with an iron hand? This suggests that there is a wide rift between the *claimed mandate* and the *actual people's consent and will*.

Excessive reliance on a *military approach* to resolve internal conflicts of the rulers versus citizens is not only dangerous in the long run but also ineffective. It is easier to vanquish an invading army equipped with sophisticated weapons than defeating internal dissidents equipped with stones and arrows. The most effective and less costly means of maintaining national security is people's consent to the governing system. Leaders as opposed to rulers should consider their citizens as partners in preserving national security and not as enemies. This involves co-operation and trust-building in the governing system between leaders and citizens, between political parties and all important societal institutions. Subjugation and criminalisation of the opposition will not serve any useful purpose for the nation, for basically, *it is the system itself, which is at fault*.

### Notes

Whereas the role of the army was not as conspicuous as that of the police, as things turned out during the voting and counting processes, their behaviour and conduct were not remarkably different from that of the police force – the former also performed the police functions, they participated, for example, in guarding of ballot boxes for the whole week after the elections without the presence of party agents (TEMCO, 2000:122). Again, they also took part in violent events of January 27, 2001 when scores of people who protested against results of a flawed election were killed in Unguja and Pemba. See also the Report of the Commission of Inquiry into the January 26/27 Events (Mbita's report), August, 2002.

This dialogue fundamentally reflects on the typical statements given by top officials of the government and the ruling party, including the Head of State, President Mkapa in his campaign speeches in Micheweni and Mkoani, Pemba, October 19 – 20, 2000 as responses to questions posed to them by political analysts and journalists.

<sup>3</sup> *Ngangari* is a Ndengereko word (one of vernaculars spoken in the southern part of Tanzania), which literally means the state of being 'strong', 'courageous' and 'vigilant'. Ngunguri, by contrast, is simply a coined word derived from the former, as a counterforce.

<sup>4</sup> Hamad was speaking at a rally held at Shaame Mata grounds, Micheweni, on 19 September, 2000.

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