Time to re-open a National Debate on Democracy

The article which follows was written by this writer ten years ago at the time that a national debate on multi-party had begun after Mwalimu announced that it was no longer a "sin" to discuss multi-party. It was published in the Daily News in January 1991 before the appointment of the Nyalali Commission.

The article sharply distinguishes between democracy and multi-party system and argues that while the later may be necessary it is not sufficient to constitute democratic politics. The article argues for a protracted democratisation process of entering multiparty system so as to ensure that the multiparty system is based on a national consensus which would underlie a new constitutional order.

Since then we have had two general elections and the recent tragic events all of which show that we are dangerously slipping into narrow nationlaism and parochialism.

Towards a New Democratic Politics

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Several weeks ago President Mwinyi said that the Government was intending to form a commission which would monitor the views of the people in the current debate on one-party vs. multi-party. However, he said, the Government would welcome any suggestion on a different method of concluding the debate. It is in the light of this invitation that I humbly offer my views.

Origin and Content of the Debate

The method that we eventually adopt to arrive at a decision on the various issues raised by the debate depends partly on the position we take on the origin and the content of the current debate. Examination of various contributions which have been made so far reveal at least two broad positions.

The first position sees the number of parties - whether one-party or multi-party - as the central issue in the existing debate. It probably also holds that the immediate origins of the debate lie in two sources: changes in Eastern Europe on the one hand, and the pressures from Western Europe to adopt a multi-party system, on the other. Those who explicitly or impliedly subscribe to this position, whether in favour of one-party or multi-party, use the experiences and theories of the one-party Eastern and the multi-party Western Europe as their points of departure and reference as well as in justification and rationalisation of their views.

The second position holds that the central issue in the debate is the question of democracy and that the party system is only an aspect of democracy. Furthermore, the debate on democracy has been an on going process within our country albeit with ups and downs. The most recent example of such a debate was the constitutional debate of 1983/84. This position therefore tends to belittle the changes in Eastern Europe as having little to do with the current debate in Tanzania.

It seems to me that both these positions have some truth in them depending on from whose standpoint the question is approached. It is true that the immediate reason for the official opening up of the debate on one-party vs. multi-party has a lot to do with the changes in Eastern Europe and the pressures from our erstwhile donors and aid-givers from the West. That there have always been pressures for democratisation from below, as the second position seems to hold, is also true but these have been officially ignored or intimidated into silence. This means that so far as the power structures are concerned, the origin of the officially sanctioned debate lies in the apprehension of the possible impact of changes in the international environment.

But from the standpoint of the forces outside the power structures, it is the conditions within our society that have provided the basis from which the debate has originated.

In my opinion, the central issue in the debate is the question of democracy. Changes in Eastern Europe have provided an occasion for the debate but cannot be considered its basis while the pressures from the West have tended to mellow and soften the attitudes of the Establishment towards such a debate. (In parenthesis, let it be noted that the same West, not long ago, gave aid and succour to the one-party states in Africa. Therefore its democratic credentials ought to be suspect.) This has created some space for the debate which was always on the agenda so far as the popular forces are concerned. Our debate therefore should not be diverted. It should focus on the larger question of democracy and should be rooted in our own historical experience - frankly owning up to our past "mistakes"; drawing lessons for the future and be courageous to propose what may have been unthinkable only a couple of years ago.

This is not to say that other experiences can or should be ignored. But their relevance has to be established. We must approach other experiences honestly with a view to understand and explain our own situation rather than rationalise and justify some pre-conceived prejudices. Ultimately though our point of departure and reference should be our own political practices over the last three decades of independence. It is the examination of these practices that should guide us, not only in eventually arriving at any specific decision, but in forging the methods of making that decision.

I need hardly emphasise that the current debate on democracy - even if it may have been officially prompted by changes elsewhere - is one of the most important national projects undertaken since independence. This debate may prove to be a beginning of a new era in our national life (or a historical opportunity may be frittered away depending on how it is handled). It is likely to determine the future political system; political institutions and political culture that we accept and legitimise as a nation. Under the circumstances, it is of utmost importance that we adopt the most democratic and open methods of both conducting the debate as well as arriving at specific decisions. It is only in this way that whatever system is eventually adopted will have a broad consensus and legitimacy.

What have been our past political practices?
As I said earlier, I believe that our point of departure in this debate ought to be our own experience generally and our political practices particularly over the last three

decades.

In this regard I will quickly recapitulate the most important developments which have had a significant impact on the question of democracy since the decision to adopt the one-party state in 1965.

It must be understood that the adoption of the one-party state not only transformed the institutions of the state and government but gradually transformed the party itself in four interconnected respects.

Firstly, the Party ceased to be an organ and institution of the civil society and became part of the state. It became a state-party. It derived its authority from law as opposed to a political party which derives its legitimacy from, and as a part of, [part of = part-y] the civil society. Hence, increasingly and frequently, it began to depend on the use of coercion, which is a characteristic par excellence of the state, rather than persuasion, which is a characteristic of an organisation of the civil society.

Secondly, the material/financial basis of the Party also changed. With a direct and substantial subsidy from the state and indirect `contributions' from para-statal organisations, the Party was supported by the tax-payer rather than its members. Again this is a characteristic of the state whose organs depend financially on revenues extracted from residents (backed by the ultimate threat and use of force) as opposed to the organisations of the civil society which depend on membership fees (based on a voluntary contract), donations from philanthropic and not so philanthropic, contributions from well-wishers and sympathisers, etc.

Thirdly, the day to day work - not only administrative but also political - is done by paid bureaucrats rather than by unpaid volunteers and cadres who do what they do because of a commitment to a cause. In practice, the bureaucratic structure of the Party became almost a replica of that of the state including such mundane paraphernalia as cars with Party number plates; Party flags and state-police outriders.

Fourthly, one of the other significant and inevitable results was that the Party not only ceased to be a political party but also a regular ruling party. The self-perception of a state-party (which it propagates and enforces on others, members and non-members alike) is not simply that of a ruling party bent on staying in power but that of a supreme political existence which holds the last word on the social good and the political truth. The notion of the supremacy of the party - kushika hatamu - is a profound expression of the transformation of a party from a ruling party to a state-party. This means that one of the main objects of a political party - to get into government and monopolise political power - is transformed into a singular object of monopolising politics. And this object is pursued single-mindedly with a far-reaching impact on the constitution and future of civil society itself. Let me explain.

Politics is not simply the question of state power, that is to say (1) the relation of governance between the state and citizen and (2) the division of power within and among the institutions of the state. Politics involves as well the approaches, ideologies and relations in respect of differences and different interests within the civil society at various levels - differences between gender and age groups; differences between capital and labour and the unemployed; landlord and tenant and the landless;

differences among professions and between the professional and the lay-person; differences of language, race, culture and religions, etc. Now it is true that even in developed capitalist formations, where there is a relative `separation' of state and civil society, these differences too are directly or indirectly, in one form or another, mediated through the state, contrary to the assertions of the pundits of political pluralism. Yet it cannot be denied that there is a fundamental political difference between that system and the sytem of party-state. Under a system of state-party, where politics itself is monopolised, these differences in, and of civil society, are not simply mediated through the state but come under the state's immediate hegemony. This has the effect of narrowing the space for civil society. This is probably best illustrated by the way monopoly of politics operated in our country.

Monopoly of Politics

The monopoly of politics resolved into four important levels. Firstly, it meant that no organised politics or political activity could be permitted outside the state-party [see article 10 of the 1977 Constitution]. So all, what we call in Tanzania, mass organisations - trade unions, co-operatives, students, women and youth organisations, even football clubs and cultural troupes - are brought under the control of the state-party. The destruction of autonomous organised expression of the differences in civil society is the first profound effect of the monopoly of politics by the state-party.

The second effect follows almost logically. If organised interests cannot be permitted then any autonomous articulation and expression of those interests cannot be permitted either. So various media of expression - newspapers, magazines, radio etc. - and institutions of propagating ideas - schools and suchlike centres - too come under the hegemony of the state. True, different interests and the expression of those interests cannot be obliterated altogether but they can certainly be suppressed and discouraged either by coercion or ideological intolerance or both. And while individualised, and therefore harmless, expression of differences may continue even such may be discouraged by attracting a series of disparaging epithets (depending on its severity) such as arm-chair critics, disgruntled few, detractors, unpatriotic elements, dissidents, (and where there is armed opposition) bandits, etc.

The third effect is the cumulative result of the first two - the development of a closed society. It develops almost imperceptibly behind the backs of the people, so to speak. The closed society operates and manifests itself on different levels, both institutional as well as ideological. Thus public affairs are conducted most secretly where the members of the public are spectators and rumour-mongerers rather than actors and commentators. Proceedings of the most important decision-making bodies - the National and Central Committees of the Party, for example - are held in camera and their records are inaccessible, even to members! The right of expression is circumscribed - monopoly of the press, severe laws on sedition etc. - while the right to know is almost non-existent. Severe limits on the rights of citizens are prescribed in law which the people themselves may not know, but feel in their bones.

Drawing lessons from experience and leading examples, which become part of popular sub-conscious, people set their own limits through self-censorship. Prudence dictates that these limits be even more restrictive than the legal limits. As some one put it so aptly, the citizen censors his/her own rights.

Openness, one of the most important characteristics of a democratic society, suffers. With it suffer the prestige and the social place of institutions given to openness by definition such as the judicature, the parliament, the press, the university, etc. In the dark crevices of a closed society arbitrariness, intrigues, nepotism, favouritism and political sycophancy flourish. At the leadership level, individual merit, sincerity of purpose, personal honesty or political commitment count for little. What matters is the ability to appease your superior and the agility to chorus into the dominant song, even if it is exactly opposite of the one sung just on the previous day.

The fourth effect of the monopoly of politics is ideological. It generates a political culture of intolerance which expects and actively solicits an unanimity of views. This is most subtle yet profoundly prejudicial to democracy. I will illustrate this point by taking the example of what has been put forward historically, as well as in the current debate, as the strongest argument in favour of the system of state-party (or one-party as it has been, with respect, incorrectly called).

This is the argument that the one-party system has generated and helps to ensure national unity.

As I said, this argument is eminently ideological. It may not necessarily mean what it says or may say what it does not necessarily imply. Let us examine it more closely. The first question to ask is: What is meant by national unity? There are at least three meanings that may be attached to the concept `national unity' in this context. The term national unity may be used to refer loosely to `national integrity' or more strictly to the integrity of the country, i.e. a definite population on a definite geographical space under the jurisdiction of one specific state. `National unity' in this sense may be threatened by external aggression, invasion and possible dismemberment - or an internal civil war for secession. None of these - barring Amin's invasion and the question of Zanzibar which I shall touch presently - has even been remotely a serious threat in Tanzania. Therefore one-party cannot claim credit for `national integrity' or unity in this sense. As a matter of fact, it is precisely in the systems of state-party (or single party) where `national integrity' in this sense is under real threat - Ethiopia, Sudan, Somalia, etc. are living examples. Curiously enough, in Tanzania itself, some overt opposition to the union came after the formation of one party, CCM - not before when there were two parties, CCM and the ASP! Clearly therefore `national unity' in the argument cannot mean integrity of the country or `national integrity'.

The second possible meaning of `national unity' may be a nation (country?) without diversity and divergent interests; that is to say, the one-party system has helped us to attain national unity by obliterating all important differences and different interests. This certainly is not true and I am sure no one would want to argue that it is true. The present debate alone shows that our nation is pleasantly vibrant with divergent interests and different views.

We are then left with only one meaning of `national unity' and that is that the single party has managed successfully to suppress any organised expression of diversity and differences in our society. If so, then what is really meant is not `national unity' but (imposed) unanimity. It is my humble submission that that is exactly what has

happened in our country. In that case therefore `national unity' is an ideological euphemism for imposed unanimity. For, indeed, both in theory as well as in real life, it is possible to have national unity without unanimity of opinions and interests. Unanimity is not identical with unity for unity can flourish in diversity just as unanimity can disguise forces of disunity. National unity based on diversity would dictate a different type of political attitudes and culture, a politics of consensus rather than a politics of coercion - whether physical or psychological.

A politics of consensus has a positive attitude towards diversity while a politics of unanimity aims at obliterating all diversity. A politics of consensus however can still maintain national unity by a continuous process of dialogue, debate and discussion in which there is a `give and take', and there are compromises so as to attain a consensus on major issues. Under the politics of unanimity, views of one side have to prevail, more often by the logic of force rather than the force of logic.

It is my contention that the process of the transformation of our political system into a state-party system has been accompanied by the politics of unanimity rather than consensus. The current debate therefore ought to address the question of political culture seriously. The methods that we adopt in arriving at decisions in the process of democratisation should enable us to transform our politics and build new politics based on national consensus.

Various contributors to the current debate have all operated on one level, i.e. the level of the monopoly of political power. But they have not touched the issue of the monopoly of politics. Hence even the most radical suggestions amount to no more than `structural adjustment' (rather than `structural transformation') at the political level.

As should be clear from my preceding analysis of our politics, what is really needed is New Democratic Politics. The time to begin to build new politics is now and the place to begin, I suggest, is a New Democratic Constitution. That brings me to my main proposal which I hope will be taken up for further debate.

A Proposal for a New Democratic Constitution

I propose that we should aim at putting a new constitution in place before the next general elections which would allow us some five years of transition. The transition period be divided into three stages - national commission followed by two years interval; then a National Convention which will propose a draft constitution followed by the election of a constituent assembly to adopt the constitution followed by a referendum to enact the new constitution. I will now explain each of these processes separately and their place in the process of democratisation.

The National Commission

The idea of a commission has already been mooted by the President. I propose however somewhat different terms of reference for such a commission. The commission's task would be to investigate and propose constitutional and other legal and administrative changes in those areas where there is no controversy and which constitute necessary pre-conditions for setting the process of democratisation in motion. Let me mention a few.

First, the separation of the party and the state. It seems to me that this is absolutely necessary if we are serious about any form of democracy. This means that CCM must relinquish its monopoly of politics as enshrined in article 10 of the 1977 Constitution. As a ruling Party it would still continue to have the monopoly of power during the transition period but during this period people would be free to form groups, organisations, other forms of collectives etc. to conduct political activities short of immediately bidding for political power.

Second, all legal, political and administrative restrictions on freedom of association (except the formation of political parties during the transition period) be lifted. This will allow various interests in the civil society to associate freely including forming of autonomous mass organisations such as trade unions, peasant associations, business and professional groups, etc. One hopes that during this period organisations and movements from the bottom - grass-root organisations - would come into being and begin to operate thus re-establishing some form of civil society autonomous of the state and the ruling party.
Third, all legal, political and administrative restrictions on the freedom of expression be lifted. This will hopefully encourage a vigorous debate and dissemination of information as well as the flowering of diverse opinions thus planting the seeds of an open society.

Both the freedom of association and freedom of expression are already provided in the Constitution. What needs to be done is to streamline other pieces of legislation to bring them in line with the Constitution as at the same time to raise the political consciousness of political leaders and state functionaries to respect unreservedly these fundamental rights. The Commission could recommend necessary legal changes, as well as ways and means of bringing these rights to fruition in practice.

In short, the Commission's task would be very specific. And its recommendations would then be translated into necessary legislation. The Commission could be given specific time period - say three months - in which to complete its job.

The Commission's work and the implementation of its recommendations would prepare the ground for the next stage. There would be an interval of say two years during which associations and organisations would be formed as at the same time the debate would continue, hopefully, even more openly, without fear and with greater participation not only of individuals but the newly-formed organised groups. Then it would be time to convene a National Convention.

The National Convention
All organised groups - trade unions, co-operatives, professional associations, industrial and business chambers, students unions, political groups (including CCM) - and even prominent citizens would be invited to send delegates to the Convention. The primary task of the National Convention would be to discuss openly and thrash out, through a consensus, the major principles which would guide our New Politics and which should inform the new constitutional structure. As I said earlier, the public debate would have continued and by the time of the Convention this would have assisted enormously in identifying the main pointers for major political principles (including such issues as one-party vs. multi-party or no-party; structures of grass-root

democracy at village, work-place and neighbourhood levels; levels and hierarchy of accountability; etc. etc.).

The Convention, independent of the existing state and Party structures, and representing varied and diverse interests of the civil society, would be the main body to crystalise a National Consensus.

Having agreed on main guiding principles, the Convention would then elect a smaller body/committee from among its delegates to draft a new constitution based on those principles. The draft constitution would then be submitted to a constituent assembly for adoption.

The Constituent Assembly

The Constituent Assembly will be elected for the single purpose of discussing and adopting the draft constitution. Its members would be elected from all the constituencies, from both parts of the Union. The election would be based on universal suffrage. The only qualification for standing in such an election would be that one is over 18 years of age and a Tanzanian of sound mind. In our case, all our past constitutions have been adopted by pre-existing national assemblies converted into constituent assemblies. The membership of such national assemblies-cum-constituent assemblies has been partisan rather than national. Therefore none of our constitutions can honestly claim to derive its authority from the People. The present suggestion makes a total break with that tradition.

After the adoption of the constitution by the constituent assembly, such a constitution would still not have the force of law. The constitution will be enacted into law by a referendum conducted separately in two parts of the union. And in both parts a specified per centage of votes (majority?, two-thirds? etc.) would be needed for the constitution to be enacted into law. This procedure is somewhat analogous to the existing legislative process whereby a Bill becomes an Act when passed through the National Assembly but does not become law until assented to by the President. Enacting of a constitution through a referendum was done by, for example, the Irish people in 1937 who wanted to make a complete break with their colonial past.

The political and legal process suggested here is somewhat novel and may sound laborious. Let me therefore elaborate on the significance of each of the stages suggested here.

Let it be emphasised once again that the current debate could be a great democratic opening in the history of our nation. If we are all serious about this debate then we should take the historical opportunity to lay sound and firm foundations for future democratic politics. In this process, it would be a grave mistake to belittle the question of the union between Zanzibar and Tanganyika which also needs to be based on a sound democratic foundation.

Secondly, we need to make a clear break with our past politics of unanimity and lay a basis for national consensus. Indeed, we also need to make a legal break in constitutional terms with the past.

The historical ancestry of our current Union Constitution is two-fold: the colonially

given independence constitution of 1961 and the Articles of Union of 1964. Both of these have had legal/constitutional problems - details of which need not detain us. But even more important, they have had problems in terms of political legitimacy. It is for these reasons that we need to make a legal and political break with the politically dubious ancestry of our current constitution. The only way to make such a break is to root the new constitution in the people themselves through a referendum. The Constitution would then derive its authority directly from the People and not from some pre-existing partisan body. Only such a constitution can truly proclaim to the whole world that `We the People of Tanzania do hereby adopt, enact and give to ourselves this Constitution...'.

This matter is not simply symbolic. Our legal history is full of events and incidences which show that state functionaries and political figures at the highest level have little respect for the constitution. Popular, charismatic leaders often feel and act as if they were above the constitution. Therefore it is important that the constitution not only has political legitimacy but is bestowed with the sanctity that cannot be easily defiled. In matters of religion, sanctity is derived from the authority of God; in matters of politics sanctity is derived from the authority of the People.

Finally, in our case, there is an additional reason why the constitution be adopted and enacted in the way suggested here. This is the recurrent uncertainty on the union between Tanganyika and Zanzibar. If the process suggested here is adopted, the form of the union that is finally embodied in the new constitution will be firmly grounded in the wishes of the peoples of Tanganyika and Zanzibar and thus have far greater legitimacy then the existing arrangement partly derived from, but in the main contrary to, the Articles of Union.

In short, what I have suggested can be summed up on two major levels: political and legal. The National Convention is essentially to crystalise a National Consensus on New Politics. The Constituent Assembly and the Referendum are essentially a legislative process to put in place a New Constitution solemnly embodying these New Politics. The whole process will bestow on the New Democratic Constitution an unimpeachable legal authority as well as largely unquestionable political legitimacy. Such a new constitution will not again be a simple piece of legislation to be changed and amended to suit individual leaders. Rather it will be a solemn social contract between the state and the citizen to endure as long as that social contract (national consensus) lasts.

Democratic politics must have a legally sound and politically legitimate constitution. For it is through the constitution that the people both assert their sovereignty as well as cede part of it to the state. What is ceded to the state has to be clearly defined and its limits have to be clearly demarcated. And the processes of definition and demarcation must have gone through, and are seen to have gone through, intense and extensive debate in which all interests and forces have been given an opportunity to participate. That, presumably, is the difference between an absolutist state and a representative one. That is the difference we have to establish in Africa between an authoritarian state of the post-independence era and the democratic state of the era of Second Independence.

The question before us is: Will the current debate be a beginning and an opening towards a new era or would it turn into just another gimmick of authoritarian rulers to keep themselves in power?

☞ Issa G. Shivji
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