

TANZANIA: KEY HISTORICAL AND CONSTITUTIONAL DEVELOPMENTS

1919: Britain obtained mandate over Tanganyika under the League of Nations.

1929: The Tanganyika African Association was founded.

1954: Mwalimu Julius Nyerere and Oscar Kambona changed the Tanganyika African Association into the Tanganyika African National Union.

1958: United Tanganyika Party (UTP) was formed.

1958: African National Congress was formed.

1961: Tanganyika gained its independence with Julius Nyerere as prime minister.

1961: Tanzania adopted the Independence Constitution of Tanzania. It was based on the Westminster model except that it had no bill of rights. It provided for a Governor General representing the Queen as the Head of State; an executive prime minister from the majority party in parliament; a cabinet of ministers collectively and individually responsible to parliament and an independent judiciary.

1962: Tanganyika became a republic with Nyerere as its president.

1962: The Republican Constitution of Tanzania was adopted. It marked the beginning of the presidential system and laid a foundation for "imperial presidency", in that it combined in the president the powers of head of state and government and all the previous powers of the Governor General and prime minister. He was Head of State and head of government, commander in Chief of the army and part of parliament,

without whose assent a bill would never become law. He appointed ministers and the Vice President, and chaired cabinet.

-The collective and individual responsibility of ministers shifted from the national assembly to the president. Parliament could not impeach the President though the President could under certain circumstances dissolve parliament.

The president inherited all the powers of the governor by the colonial legislation such as the Deportation Ordinance, the Collective Punishment Ordinance, the Emergency Powers Order in Council to which the independent government added its own repressive laws such as the notorious Preventive Detention Act, which gave the president powers to detain a person without trial.

An existing national assembly which converted to a constituent assembly by an Act of parliament passed the new Republican Constitution. The 71 elected members of the national assembly, all elected members of TANU passed a law that allowed them to convert the national assembly into a constituent assembly with powers to adopt the new constitution. The procedure sided lined people and thus lacked political legitimacy or force of law from the people.

1964: The Interim Constitution of the United Republic of Tanganyika and Zanzibar 1964 (the Union Constitution) was established. The Union Constitution was a modification of the Republic Constitution of 1962. The Union was constituted by signing of a treaty called the Articles of Union by the respective heads of state Mwalimu Nyerere and Abeid Amani Karume. It was ratified by the respective legislative bodies and became part of the municipal law called the Acts of Union.

The main features of the Acts of Union were the following:

- The Acts of Union were a constitutional instrument controlling both the Union and Zanzibar Constitutions.

- It established a two-government Union. 11 items were placed under the jurisdiction of the Union legislature and executive and the remaining matters under the exclusive jurisdiction of the Zanzibar government. The Union executive was to operate in Zanzibar in relation to union matters through the Zanzibar president who by virtue of his position was also vice president of the Union.

- The Acts of the Union provided for a procedure for the adoption of a permanent constitution through the appointment of a constitutional commission followed by a constituent assembly, in order to allow some people participation in the making of the Union. Unfortunately the one-year period that was specified in the original articles came to some 13 years, when a constitutional commission and Constituent assembly were formed albeit in a fashion that almost sidelined people participation. The people have never had opportunity to debate the needs, structure and division of power of the union.

1965: The Interim Constitution was modified. It formalized the one party state and re-enacted all changes brought about by the Union. The Constitution declared the Afro-Shirazi the party for Zanzibar and TANU for Tanganyika. The Constitution of TANU was made a schedule to the Constitution thus legally endorsing the emergence of a party state. The 1965 Constitution was enacted by an ordinary Act of parliament an equivalent of an amendment of the Constitution repealing an existing Constitution and establishing a new one. It was yet another example of lack of constitutionalism and participation of the people.

1965-1977: Several amendments were made to the Interim Constitution before the permanent Constitution was adopted. Notable were 2 amendments:

- There was an increase in the number of matters under the jurisdiction of the Union government, which led to further constriction of the autonomy of Zanzibar.

- The second amendment was the consolidation of one party state and the undermining of the National Assembly in favour of the National Executive Committee of the Party. The 1975 amendment (Act 8 of 1975) for instance declared the supremacy of the party by providing that all functions of the all state organs were to be performed under the auspices of the party, a formalisation of what had already happened de facto.

1967: Nyerere through the Arusha Declaration, called for egalitarianism, socialism and self-reliance in Tanzania (Ujamaa).

5 February 1977: The two existing political parties Tanganyika Africa National Union (TANU) and Afro Shirazi Party (ASP) merged to form Chama Cha Mapinduzi (CCM).

16 March 1977: After the merger of the TANU on the mainland and ASP in Zanzibar; the President of the United Republic of Tanzania appointed a 20-person joint party committee headed by Thabit Kombo to propose a new constitution. The same party Committee was appointed as the constitutional commission in accordance with the Acts of Union on March 25, 1977. It within a short time made and sent proposals to the NEC of the party, which adopted them in a day, in camera.

16 March 1977: The president appointed the Constituent Assembly on the same day as the Committee, to discuss and enact the new constitution. The bill for the new constitution was published seven days before the Constituent assembly met to discuss it and the constituent assembly enacted the Constitution in three hours after it was presented to it.

1977: The 1977 Permanent Constitution / The Fourth Constitution was adopted. It concentrated state power in the executive within the party state under an imperial presidency it was made with no public debate or consultation. It for the first time recognized the monopoly of politics vested in the CCM, which by then emerged as a single party in the whole union. The 1977 constitution rested on the three pillars namely imperial presidency, the two-union government and the one party state.

1983-1984: Amendments of the 1977 Constitution: The Fifth Constitutional amendment as an exception to the rule. This 1983-4 constitutional debate was a fine example of public participation in constitution making because it was initiated by the NEC of CCM contrary to the usual practice where the NEC made decisions and asked government to implement them. Secondly, contrary to previous practice, a public debate on the party's proposals was invited and a year assigned for the purpose. Thirdly although having a bill of rights had not been part of the proposals, it was included as a result of public

demand. The debate was therefore the only one of its kind in the constitutional history of Tanzania. As a result of the debate there demands for more autonomy of Zanzibar which threatened the party and led to announcing a “pollution of political atmosphere” forcing the then leadership of Zanzibar to resign.

1985: Mwalimu Julius Nyerere stepped down voluntarily as Head of State of Tanzania and Ali Hassan Mwinyi succeeded him as Head of State.

1990: Salmin Amour replaced Abdul Wakil as President of Zanzibar and 2nd Vice President of the Union.

1991 February: The Presidential Commission on Single Party or Multiparty System in Tanzania, 1991 popularly known as the Nyalali Commission, was established by President Mwinyi.

1991 March: The Nyalali Commission was inaugurated. It was constituted of 22 Commissioners, with equal membership of ten members each from both the Mainland and the islands, and one Chairperson and a Vice Chairperson. Its main terms of reference were to collect people's views on whether Tanzania should continue with the Single Party System or adopt a Multi-party system.

1992: The Nyalali Commission made recommendations to amend both the Union and Zanzibar Constitutions, to make the whole of Tanzania a multi-party state.

1992 May: The Eighth Constitutional Amendment of 1992 which paved way for a multi party political system came into effect. The constitutional amendment changed the composition of the National Assembly, which consisted of elected members. Women representatives who were 15% of the total membership were to be appointed by their parties. There were to be 5 members elected from the Zanzibari House of Representatives from among themselves. The National Electoral Commission members were to be appointed by the President. Instead of being a member of CCM as before, parliamentary and presidential candidates could be nominated by any registered party, which meant that independent candidates could not stand for elections any more. Matters to do with the registration of political parties were added on the list of Union matters making them 22.

1992 July 1: The Registration of Political Parties Act came into effect.

1992 December: The Ninth Constitutional Amendment came six months after the eighth amendment. It provided for the election of the president and his removal by way of impeachment. It also provided for post of prime minister and the passing of a vote of no confidence in him by the National Assembly.

1994 December: The Eleventh Constitutional Amendment addressed the issue of vice-presidency, following the report of the Bomani Committee. The system of running mate was introduced that paired a presidential and vice-presidential candidate. This meant that the President of Zanzibar ceased being an automatic Vice president of the Union but became a member of the Union cabinet.

1995: The Twelfth Constitutional Amendment 1995 was passed before parliament was dissolved before the October 1995 general elections. It declared the president of the Union, and the President of Zanzibar as the Vice President of the Union and the Prime Minister prime leaders required to take oath to defend, protect and nurture the union.

1995: Ali Hassan Mwinyi stepped down as Head of State having constitutionally completed two terms in office.

October 29, 1995: First presidential and parliamentary elections under multiparty system, 13 political parties contested. Benjamin William Mkapa was elected as Head of State.

1995 November: After irregularities at some polling stations, National Election Commission of Tanzania annulled the election vote in seven Dar es Salaam constituencies and arranged for a re-run.

1995 November 13: Ten opposition parties announced a boycott of the repeat elections and all opposition presidential candidates withdrew.

1995 November 17: A re-run of the elections took place and CCM emerged victor with 75% of the vote.

1998: In a White Paper (No. 1 of 1998), government compiles a list of demands by stakeholders for among other issues a new constitution. The White Paper also outlined government's position on each of the demands.

1998: The Union President appointed a 16 member Committee led by Justice Kisanga to collect people's views on the issues raised in the White Paper including the demand for a new constitution and the Union, and several aspects of the Union Constitution, and make necessary recommendations.

1999 October: Mwalimu Julius Nyerere died.

2000: Benjamin Mkapa elected for a second term.

April 2000: The Thirteenth Constitutional Amendment. It introduced the following changes:

- Prior, a candidate needed 50% of votes in presidential elections to be declared president of the United Republic; only a simple majority was required to be declared president

- Before, the President had no power to nominate any body to parliament all members of parliament except the Attorney General, women in special seats and representatives of the Zanzibar House were elected from constituencies.

The Constitutional amendment allowed the President to nominate up to 10 members of parliament.

- Increased the number of special seats for women from 15%- 20%, depending on the declaration of the National Electoral Commission from time to time, with the consent of the president.

2000: The Presidential Commission of Inquiry established in 1965 was abolished and the Commission for Human Rights and Good Governance of Tanzania was established under Article 129(1) of the Constitution of the United Republic of Tanzania of 1977 as amended by Act No. 3 of 2000.

2001 November: The president of Tanzania together with Uganda and Kenya launched the East African Legislative Assembly and the East African Court of Justice in Arusha.

2002: Two new political parties, the Democratic Party and Chama cha Demokrasia Makini were registered by the Registrar of Political Parties.

2002 March: The members of the Commission for Human Rights and Good Governance of Tanzania was appointed.

2002 November: The Prevention of Terrorism Act was passed by parliament.

2005 December: Jakaya Kikwete, member of the CCM elected president of Tanzania.

2006 April: A High Court decision outlawed a traditional practice of "Takrima" which involved gift giving and entertaining candidates during elections.

2006 August: The African Development Bank cancelled over \$640m of debt owed by Tanzania, on the basis of the country's impressive economic record and the level of accountability of public finance.

2008 February: President Kikwete dissolved the Tanzanian cabinet amidst a corruption scandal in which the prime minister and two other ministers resigned.

2009: The Court of Appeal ruled in the case of A.G vs. Mtikila, (Civil Appeal No. 45 of 2009) that it cannot legally rule that independent candidates can stand for presidential and parliamentary elections. They noted that that was the province of Parliament to amend the constitution according to Article 98(1) of the Constitution. (Rev. Mtikila had brought a case challenging a provision of a parliamentary amendment which prohibited independent candidates for presidential, parliamentary and local council elections).

2010 October: President Kikwete re-elected president and sworn in on 6th November.

2011 March: A Constitutional Review Bill drafted and tabled before parliament under a certificate of urgency.

2011 April: Public hearings on the constitutional review bill held in Zanzibar, Dar es Salaam and Dodoma, but the bill was not welcomed many citing that the process was rushed and many people are not participating in the process.

2011 April: The Draft Constitutional Review Bill officially removed from the Parliamentary process following discontent about the bill and its lack of people participation in the process.

2011 April 7: Public hearing forums that were held on the Constitutional Review Bill were disrupted by chaotic scenes in Dar es- Salaam and Dodoma.

2011 April 9: CCM central committee members were forced to resign and the party dissolved its secretariat.

2011 April 11: CCM announced a new secretariat team to be headed by a new secretary general, Mr. Wilson Mukama.

2011 April 15: The National Assembly speaker Ms. Anne Makinda withheld a parliamentary debate on the controversial constitutional review Bill 2011 to give enough time for the public to discuss it.

2011 June 2: The Legal and Human Rights Center jointly with the Tanganyika law society sued the Government at the African Court on Human Rights Violation in Arusha. They challenged Articles 39, 67 & 77 of the Tanzania constitution that only permitted citizens who belonged to a registered political party to stand for the office of president.

2011 June 5: The Chadema party's national chairman Freeman Mbowe was arrested over charges of contempt of court.

2011 June 23: The Prime Minister, Mr. Mizengo Pinda , assured Tanzanians that the new constitution would be in place before the next general election scheduled to take place in 2015.

2011 July 17: The Chadema party's central committee discussed the conduct and fate of Maswa West MP John Shibuda who was accused of humiliating the party by making contradicting comments on the debate held at Parliament on sitting MP's allowances.

2011 July 18: Chadema party ordered it's councilors in Arusha to resign from their municipal stations because they defied the election process.

2011 July 21: BAE systems an aerospace and defense company was ordered by British MP's to pay the Tanzanian government sh 73.8 billion immediately or face legal action.

Energy and minerals permanent secretary David Jairo was sent on compulsory leave pending investigations on fraud and corruption allegations he is facing.

2011 July 24: Umoja wa vijana wa CCM (UVCCM), the CCM youth wing has made a demand that MP's be excluded from the CCM National Executive committee membership.

2011 August 7: Chadema expelled five of its councilors in Arusha over a longstanding dispute of the mayoral elections.

2011 August 23: Energy and mineral permanent secretary, David Jairo was cleared of fraud and corruption charges. Parliament resolved to set up a committee to investigate the handling of his case.

2011 August 25: President Jakaya Kikwete suspended energy and minerals permanent secretary, David Jairo only a day after the committee to investigate the handling of his case had been set up.

2011 September 9: MV spice islander, the transport ferry, capsized on its way to Pemba with over 800 passengers on board. 200 passengers were reported dead at the scene.

2011 September 14: President Jakaya Kikwete appointed 15 regional commissioners during a shuffle.

2012 October 19: The former Prime Minister Edward Lowassa called for an end to assumptions alleging that he is plotting to undermine President Kikwete's administration as CCM's chairperson.

2011 October 28: Chadema rejected the revised Constitutional Review Bill 2011. The party warned that it would publicly campaign against it if approved by parliament.

2011 November 8: The Chadema secretary general, Wilibrod Slaa and 26 other party members were arrested for allegedly staging an illegal assembly among other charges. They were prosecuted at the Arusha resident Magistrate's court.

2011 November 14: The Constitutional Review Bill 2011 was tabled by the constitutional affairs and justice minister Celine Komboni in Parliament for a second reading. In protest of the move, all Chadema MP's walked out of the hall.

2011 November 18: President Kikwete criticized for maintaining that he has the legal mandate to oversee the process of writing the new constitution.

2011 November 21: CCM ideology and publicity secretary accused the media of distorting the party's "sloughing off" campaign slogan.

2011 November 22: President Kikwete agreed to meet with opposition party Chadema delegates to discuss the controversial Constitutional Review Bill 2011.

2011 November 25: President Kikwete signed the Constitutional Review Bill 2011 into law, although he had agreed with Chadema that the draft law should be amended beforehand.

2011 November 30: President Jakaya Kikwete assented to the Constitutional Review Bill 2011, making way for the constitution review process. The move has been greatly welcomed by the members of the ruling party.

2011 December 9: Tanzania marked 50 years of Tanganyika's (Tanzania main land) independence.

2012 January: Tanzania was ranked the most democratic nation in the East African region and the 90th out of 165 independent nations by the Economist Intelligence Unit's Democracy index score

2012 January: The Constitution Forum (Jukwaa la Katiba) called for thorough amendment of the Constitutional Review Bill 2011 noting that it only highlights two sections of the constitution (6 & 18) and ignoring the rest of the sections which need an overhaul. According to the Constitution Forum office, there are about ten sections in the Act that need to be amended so moving a bill with only two sections is unfair.

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2012 March: CCM named 42 mostly young political aspirants out of 78 to run for East African Legislative Assembly (EALA).

2012 March 24: Chadema, the leading opposition party launched M4C (Movement for change), an initiative geared at empowering people and creating public awareness on key issues, including: crafting of a new constitution, democratic rights and advocacy for the protection of national resources.

2012 April 23: Eight out of thirty members of Cabinet have been accused of embezzlement of public funds & MP's are demanding their resignation.

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2012 April 17: Tanzania elected its nine representatives to the EALA.