THE FALLACY OF *DE FACTO* INDEPENDENT CANDIDACY IN TANZANIA: A REJOINDER

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Abstract
The independent candidate question in Tanzania has, since 1992, remained a subject of debate among political parties, judiciary, parliament, executive, the attorney general's chamber, academics, civil societies, and election observers. The issue of this debate is whether or not independent candidates should be introduced in the electoral system. The ruling party and its government have been against the independent candidates on the ground that it would jeopardize the entire electoral system. The purpose of this article is twofold. First is to present my rejoinder to the issues raised by Frank Mateng'e's article "Protesting the Independent Candidacy in Tanzania's Elections: A Bona Fide Cause?" concerning one of my earlier works about the independent candidate issue in Tanzania. Second, I engage the contribution of Mateng'e to the independent candidate debates. This entails also interrogating his concept of "de facto independent candidacy".

Keywords: elections, de facto independent candidacy, Tanzania

1. Introduction

My 2011 article "'Join a Party or I cannot Elect You': The Independent Candidate Question in Tanzania"[1] had the independent candidate issue in Tanzania as central theme. I noted that since the introduction of multipartism in 1992, independent candidates are not allowed in Tanzania. This restriction has raised a debate that dominates multipartism and its efficacy in the country. There have been three major legal cases on independent candidates. In the first two cases, the High Court ruled in favor of independent candidate in 1994 and 2006. However, in the third case in 2010, the Court of Appeal, while subscribing to the need of independent candidates, nullified the previous judgments by the High Court on the grounds that the court had no jurisdiction to declare a constitutional provision to be unconstitutional; and that the independent candidate issue being political and not legal should be resolved by the parliament. Against this backdrop, I wrote an article based on two theses: 1) the Court of Appeal failed to exercise its mandate in administering justice and 2) such failure is attributed to the fear by the justices of the ruling party and its government.

1 The article was published in the *Central European University Political Science Journal* Volume 6, No. 1, 111-137.

In recent years, scholars have developed interests to debate and publish on independent candidates. In his 2012 article[2], Frank Mateng'e raised issues critical of my publication which I am compelled to provide a clear direction. Thus, in this article, while I make a rejoinder to his responses, I proceed to examine his publication in line with the on-going debate on the independent candidate issue. The first section of this article covers my rejoinder and the second section re-examines Mateng'e's article in order to underline his contribution to the debate.

2. My Rejoinder

My article received three direct critiques: 1) a discrepancy between the title of my article and its content; 2) an absence of validity regarding the claims upon which the government/ruling party's reluctance to endorse independent candidacy is hinged and 3) the absence of explanations for how the judges are afraid of the ruling party and its government. All these issues are interrelated; however, addressing them separately allows me to elaborate on each of them.

2.1. The Title of the Article and its Content

The author of "De Facto Independent Candidacy" starts by saying that the title of my article was partially influenced by Justice Lugakingira's uneasiness with the contradictions in Article 20(4), 21(1) and 39(c) of the Tanzania's constitution. He continues that, in his ruling of the first petition on independent candidates in 1994, Lugakingira stated "you either belong to a political party or you have no right to participate" in the government.[3] It is here where Mateng'e began to lose focus. For Lugakingira, "you either belong to a political party or you have no right to participate" was a mere restatement of the constitutional position. This could easily be seen by any layperson. If one reads my article in its entirety one will discover that the article took the concept of independent candidate and its development in Tanzania since 1961 when the country gained its independence. In my article I explicitly mentioned that independent candidates were constitutionally allowed until 1965 when the country became of one constitutional order. I proceeded to show that with the introduction of the Bill of Rights in the Tanzania's Constitution in 1984 and without deleting the old constitutional provision that required one to be a member of a political party in order to vie for a political office during elections, a new element stating that one can contest without necessarily being a member of a political party was adopted. Hence, this was the source of contradiction. On the eve of multipartism in 1992, Rev. Christopher Mtikila petitioned to the court praying for independent candidates in the Tanzania's electoral system as this was a

2 Frank Mateng'e, "Protesting the Independent Candidacy in Tanzania's Elections: A Bona Fide Cause?" *Journal of Politics and Law*, Volume 5, No.1 March 2012, 18-32.
3 Ibid., 22.

constitutional right. I also showed that there were three decided cases on independent candidates, two of which by the High Court in 1994 and 2006 and the third one by the Court of Appeal in 2010[4]. To rest my case, the title of my previous article was inspired by two things namely the constitutional development on the independent candidates since 1961 as well as the three landmark cases on the same matter. To add to my initial argument, the judgment of Lugakingira did not precede the constitution of the United Republic of Tanzania 1977 but rather it was used as the sole document in reaching to his conclusion. It should be kept forth that the constitution is supreme.[5] Hence, perceiving Lugakingira's position as a "catch-all" phenomenon – as Mateng'e does to the influence of my title - is a misinterpretation.

Having missed the point on the development of independent candidates in a broader context, Mateng'e was then out to sea by assessing that I defend the party-sponsored candidates against independent candidates. To let the author speak by himself, Mateng'e notes that "Makulilo's article implicitly suggests the electorates' preference for party-sponsored candidates to independent candidates".[6] I would like to start by pointing out that not all that glitters is gold and a title is not always a synopsis of a scholarly work. My title being in quotation marks was a clear indication that something is artistically embedded in it. Therefore, to understand it required the reader to take into account the whole development of independent candidate in Tanzania. In the light of such a broader perspective, my simple interpretation was that it is the constitution which forces individuals to join a political party to qualify as candidates hence my title "Join a Party or I cannot Elect You". As can be noted, my title does not in any way indicate "electorates' preference for party-sponsored candidates to independent candidates" but rather the constitutional category of independent candidates.

It is here where Mateng'e failed to link the title of the article and its contents to my position to the independent candidate question. It is not clear as to why he subscribes to the position that my article favors party-sponsored candidates. Surprisingly, I am cited as one of the defenders of independent candidates.[7] To a positive side, Mateng'e identifies the clear objective of my article which is to examine the validity of the verdict made by the Court of Appeal when stating "However, in the text the article entirely devotes its attention on examining the validity of the verdict made by the Court of Appeal in respect of independent candidacy".[8] This objective does not go against the title, but substantiates it and

4 Makulilo, "Join a Party or I cannot Elect You", 118-126.

5 Shivji, Issa G. *Let the People Speak: Tanzania Down the Road to Neo-Liberalism*. Dakar: Council for the Development of Economic and Social Research in Africa (CODESRIA), 2006.

6 Mateng'e, "Protesting the Independent Candidacy", 22.

7 Ibid., 18.

8 Ibid., 22.

approaches the issue quite likely from a different perspective than envisaged by my critique. Accordingly, the title is fully consistent with the content of my article.

2.2. Shifting the Goalposts?

In light of the previous argument, Mateng'e's claim that my article did not deal with "de facto independent candidate" is not supported by evidence. I am directly accused of making "no attempt to test the visibility of de facto independent candidacy in Tanzania. Against this drawback, the present paper employs data from the 2010 elections to demonstrate a scenario of *de facto* independent candidacy in Tanzania".[9] Following the goal of my article, I did not use the hypothetical concept of "de facto independent candidate". Consequently, it cannot be a criticism since I have never promised to discuss it, leave alone mentioning it. In that respect, the goal of my study was misinterpreted. Since it is not possible to deal with everything in a single piece of work, any scholarly work is limited in terms of scope. Similarly, Mateng'e provides the scope of his work which excludes Zanzibar:

> For analytical purposes Zanzibar is excluded because unlike Tanzania mainland, its voting pattern has, since 1992 when the multi-party system was reintroduced in Tanzania, been influenced by party orientation. The electoral outcomes of Zanzibar reflect partisan politics more than anything else. This is especially so due to the consistent correspondence of the electoral support accorded to the respective parties' candidates in both the parliamentary and presidential elections as well as those of the House of Representatives.[10]

From the quoted paragraph, I wonder whether the exclusion of Zanzibar is an asset while I was accused of committing a blunder by not discussing a "de facto independent candidate". Returning to the issue of case selection, Mateng'e superficially argues his scope analysis to mainland Tanzania. His premise for such exclusion is the partisanship as reflected in the electoral outcome. This raises a methodological question: how is partisanship defined and measured? To Mateng'e, it simply refers to electoral support for a political party. The same can therefore be measured by counting votes obtained by a political party and that partisanship is considered to prevail if and only if such votes correspond to different levels of political posts for the same political party. In the case of Zanzibar, the levels are the president, Member of Parliament, and the House of Representatives.

As noted elsewhere in this rejoinder, Mateng'e is dealing with the issue of "voting behavior" in which case such behavior precedes electoral outcome. If electoral outcome is to form the basis of partisanship as Mateng'e suggests, it is imperative to underscore issues such as party policy, ideology, membership and affiliation.

9 Ibid., 22.
10 Ibid., 18-19.

Mateng'e does not provide any evidence on how and the extent to which such correspondence in electoral outcome is a reflection of party policy, ideology, membership or affiliation. As such, his definition fails to distinguish between which votes were cast based on partisan and other non-partisan factors. As is well known, Zanzibar's politics is very complex and elections have most of the time led to political violence.

A rigorous analysis of Zanzibar's politics cannot afford to run away from examining critical factors like the polarization between Pemba and Unguja Islands, ethnicity, race, class, the Union between mainland Tanzania (then Tanganyika) and Zanzibar, and electoral irregularities. Yet, the issue of independent candidate falls under the 22 Union matters as stipulated in the URT Constitution, 1977. That is why despite the artificial exclusion of Zanzibar, Mateng'e continued throughout his text to make reference to data based on the Union. For example, he cites Sub-article 2(e) of Article 67 of the constitution which states that "no person shall be qualified to be elected to the office of President of the United Republic if he is not a member of, and a candidate proposed by, a political party"[11]. Yet, Mateng'e makes reference to the total number of registered voters for the 2010 elections which was 20 million people for the entire United Republic.[12] To exclude Zanzibar arbitrarily as Mateng'e does is to suggest the existence of the president of "mainland Tanzania" in the context of the Union something which is not the case. Indeed, this is a clear acknowledgement by Mateng'e on his ignorance of the electoral system in Tanzania.

A further unsubstantiated claim is that "Makulilo does not treat the validity of the claims upon which the government/ruling party's reluctance to endorse independent candidacy is hinged".[13] As Mateng'e himself noticed, the goal of my article was to examine the verdict by the Court of Appeal in Tanzania on the independent candidate question. Two specific theses were pursued: 1) "the Court of Appeal failed to exercise its mandate in administering justice"[14] and 2) that "such failure is attributed to the fear by the justices from the ruling party and its government".[15] Hence, my work cannot be accused of not discussing the claims of the ruling party and government on resisting the introduction of independent candidates. The best approach to assess a text is to consider its objectives. It is superficial to criticize authors for what they did not intend to cover. For a fair and accurate criticism, Mateng'e has to point to the weaknesses of my text along the two aims. These could refer to the theses, nature of arguments, structure, as well as the authenticity and appropriateness of evidence. Mateng'e did not dwell on such

11 Ibid., 21.
12 Ibid., 24.
13 Ibid., 22.
14 Makulilo, "Join a Party or I cannot Elect You", 111-112.
15 Ibid., 111-112.

aspects and he therefore decided to add a new goal to my work and lamented that I did not address it.

2.3. The Judge-Party Linkage

Moreover, I am accused of ignoring the reasons for which the judges feared the ruling party as he states "he does not explain further as to why the learned judges feared the ruling party".[16] Mateng'e missed my point on this issue. Let me start by admitting that instead of employing a simplistic list of explanations, I approached it broadly. To be sure, I noted that "state-party fusion" is the major source of such fears by the judges. The fusion undermines the whole notion of separation of powers and checks and balances thereby calling to question the independence of the judiciary. I furthered that this state of affairs stems from the legacy of the single party rule and the party supremacy.

Under the current multiparty system, the ruling party and its government still behave in a single-party fashion, hence at times undermining the independence of judiciary.[17] In 1994, for example, the judgment of independent candidate was circumvented by the ruling party and its government by enacting a law that rendered the High Court's ruling ineffective. This was contrary to the principles of democracy and good governance. Mateng'e acknowledges this fact on his article when stating "Given the current composition of the parliament predominantly tilting in favour of the ruling party and the fact that it was the very institution that unanimously approved the proscription of independent candidacy, changes against that effect are very unlikely."[18] I beg to slightly differ with Mateng'e that the ruling party is also a dynamic entity and hence it responds to the environment of the time accordingly. To be sure, in 1965 it was the parliament of the ruling party (then the Tanganyika African National Union) which unanimously approved for the introduction of the single party system. On the contrary, in 1992 the parliament of the ruling party CCM approved for the multiparty system.

Likewise, in Zanzibar, it was the CCM which was consistently against the inclusion of the main opposition party, the CUF into the government, hence regular conflicts and bloodshed after every general election. But in 2010, CCM finally consented to the government of national unity. What I am sure is that always the ruling party introduces some changes of which it has control. In other words, most of such changes are cosmetic. The 2010 ruling by the Court of Appeal affirmed the position that it is the Parliament of which Mateng'e admits to be dominated by members from the ruling party to have mandate of introducing the clause for independent

16 Mateng'e, "Protesting the Independent Candidacy", 22.
17 Makulilo, "Join a Party or I cannot Elect You", 133-135.
18 Mateng'e, "Protesting the Independent Candidacy", 22.

candidates.[19] Hence, I concluded that "the legacy of one party state which fused the ruling party to the state works as a hindrance towards the independence of the court particularly when the ruling party has vested interests in a given case."[20] It seems quite clearly that Mateng'e did not follow my argument as to why the judges fear the ruling party and its government. Interestingly, he admits though, via speculation, that "if the court's functioning depends on the pleasure of government/ruling party, there would obviously be serious implications for its impartiality."[21]This is what exactly I mean, but unlike Mateng'e I went a step further and noted that under the current multiparty system the ruling party and its government behave in a more or less fashion as they were during the single party era. Hence, whenever the interests of the party seem to be jeopardized, it will use every mechanism possible at its disposal including the use of state machinery to defend them.[22] For that case, the behavior of the ruling party varies from case to case.

3. *De Facto* Independent Candidacy: Poor Theory and Literature

After clarifying the misinterpretation of my article, let us now turn to the faulty issues identified in Mateng'e's work. This section examines the conceptual weaknesses of "de facto independent candidacy" as suggested by Mateng'e. While the author tries to provide a new direction by departing from the usual debate on the independent candidate issue, the concept is analytically fuzzy and its applicability is confusing. It seems that the concept is inconsistent with empirical evidence given as well as the nature of argument itself. In the final analysis, I note that "de facto independent candidacy" is not only a fiction, but also misleading.

3.1 The Definitional Problem

What is a "de facto independent candidate"? This is hardly defined analytically. In his article he uses only two sentences towards the end to provide a definition of de facto independent candidate. Mateng'e states:

> The term de facto independent candidacy is used in this paper to simply describe an emerging pattern in Tanzanian politics where more emphasis is placed on electing candidates based on their personal qualities rather than voting on the basis of party lines. It is in this context that candidates are elected not necessarily because their respective political parties are organizationally stronger or weaker, but because of their personal appeals to the voters.[23]

19 Ibid., 21.
20 Makulilo, "Join a Party or I cannot Elect You"...135.
21 Mateng'e, "Protesting the Independent Candidacy", 22.
22 Makulilo, "Join a Party or I cannot Elect You"...134.
23 Mateng'e, "Protesting the Independent Candidacy", 25.

This quote paragraph is quite telling. Mateng'e asserts that de facto independent candidacy is "an emerging pattern" in Tanzania's politics where more emphasis is put on "personality factor" rather than "party lines" during voting. Taking into account this conclusion, it seems to me that Mateng'e was doing a comparative analysis of the most influencing factors that inform voters, only to find that personality is more prominent. His analysis would have fallen into "voting behavior" as a distinctive field in political science. Under voting behavior, the interest of analysts is to investigate why voters vote the way they do. Yet, there is no place in his work where Mateng'e interrogates the voters either by the use of pre-opinion polls or post-opinion polls in order to ascertain voters' perspective with regard to the 2010 elections. Worse, as noted elsewhere in this rejoinder, Mateng'e did not even interview potential voters to argue this case. His data was essentially drawn from candidates, leaders of political parties, and election officials. Furthermore, Mateng'e did not examine the organizational strength of political parties in order to compare it with personality as can be deduced from his definition of de facto independent candidacy.

But what is "personality" in the context of Mateng'e's work? This simply means an individual's traits, behavior, qualities, or character that combine to create the credibility of a candidate to voters as a form of power that increases his/her chances of electability.[24] This definition which accords "voters" the power of assessing candidates alongside many factors, does not in any way exclude the candidates' membership from their respective political parties. In Tanzania, the constitution compels individuals to be members of political parties in order to qualify as candidates during elections. While no one can dispute the fact that the personality of candidates may contribute to one's victory, there is no empirical evidence to illustrate that in Tanzania this factor becomes prominent. Mateng'e simplistically approached the 2010 elections. He stated that he employed data gathered from the 2010 Tanzania general election results in 30 constituencies from the mainland Tanzania to argue that the discrepancies in electoral support between the parliamentary and presidential candidates of the same political parties presented a case for de facto independent candidates.

Accordingly, "de facto independent candidate" is attained if there are "discrepancies in electoral support between the parliamentary and presidential candidates of the same political parties presented".[25]His observation for the 2010 elections is problematic in four senses. First, he focused on the "discrepancies of votes between the parliamentary and presidential candidates" to explain voting behavior and decisions by voters. This is reductionism of analysis of complex

24 Ibid., 25.
25 Ibid., 18.

political phenomena. How did he control other factors such as party identification, corruption, religion, age, gender, education, rural-urban dichotomy, coercion, and ethnicity? It should be noted that the context and dynamics across constituencies vary and so do issues. Previous studies and opinion polls have shown that party identification scores the highest as a factor to explain the voting behavior.[26] As Mateng'e lacked data from "voters" themselves to examine such discrepancies, he ended up speculating the factors that might have informed voters to make their choice hence falling into what some might call arm-chair thinking. Second, how does he account for the situation in which candidates of other political parties get votes instead of candidates from the same party? Taking on board the limitations of the "de facto independent candidacy" to respond to this question, I would rather see Mateng'e as dealing more with electoral volatility.

Third, assuming that he got it right by using the "discrepancy factor" in examining the 30 constituencies, Mateng'e still fails to describe the variation in the personalities of candidates across such constituencies. Surprisingly, he simply describes the personality of one Member of Parliament (MP) from the Maswa East constituency. Since personalities of the cited candidates in the 30 constituencies cannot be the same, the author falls short by assuming the personality factor to be homogeneous. Indeed, there is no single factor that can explain why candidate "X" wins election "Y". For example, it was strongly argued during the 2005 elections that President Jakaya Kikwete was elected by 80.27% of popular votes because of his personality. Surprisingly, it was the same Jakaya Kikwete whose votes dropped to 61% in the 2010 elections. Assuming that personality was a prominent factor in 2010, it means that personality is dynamic and subject to contexts. In the case of Maswa, the author states that the MP Mr. Kasulumbayi had previously been the councilor for Ipililo ward for the past 17 years through different opposition political parties namely the CUF, CHADEMA, and Chama Cha Ustawi Tanzania (CHAUSTA).[27] Yet, the context of this constituency is sidestepped in explaining the success of Mr. Kasulumbayi. I suspect that the author does not understand well the Tanzania's political context. I expected him to subject the performance of opposition parties (in Table 1) in the broader context/dynamics such as grand corruption "*ufisadi*" phenomenon, failure of the ruling party to fulfill its 2005 promises of "better life for everyone"; elite fragmentation such as the concerns of trade unionists, the role of

26 Mgasa, Grace. *How Do Citizens Vote? The Experience Of Multipartism in Tanzania* M.A Dissertation: University of Dar es Salaam, 2011; Ndumbaro, Laurean. "Voter Choices and Electoral Decisions in the 2000 General Elections in Tanzania", *The African Review: A journal of African Politics,* 29, no. 1&2 (2002): 59-72; SYNOVATE (2010) *Matokeo ya Kura ya Maoni* 10-10-2010, Dar es Salaam, Tanzania; TCIB (2010) *Matokeo ya Kura ya maoni Kuhusu Wagombea Uraisi 2010*, Dar es Salaam, Tanzania; REDET (2010) *Maoni ya wananchi kuhusu Uchaguzi Mkuu wa oktoba 2000, namba 17,* Idara ya Sayansi ya Siasa na Utawala, University of Dar es Salaam.

27 Mateng'e, "Protesting the Independent Candidacy", 25.

the church; Muslims, students, factions within Chama Cha Mapinduzi (CCM); CCM primaries and others. To attribute the electoral performance of the cited candidates to personality factor alone is an underestimation of other relevant variables. This is also the result of a lack of empirical assessments and tests. Thus, equating independent candidate to personality in conceptualizing "de facto independent candidate" is a pitfall. Instead of examining deeply the issue of "de facto independent candidacy" Mateng'e spent almost eight pages explaining independent candidates. Fourth, in explaining his concept of "de facto independent candidacy" Mateng'e still accords the "political party's ticket" the primacy in relation to the candidacy. He has chosen to situate his notion of de facto independent candidate inside the political party. In the party politics and electoral systems literature, independence usually refers to non-partisan affiliation. Moreover, if Mateng'e follows his conceptualization, he captures electoral volatility not independence.

3.2 The Main Argument

The author argues independent candidates leads to the splitting of the ruling political party.[28] For reference, he states "the real motive underlying the government's reluctance to endorse independent candidacy stems from the ruling party's fear of a split which is a possibility if the party loses its control over the dissenting members within the parliament and local government councils."[29] The logic behind this relationship has two problems. First, why does this kind of relationship work only against the ruling party? If the fear is losing control over dissenting members, are opposition parties safe from the independent candidate question? In Tanzania, the rate of defection is higher in opposition parties compared to the ruling party. The typical cases of such defections are recorded in the National Convention for Reconstruction and Reform (NCCR-Mageuzi), Civic United Front (CUF), Tanzania Labour Party (TLP), and Chama Cha Demokrasia na Maendeleo (CHADEMA). This is despite the fact that independent candidates are not allowed in the country. The ruling party CCM, on the other hand, has some relatively effective mechanisms and advantages to deal with such defections. Some of those who tried, experienced negative consequences and finally decided to return to the CCM. For example, Dr. Masumbuko Lamwai who was once an icon in the NCCR-Mageuzi in 1995 was expelled from teaching at the University of Dar es Salaam and his certificate to practice law (advocate) was frozen. Finally, in 2000 he returned to CCM (after he apologised before the CCM chairman and the former president of the United Republic, Mr. Benjamin Mkapa and thousands of CCM members at the Dar es Salaam National stadium). He was later nominated by the

28 Ibid., 18, 24.
29 Ibid., 18.

president as a member of parliament (MP) and he is currently a senior CCM legal advisor.

Yet, in some instances the party uses the "carrot". It was said during the 2010 elections, for example, that Dr. Mohamed Bilal, who was one of the potential presidential candidates in Zanzibar, threatened to defect after he was not nominated by his party. Following such threats, he was nominated as the Vice-President for the United Republic. This helped to defuse the situation.[30] It is against that backdrop that the statement by Dr. Harrison Mwakyembe, a CCM MP for the Kyela constituency is evident to the consequences of defecting from CCM. He once said that if you want to live longer, do your business well and be listened, it is better to be in CCM than in the opposition parties where you will be voicing without adequate evidence.[31] Moreover, Mateng'e fails to explain whether the ruling party fears about the "de facto independent candidate" or it is comfortable with it.

Second, independent candidates do not necessarily cause a split within the ruling party as the author argues. In Zambia,[32] the USA,[33] Peru[34], Malawi[35] and Rwanda[36] independent candidates co-exist side by side with political parties yet there is no splitting of the ruling party. How can this lead to split of the ruling party in the context of Tanzania? In other words, what is so unique about Tanzania? The author has failed to demonstrate historically the issue of splits by the ruling party and in the 2010 elections in particular. Data provided does not in any way indicate any signs of neither the fear of splits by the ruling party nor the actual splits. Instead it shows how opposition parties are progressively gaining ground. It should be noted that

30 Mwananchi (2010) "Ni Bilal, Mgombea Mwenza wa Kikwete" http://www.mwananchi.co.tz/sport/37-tanzania-top-news-story/3158-ni-dk-bilalmg ombea-mwenza-wa-kikwete.html, last accessed on March 15, 2012.

31 Translated as "*Ukitaka kufanya mambo yako vizuri, na unataka usikilizwe, uishi maisha marefu ni bora, ubaki CCM kuliko ukawa kwenye upinzani na kupayuka mambo bila ushahidi wa kutosha*" See Richard, Kilumbo "Dk. Mwakyembe awakatalia wapiga kura kuondoka CCM" Mwananchi 14 Januari 2009 http://www.mwananchi.co.tz/ (accessed: 15.03.2012).

32 Alexander. B. Makulilo, *State-Party and Democracy: Tanzania and Zambia in Comparative Perspective*: PhD Thesis, Leipzig University, 2010; Zambia Weakly 24.02. 012 "Another PF MP enters parliament", Week 8, Volume 3, Issue No.7.

33 Paul R. Abramson, John H. Aldrich, Phil Paolino, David W. Rohde "Third-Party and Independent Candidates in American Politics: Wallace, Anderson, and Perot", *Political Science Quarterly*, 110, no. 3 (2005): 349-367.

34 Steven, Levitsky. "Fujimori and Post-Party Politics in Peru", *Journal of Democracy* 10, no.3 (1999): 78-92.

35 Nandini Patel "Malawi's 2009 Elections: A Critical Evaluation", A Paper for Presentation at the Conference on "Election processes, liberation movements and democratic change in Africa", Maputo 8-11 April 2010, The Institute for Policy Interaction.

36 The Constitution of The Republic of Rwanda 2003

CHADEMA, for example, which the author makes reference to is the strongest opposition party in Tanzania. In 2005 it had only five elected members of parliament (MPs) but in the 2010 elections it returned 23 MPs. To my understanding, while the independent candidate issue provides a fertile ground for defections of members between political parties (something which is normal in politics) it does not in itself guarantee political party splits.

3.3 The Nature of Evidence

The empirical evidence to support his arguments is quite weak. First, the evidence is incomplete as the author provides election data for opposition parties only (see table 1).[37] In this way, he equates the issue of "de facto independent candidate" to the electoral success of opposition parties. One question arises here: is there a possibility to have "de facto independent candidates" from the ruling party? And, how is it that an independent candidate is found within a political party? How can the author explain the phenomenon of the CCM endorsing unopposed parliamentary candidates in the 2000, 2005 and 2010 general elections? In 2000 the number of unopposed candidates for the CCM was 25; in 2005 it dropped to 8; and in 2010 it increased again to 17.[38] In contrast, there has never been an unopposed candidate from an opposition party since the inception of multipartism in 1992. According to the author, can it be argued that the CCM's unopposed candidates were "de facto independent candidates"? Also, can the criterion of personality as such be brought in to explain the unopposed candidates' victory for CCM? These questions seem to challenge the personality issue. Had Mateng'e read works on voting behavior in Tanzania, he would not certainly arrive to his biased notion of de facto independent candidacy. To be sure, Ndumbaro, for example, while dealing extensively with the issue of personality, did not link it to the independent candidate issue. The work made use of opinion polls to ascertain the issue of voting behavior. He noted that during the single party era (1965-1992), the issue of personality was critical since competition was only limited to the same party policy. However, with multiparty system where alternative policies are sold, and campaigning issues vary, the voting pattern is such that party identification tops the variables that inform voting behavior. With regard to the 2000 elections, it was noted that most voters cast their ballot based on their party affiliation, as demonstrated in Table 1 below.

37 Mateng'e, "Protesting the Independent Candidacy", 29-32.

38 NEC (2001) *The Report of the National Electoral Commission (Tanzania) on the 2000 Presidential, Parliamentary and Councillors' Elections*, Dar es salaam, Tanzania; NEC (2006) *The Report of the National Electoral Commission (Tanzania) on the 2005 Presidential, Parliamentary and Councillors' Elections*, Dar es salaam, Tanzania; NEC (2011) *The Report of the National Electoral Commission (Tanzania) on the 2010 Presidential, Parliamentary and Councillors' Elections*, Dar es Salaam, Tanzania.

Table 1: Respondents' Party Choice in the 2000 General Elections

Election	Candidate of my Party	Candidate of Other Party	DK/NA
Union President	81.5%	11.1%	7.8%
Parliamentary	75.9%	16.1%	8.0%

Source: Ndumbaro 2002: 69.

This trend was also evident in the 2010 elections. Opinion polls conducted by the Tanzania Citizens Information Bureau (TCIB) observed that 81% of CCM members/followers opined that they would vote for the CCM presidential candidate, while 2% of CCM members would vote for CHADEMA presidential candidate. Likewise, 90% of members of CHADEMA would likely vote for CHADEMA presidential candidate, while 2% of members of CHADEMA would likely vote for CCM presidential candidate.[39] Though I have some reservations with methodologies used by pollsters in Tanzania,[40] the TCIB's findings are close to what Ndumbaro found in the 2000 elections. Despite this evidence, Mateng'e, without any data, maintains that there is a "diminishing relevance and legitimacy of political parties" in Tanzania.[41] Moreover, it is difficult to comprehend Mateng'e's conclusion in the context where political parties are the only avenues through which one can access a political post in the local government councils, the parliament, and presidency. Moreover, unlike Mateng'e, Ndumbaro employed data from all political parties, thereby escaping the charge of partisanship.

Second, Mateng'e claims to have conducted in-depth interviews with four parliamentary candidates, four council candidates, four district party leaders, and two election officials in the Maswa district between August and October 2010. He does not address key methodological issues such as: why and how was this sample size from only one constituency selected? To what extent was it adequate to supplement data drawn from 30 constituencies? Which specific questions were asked? Which political parties were involved in his sample? I have to say that there is no presentation of data in relation to these questions by Mateng'e. Yet, as can be noticed from this list of category of respondents, there is no claim by Mateng'e to having interviewed voters to get their opinion on which factors they considered important in deciding to vote in the 2010 elections. One wonders, then, how is it possible to sweepingly conclude that personality was the sole factor at least in the cited constituencies (in table 1) in the absence of data from those who voted? Yet,

39 TCIB (2010) *Matokeo ya Kura ya maoni Kuhusu Wagombea Uraisi 2010*, Dar es Salaam, Tanzania.

40 Alexander B. Makulilo, "Watching the watcher": An evaluation of local election observers in Tanzania," *Journal of Modern African Studies*, 49 no. 2 (2011): 241-262; Alexander. B. Makulilo, *The Dark Side of Opinion Polls in Tanzania:* (1992 - 2010), LAP Lambert Academic Publishing, Germany, 2011.

41 Mateng'e, "Protesting the Independent Candidacy", 26.

Mateng'e claims to have interviewed a government official[42] something which is doubtful. Footnote 1 provides that Mateng'e interviewed many people including politicians, government officials, election officials, and ordinary citizens. This brings confusion to whom was exactly interviewed. What I find strange is that the responses of respondents are hardly found in his discussion. To be sure, there are only three interviews referenced in the entire article.

Third, the variation in votes by candidates at different levels of elections is a poor indicator for assessing voting behavior. Mateng'e used this criterion to establish the personality factor as a determinant of voting decisions by voters. Understandably, there are three levels of elections in Tanzania, namely the presidency, parliamentary, and councilor. A voter is not compelled to vote for one party at all these levels. The author ignores the fact that candidates of one political party are not the same for presidential, parliamentary and councilor elections. Hence variations are common not only for the 2010 elections, but also for all the previous election results. This explains why one party can lead in members of the parliament yet not win the presidential post. In the USA, for example, this is also the case. It can be noted that sometimes the Democrats have control of one of the houses of Congress while the Republicans control the other. Yet the President may still come from either of the two parties. So, the argument advanced by the author (in table 1) is not a new innovation at all. On the other hand, and as I have noted elsewhere in this rejoinder, there is a well established evidence in opinion polls and previous studies suggesting that Tanzanians vote more on party affiliation than on personality.[43] It is unclear how the author deals with this solid evidence and how his argument can be substantiated through supplementary evidence (the latter is not provided in the text).

3.5 Factual Errors and Omissions

There are three technical errors in Mateng'e's article. The first is related to the number of constituencies selected for his study. More precisely, he mentions 31 constituencies[44], then 30 constituencies[45] and again 31 constituencies in table 1.[46] Although this could be a minor problem it suggests that Mateng'e was not accurate in handpicking these constituencies. Second, Mateng'e cites the wrong literature to support his case. To be specific, he states, "Important to note, is that despite some

42 Ibid., 26.

43 See Ndumbaro, Laurean, (2002) "Voter Choices and Electoral Decisions"...2002; Mgasa, Grace, "How Do Citizens Vote?"...2011; Young Daniel, J. Support You Can Count On? Ethnicity, Partisanship, and Retrospective Voting in Africa, Afrobarometer Working Paper no. 115 (2009); SYNOVATE (2010); (REDET 2010) and TCIB (2010).

44 Mateng'e, "Protesting the Independent Candidacy", 24.

45 Ibid., 25.

46 Ibid., 29-32.

signs of growth, at least, in terms of the electoral seats recorded in the 2010 elections it is noted that, on the whole, opposition parties in Tanzania are still organizationally weak".[47] It is unclear how a manuscript from 2005 can reflect the situation in 2010. There is extensive literature that covers this area and a more careful review will definitely diminish this shortcoming. Third, there is a good number of works in the reference list which are not cited in the text. These include: Elms;[48] Mateng'e;[49] Ngailo, Kaswamila, and Senkoro;[50] Steven and Deering;[51] TEMCO;[52] and Wehmeier.[53]

4. Conclusion

Mateng'e's article attempts to take further the debate on independent candidates in Tanzania. The author utilised a concept known as "de facto independent candidacy" to explain a situation where personality, rather than political party affiliation, matters to voters when casting ballots. To describe his concept, Mateng'e used 30 constituencies and observed the correspondence of electoral outcome between two political posts of the same political party namely the parliamentary and presidential one. He asserts that whenever the shares of electoral support in a specific election for the two posts are the same, it means that voters cast their ballot based on their party affiliation. In contrast, when there is a variation in the electoral support between those posts, the determining factor that informs voters to select a given candidate becomes to be personality. Mateng'e describes the latter state of affairs as "de facto independent candidacy." As can be discovered, Mateng'e is dealing with the issue of "voting behavior" as a distinctive field in political science, in which case such behavior precedes electoral outcome. However, Mateng'e's conceptualization shows the reverse. He begins to observe election results in order

47 See Chaligha, Amon. "The State of Political Parties in Tanzania" in Research and Education for Democracy in Tanzania (REDET) Democratic Transition in East Africa, 120-136, Dar es Salaam: E & D Limited, 2005.

48 Alan, C. Elms, *Personality in Politics* (San Diego: Harcourt Brace Jovanovich Publishers, 1976).

49 Frank .J. Mateng'e, (Forthcoming). Parliamentary Supremacy in Tanzania: The Rhetoric and the Reality, *Journal of Humanities and Social Sciences*, Dar es Salaam University College of Education.

50 Jerry A, Ngailo, Abiud L. Kaswamila and Catherine J. Senkoro, *Rice Production in the Maswa District, Tanzania and its Contribution to Poverty Alleviation, Research on Poverty Alleviation* (Dar es Salaam: Mkuki na Nyota Publishers, 2007).

51 Smith, S. Steven and Christopher J. Deering, *Committees in Congress. (*Washington: Congressional Quarterly Inc., 1984).

52 The Tanzania Election Monitoring Committee (TEMCO). The 1995 General Elections in Tanzania: Report of the TEMCO, 1997.

53 Sally Wehmeier, *The Oxford Advanced Learner's Dictionary of Current English*, 6th Edition (Oxford: The Oxford University Press, 2000).

to ascertain factors that inform voters the way they vote. Indeed, this is akin to placing the cart before the horse.

If electoral outcomes form the basis of partisanship as Mateng'e suggests, it is imperative to underscore issues such as party policy, ideology, membership and affiliation. Mateng'e does not provide any evidence on how and the extent to which such correspondence in electoral outcome is a reflection of party policy, ideology, membership or affiliation. As such, his definition fails to distinguish which votes were cast based on partisanship and other non-partisan factors. Yet, by focusing on election data, one cannot appreciate the wider context within which elections take place such as ethnicity, culture, economy, religion, coercion, electoral irregularities, corruption etc. It is even difficult to control other factors in order to understand personality. Methodologically, Mateng'e falls short by selecting constituencies won by opposition parties only. This suggests a bias. Moreover, he does not state as to why and how his sample size was determined. And why he selected the Maswa constituency from the others? How was it adequate to supplement his secondary data? Or which specific questions were asked? Which political parties were involved in his sample?

A further weakness is that he did not interview voters to ascertain their opinion on their voting behavior. This forced him to speculate on the voting behavior by merely looking at the electoral outcome. Taking all these together, Mateng'e's article does not add anything new to the debate on independent candidates. His attempt to develop the concept of "de facto independent candidacy" has theoretical, methodological, and empirical flaws. What I could manage to see out of his article is a mere restatement of other peoples' works on the reluctance by the ruling party and its government to introduce independent candidates. Indeed, he was simply fascinated by the victory of opposition parties. I would rather describe his evidence to deal more with electoral volatility than anything else.

With regard to my article "Join a Party or I cannot Elect You", Mateng'e erred by misreading and misrepresenting its scope and analysis. He failed to comprehend the relationship between the title and its content; my objectives; as well as explanations as to why the judges in Tanzania fear the ruling party and its government. If he considered all of these one would have taken his article as providing a genuine critique and thereby expanding the debate on independent candidate issue. This is not the case though. It should be stated that despite the fact that political science can be approached from different angles, it is not a misguided field. Hence, for accuracy and fair criticisms, I would rather call upon Mateng'e to read the entire text and avoid being selective. It is in the interests of academics that the debate on independent candidate is not closed.

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