

**A Critique of One-Party Dominance in Fostering *Multi-partyism*  
in Democratic States:  
A Comparative Legal Analysis of  
Botswana, South Africa and Tanzania**

*By*

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**LLM Capstone Thesis**

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The undersigned certifies that he has read a thesis titled *A Critique of One-Party Dominance in Fostering Multi-partyism in Democratic States: A Comparative Legal Analysis of Botswana, South Africa and Tanzania*. He now recommends it for acceptance by Central European University, in partial fulfilment of the requirements for the post-degree of Master in Comparative Constitutional Law (CCL).

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I, Sylvia Emmanuel Massawe, declare that this thesis is my original work and that it has been presented only in this University and will not be presented to other universities or institutions for a similar or any other award.

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## ACKNOWLEDGEMENT

It is only the Grace of God the Almighty that I could accomplish this work. I would like to convey my sincere and heartfelt gratitude to Him.

Then, I would like to acknowledge the gratitude of many people who contributed much to the completion of this study. I would like to appreciate the following people:

For their invaluable help on this study, I am grateful to my Supervisor and my intellectual mentor Prof. Markus Bockenforde, for his inspirational guidelines and insights. More important, his readiness and tireless correct me and his availability throughout the writing of this study. My thanks also go to Prof. Renata Uitz, for imparting me a great knowledge about this study through capstone seminars.

I would like to acknowledge the grateful of my colleagues the (CCL–Masters Class 2019-2020) for the admired academic companionship where I learn from each of them.

I extend my gratitude to the Central European University, which was my home for the whole year of my study, all the university administration, academic staffs and administrative staffs (Legal Department), librarians, medical Centre personnel and IT.

I would like to thank my Congregation, Daughters of Mary -*Tabora* Tanzania for the moral, spiritual and financial supports and the Congregation of *Szuz Maria* in Budapest who were ready to offer me accommodation for the whole year of my study, their hospitality and prayers.

For their continued support, thank you to my parents, friends and siblings for their invaluable help and prayers.

I genuinely thank everyone who for one way or another help accomplish this work!

## **DEDICATION**

To my country Tanzania

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### **Regional Human Rights Instruments**

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African Charter on Human and Peoples' rights, 1987

The *Lome* Declaration, 2000

### **Botswana Statutes**

The Civil Societies Act of 1983

The Constitution of Botswana of 1966

### **South Africa Statutes**

The Constitution of South Africa of 1996

The Electoral Commission Act, 1996

### **Tanzania Statutes**

The Constitution of the United Republic of Tanzania, 1977

The Political Parties Act (Amendment) Act, 2019

## **LIST OF ABBREVIATIONS**

ACDEG	-	African Charter on Democracy, Election and Governance
ANC	-	African National Congress
AU	-	African Union
BDP	-	Bechuanaland Democratic Party
CCM	-	Chama cha Mapinduzi (Revolutionary Party)
ICCPR	-	International Covenant on Civil and Political Rights
OAU	-	Organization of African Unity
UDHR	-	Universal Declaration of Human Rights

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## INTRODUCTION

This study examines the one-party dominance in multi-party systems in Botswana, South Africa and Tanzania. Although in the mid of 1990s all the three countries have introduced *de jure* a multi-party system, their political system is still dominated by a single party. Political parties play a vital role in enhancing Democracy and legitimizing political system in any democratic state.<sup>1</sup> They are used as a way of representing people in political matters. In democratic state with compelling political system, their responsibilities and accountabilities are considered.<sup>2</sup> For instance, the U.S Constitution without even mentioning political parties but they are recognized and persisted as they are assisting in fulfilling the organization of parliament priorities, policies, alternative candidates and promoting the majority's accountability.<sup>3</sup> Political parties in democratic societies work to representations, aggregation of interests and national integration because parties compete for public votes.<sup>4</sup>

Historically, one-party dominance and single-party systems in Africa experienced in the late 1960s until the early of 1990s whereby the authoritarian regimes ruled many countries: the dominant one-party system, single-party system, military regimes and civil dictatorships.<sup>5</sup> The African single-party systems reflect two types: some of the countries became *de jure*, in which their constitutions allowed only one party such as in socialist and communist regimes. At the same time, some states adopted a *de facto* single-party system of which the constitutions retain single party which gained, monopolize and dominate all government

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<sup>1</sup> <https://constitutionallyspeaking.co.za/call-for-papers-political-parties-and-the-party-system-in-south-africa>, accessed on 27<sup>th</sup> December 2019

<sup>2</sup> Ibid.

<sup>3</sup> The National Democratic Institute for International Affairs (NDI), p.4

<sup>4</sup> Mohamed Salih, Political Parties in Africa: Challenges for Sustained Multiparty Democracy, IDEA, 2007, pp. 43-45, <https://www.idea.int/es/publications/catalogue/political-parties-africa-challenges-sustained-multiparty-democracy>, accessed on 23<sup>rd</sup> March 2020

<sup>5</sup> Ibid., p. 44

organs.<sup>6</sup> Since democratization started in the third wave of 1989 after the end of the cold war, multi-party political systems of various forms have been introduced in the world, including in most African countries.<sup>7</sup> Today, we live in periods where more countries than ever before decide through multi-party elections on their political leaders and leaders of their choice rule more people than ever before.<sup>8</sup> The sound political system which allows the functioning of mature political parties is central to democratization development. In the three comparator countries Despite the fact that multi-party system was introduced in the mid of 1990's at latest, the political landscape is dominated by one party.<sup>9</sup>

Then, most Constitutions adopted the provisions for *multi-partyism*; rules are either explicit or implicit on the freedom for parties formation. In some Constitutions, this right is only mentioned without stipulating the establishment and functions of political parties: no other guidelines for enacting legislation to regulate the existence of parties as to the case of Botswana.<sup>10</sup>

Existence of political oppositions in a democratic state is a good indicator for the degree of political tolerance which leads to peaceful political parties' competition for government power and people's vote.<sup>11</sup> The *multi-partyism* is a competition of more than two parties to reduce single-party government chances and maximize coalitions.<sup>12</sup>

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<sup>6</sup> Mohamed Salih, Political Parties in Africa: Challenges for Sustained Multiparty Democracy, pp. 44-45

<sup>7</sup> Ibid., p. 19

<sup>8</sup> Ibid

<sup>9</sup> Ibid., p. 51

<sup>10</sup> Charles Fombad M, Challenges to Constitutionalism and Constitutional Rights in Africa and the enabling Role of Political Parties: Lessons and Perspectives from Southern Africa, The American Journal of Comparative Law, Vol.55, 2007, pp. 24-25, Available at <https://doi.org/10.1093/ajcl/55.1.1>, accessed on 11<sup>th</sup> March 2020

<sup>11</sup> David Sebudubudu and Bertha Osei-Hwedie, In Permanent Opposition: Botswana's other Political Parties, South African Journal of International Affairs, Vol. 17, No.1. 2010, pp. 85-86, Available at <http://www.tandfonline.com/page/terms-andconditions>, accessed 16<sup>th</sup> March 2020

<sup>12</sup> Mohamed Salih, Political Parties in Africa: Challenges for Sustained Multiparty Democracy, p. 51

Historically, the development of political parties in Botswana, South Africa and Tanzania was influenced much by the colonial era where parties started to emerge and evolve.<sup>13</sup> These countries are democratic under the dominance of the one-party system with political competition for power through fair elections. The Mo Ibrahim Index identified these three countries ranked among the top 15 countries in Africa with overall governance and Democracy, where Botswana is in number 5, South Africa number 7 and Tanzania number 14.<sup>14</sup>

The reason for the selection of these countries is because the study employs the most similar case and contextual approaches. Despite the commonalities features of these countries and the nature of a strong dominant one-party system, there has been a significant variance in regulating political parties, specifically the oppositions. In more details, the study will explore the extent to which one party dominance and steadily shrinking supermajority in parliament had affected the competitive environment of opposition political parties.

The aim and assumption for this study is to examine the extent to which the majority party has manipulated its power to keep the dominant position. The main issue with this study is then to ascertain the legal problem facing the opposition parties within the stable democratic countries with the dominant one-party rule which manipulate the oppositions. In Tanzania, the amendment to the Political Parties Act leads to shortcomings on limiting the roles and functions of parties specifically the oppositions toward the general election 2020.<sup>15</sup> Therefore, compared to South Africa and Botswana, the opposition parties in Tanzania are so

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<sup>13</sup> Khabele Matlosa, Political Parties in southern Africa: The State of Parties and their Role in Democratization, International IDEA Research and Dialogue Coordination, 2007, p. 29, Available at <https://www.idea.int/sites/default/files/publications/political-parties-in-southern-africa>, accessed on 14<sup>th</sup> February 2019

<sup>14</sup> Mo Ibrahim Foundation, Ibrahim Index of African Governance, Index Report of 2018, p.16, Available at <https://mo.ibrahim.foundation/iiag>, accessed on 23<sup>rd</sup> May 2020. Mo Ibrahim Foundation was established in 2006 as an African foundation focus on the importance of good governance and leadership.

<sup>15</sup> For instance, sections 4, 5,6, 6A,11 and 12 of Political Parties (Amendment) Act, 2019

much affected by the amended Act, hence weakening and diminished the oppositions' roles and functions.

This study employs qualitative research, and it is doctrinal, the research will assess the dominant one-party system in democratic countries with the abuse of the competitive system of oppositions. Both primary and secondary sources will be employed. Therefore, the qualitative method and data collection will be through a documentary review.

The main objective of this study is to examine to what extent the status of opposition parties in a multi-party democracy that is dominated by one party. The specific goals to the survey are to assess the legal requirements for the establishment of political parties, the roles and privileges of political parties in fostering the development of Democracy, limitations/restrictions and the banning of political parties.

The scope of this study is subject to opposition political parties' development within the three countries in relation to the legal framework that regulates its establishment, functions, rights, limitations and banning. The researcher will analyze different legal framework that governs political parties within the three legal systems, i.e. South Africa, Botswana and Tanzania. The study has the significance in justifying the abuse and manipulation done by the dominant one party to opposition parties in democratic countries by amending political and electoral laws and imposing provisions to restrict the freedom of parties. This study will make input towards the technicalities that are surrounding the application of Political Parties (Amendment) Act, 2019 toward the development of Democracy in Tanzania as the result of comparative study.

The study is divided into four chapters. The introduction part covers the historical background of the study problem. It analyzes the impact of the Tanzania Political Parties Act which amended in 2019 and introduces several limitations for sensitive work of opposition parties. *Chapter 1* tries to define the research concepts, the legal framework for the right to freedom of association and the political parties' formation. *Chapter 2* analyzes the objectives



of the study in a comparative manner. *Chapter 3* discusses the challenges facing opposition parties in Tanzania and the measures to improve multi-party Democracy. *Chapter 4* tries to provide a solution in the form of a general conclusion to the study.

## **CHAPTER ONE**

### **THE CONCEPTS, LEGAL FRAMEWORK ON POLITICAL RIGHTS AND PARTIES' EMERGENCE**

#### **1.1 Introduction**

This chapter is divided into three parts, where the first part introduces concepts; the second part explains the legal framework regarding political parties and the last part of the political parties' emergence. The first part is an explanation of key terms to this study; namely, the political parties, one-party dominance and Democracy. The second part analyzes the legal framework, which governs political parties at international and regional levels. The last section discusses the formation of parties' pluralism. The legal framework on political parties entails laws and organizations designed to ensure democratic functions of parties.

#### **1.2 Explanation of the Key Terms**

##### **1.2.1 The Concept of Political Parties**

Political parties bear its meaning within both theory and practice of Democracy since they play a vital role in the democratic system.<sup>16</sup> Organized groups form them for the sole purpose of aggregating and articulating the group's interests, on contesting state power and government control and addressing development process within the country in line with their orientation of ideology and policy framework.<sup>17</sup>

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<sup>16</sup> Khabele Matlosa and Victor Shale, Political Parties Programme Handbook No.18, Promoting Credible Elections and Democratic Governance in Africa, 2008, EISA, South Africa, p. 19, Available at <https://www.eisa.org.za/pdf/eh18.pdf>, accessed on 20<sup>th</sup> March 2020

<sup>17</sup> Ibid., p. 3

Political parties refer to an organized group of people with similar opinion and ideology that aim to influence public policy through elected candidates for public office.<sup>18</sup> In this context, political parties can be defined to mean any representative political group at the election with the ability to place candidates for public election through elections.<sup>19</sup> The are merits of this definition. Firstly, it indicates that political parties are organizations formed and rooted freely in society, and they are not components or parts of the state organization. Secondly, it shows that political parties are explicitly participating in elections compared to other political groups or civic organizations.<sup>20</sup> *Charles Fombad* compares political parties with blood veins where political activities flow to the polity body: the body polity's health depends on the regulations of the blood in the political arena.<sup>21</sup> The pluralism of *multi-partyism* was legalized with the exception of allowing some more arteries to flow and strengthening the polity body.<sup>22</sup>

### 1.2.2 Dominant Party System

The concept of a “dominant party system” is so confusing and used interchangeably with the idea of “one-party system”. However, they may share the same characteristics and are used interchangeably in this study. A dominant-party system which is referred to in this study is a system of competition where several different political parties compete through regular and popular elections for power. Still, the single majority party is dominated hence enjoys a prolonged political control over periods.<sup>23</sup> We have sixteen countries in Africa with dominant party systems, including the referred comparators countries in this study (Botswana, South

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<sup>18</sup> Khabele Matlosa and Victor Shale, *Political Parties Programme Handbook*, p. 20

<sup>19</sup> Charles Fombad M, *Challenges to Constitutionalism and Constitutional Rights in Africa and the enabling Role of Political Parties: Lessons and Perspectives from Southern Africa*, *The American Journal of Comparative Law*, Vol.55, 2007, pp. 24-25, <https://doi.org/10.1093/ajcl/55.1.1>, accessed on 11<sup>th</sup> March 2020

<sup>20</sup> *Ibid.*, p. 24

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*, pp. 24-25

<sup>23</sup> Mohamed Salih, *Political Parties in Africa*, pp. 48-49

Africa and Tanzania).<sup>24</sup> Among the feature of the dominant one-party system is, the dominant parties tend to dominate the legislature and possibly monopolization of the lawmaking process with the intent to promote their powerful economic and social interests of the party. Usually, the government within this system is less accountable to their parliaments; dominate the parliament and the opposition political parties which are very small and ineffective.<sup>25</sup>

### 1.2.3 The Concept of Democracy

Many people try to define Democracy in a different approach that is why there is no single definition for Democracy rather some similarity of basic terms. In this context, according to *Bentham*, Democracy can be defined within the basic principles of popular control and political equality.<sup>26</sup> According to *Hadenius*, who took a similar approach, he developed the concept of Democracy into the public policy which is governed by the expressed free will of the people, where all individuals are manifested treated equally.<sup>27</sup> So Democracy as a ‘popular control’ entails to derive its power from the principle of self -determination where people are free to choose their association, and their choice should realize the legitimate aim of their political right. It is ‘political equality’ that people are equally based on self-determination and have equal rights to influence collective decisions.<sup>28</sup>

Therefore, equal rights of the people to take part in collective decision making on their matters in all spheres of their lives is what could be regarded as Democracy.<sup>29</sup> The notion of collective decision making, which bears the effect on the whole community shall be decided by all members of the community with equal rights to participate.<sup>30</sup> Democracy is not the

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<sup>24</sup> Khabele Matlosa and Victor Shale, *Political Parties Programme Handbook*, p. 49

<sup>25</sup> *Ibid.*, p. 51

<sup>26</sup> David Beetham (1994), *Defining and Measuring democracy: SAGE Modern Series, Volume 36* sponsored by the European Consortium for Political Research, SAGE Publication, London, pp. 1 - 14

<sup>27</sup> *Ibid.*, pp. 6-7.

<sup>28</sup> David Beetham (2003), *Democracy and Human Rights*, Blackwell Publishers Ltd, UK, pp. 4-6

<sup>29</sup> *Ibid.*, pp. 4-6

<sup>30</sup> *Ibid.*

state or government-owned property but a decision making power of the collective community or association. The idea of Democracy originated in the fifth and fourth centuries BC (Before Christ) where there was the removal of qualifications for public offices. Therefore, people were free to participate in decision making and to vote for community policies and laws in the national assembly.<sup>31</sup>

Democracy gives people preferences in government control to obtain victorious party through a competitive politics for public offices (executive and legislature) whereby the electoral system decide on the representatives for making policies, rule and decision making for the general wellbeing.<sup>32</sup> Concerning this study, political party politics and democratic polity are influenced by the elections where a type of government is formed including minority, coalition and majority. It is through democracy people can have the ability to exercise their political right by establishing and joining political parties within their countries for the development of Democracy. Through Democracy, political organizations, political parties and individuals participate and contested in fair elections. Hence electoral systems and party system should be unified.<sup>33</sup> Larry Diamond, a political scientist identified four elements of Democracy, i) political system of government which allow free and fair election, ii) peoples participation in political and civic matters, iii) protection of human rights and iv) the rule of law.<sup>34</sup>

### **1.3 The Legal Framework on the Formation of Political Parties**

Under this part, the study evaluates the legal framework on the right to form political parties in international and regional. A democratic system is characterized by political pluralism with

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<sup>31</sup> David Beetham and Kevin Boyle (1995), *Introducing Democracy: 80 questions and answers*, Blackwell Publisher Ltd, UK, p. 5

<sup>32</sup> Mohamed Salih, *Political Parties in Africa*, p. 54

<sup>33</sup> *Ibid*, pp. 54-55

<sup>34</sup> Marina Ottaway, *Opposition Parties and Democracy in South Africa*, a *Journal of Opinion*, Vol.20, No.1, Winter (1991), Cambridge University Press, pp.14-22, Available at <https://www.jstor.org/stable/1166769>, accessed on 27<sup>th</sup> December 2019.

a compelling political system in which it allows the operations and existence of political parties.<sup>35</sup>

### **1.3.1 International and Regional Legal Framework**

Political parties are recognized internationally because of some commonalities in how they formed and operated. Both regional and international instruments oblige states to ensure national legal framework guarantees the right to its individuals to establish political parties freely that will enable each other to compete. States are required to take all measures according to their constitutions as the supreme law that expresses the values and principles of the country to guarantee their citizens political rights free from arbitrariness. Article 21 of the UDHR recognizes the right for one to take part in governmental matters whether direct or indirect through elected representatives: equal right to participate and access public services and the government shall derive its authority from the will of the people. Its establishment and existence are categorized within the political rights in a democratic society. The right to freedom of opinion/expression and freedom of peaceful assembly and association are attached to the right to political rights where people have the right to associate in political matters.

Moreover, people have the right to participate freely in government activities and public services within their nations, either direct or indirect, through free and chosen representatives.<sup>36</sup> Article 22 of the ICCPR put a limitation to some rights such as freedom of assembly, association and expression that the restrictions shall be prescribed by the law and be necessary for a democratic society. The AU Constitutive Act of 2000 among its objectives Article 3(g) is to promote democratic principles and institutions, good governance, human rights and popular participation...under the African Charter.

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<sup>35</sup> Khabele Matlosa and Victor Shale, Political Parties Programme Handbook No. 18, p. 6

<sup>36</sup> Article 21 of the UDHR, Article 13 of the African Charter and Article 25 of the ICCPR

Article 3(7) and (11) of the African Charter on Democracy, Elections and Governance (ACDEG) which adopted in 2007 and came into force in 2012 recognizes the importance of political pluralism and the right for individuals to participate in Democracy, it reads as follows;

*States to strengthen political pluralism with recognition to the role, responsibilities and rights of political parties legally establishes and including opposition political parties that should acquire status within national law.<sup>37</sup>*

Until now Botswana and Tanzania neither signed nor ratified the ACDEG as for the last signature in June 2019.

## **1.4 Formation of Political Pluralism System**

### **1.4.1 Formation of Political Movement in Tanzania**

The symbol of nationalism became evident soon after World War I with the formation of the African Association (AA) for both Tanganyika and Zanzibar.<sup>38</sup> This was still under colonial rule though after the WWI Tanganyika was no longer under Germany colony rather was under the British League of Nation mandate. The African Association was a political entity as intellectuals debate club established in 1929 which was transformed later into Tanganyika African Association (TAA) in 1948.<sup>39</sup> The TAA members pioneered for nationalist struggle in 1945 after World War II. TAA recognized as a political party in 1953 and transformed to Tanganyika African National Union (TANU) struggling for the same spirit of nationalism and independence, and Tanganyika get her independence in 1961 under TANU.<sup>40</sup> The first President *Julius Nyerere* in 1963 turned the state into a constitutional single-party system

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<sup>37</sup> Article 3(11) of the African Charter on Democracy, Elections and Governance of

<sup>38</sup> Egboh E.A and Aniche E.T, Politics of Tanzania (2015), p. 2, Available at [https://www.researchgate.net/publication/276059499\\_POLITICS\\_OF\\_TANZANIA/link/554fbd7808ae739bdb90877d/download](https://www.researchgate.net/publication/276059499_POLITICS_OF_TANZANIA/link/554fbd7808ae739bdb90877d/download), accessed on 8<sup>th</sup> May 2020

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

where TANU made the only official party of the country.<sup>41</sup> Formation and membership to other political parties were restricted held to be illegal and unconstitutional.<sup>42</sup> In 1965 the interim Constitution formed a single-party state through a unification agreement done in 1964.

Zanzibar was invaded and conquered by Arabs and later by Europeans. By 1934 based on creating African community, members were united under the African association (AA) organization. In 1955 Zanzibar Nationalist Party (ZNP) was formed and forced the *Shirazi* Association and African Association leaders to unite together to counter the suppression of colonial government in Africa.<sup>43</sup> The unification of the *Shirazi* Association and African Association formed the *Afro-Shirazi* Party. Between 1957 and 1963 and before the 1964 revolution, immediately after the general elections in 1963, there was political factionalism crisis in Zanzibar.<sup>44</sup> The tension was between the two parties the ASP (the majority of Africans) and the ZNP (supported by the colonialists) and during this coalition between the two parties the new party was emerged by splinted from ASP the Zanzibar and Pemba People's Party (ZPPP) in 1959.<sup>45</sup> In Zanzibar, the ASP was adopted and recognized as a single party.

Tanzania adopted a permanent constitution in 1977 which merged TANU and Afro-Shirazi Party (ASP) of Zanzibar to form a single party for the United Republic of Tanzania (Tanganyika & Zanzibar) called *Chama cha Mapinduzi CCM* (Revolutionary Party).<sup>46</sup> Political parties in Tanzania are considered to be a union matter shared between Tanzania

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<sup>41</sup> Egboh E.A and Aniche E.T, Politics of Tanzania, pp. 3-5

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.



Mainland and Zanzibar.<sup>47</sup> Pluralism of political parties in Tanzania was implemented in the Constitution through the eight amendments which recommend for the multi-party Democracy in 1992.<sup>48</sup> The parliament moved to adopt legislation for transformation from the single-party system to multi-party politics to allow the opposition political parties to start their political activities. Article 10, which was provided for party supremacy and the monopoly of political activities by *CCM* the ruling party, was repealed to that effect.<sup>49</sup> Democracy in Tanzania is, *de-facto*, still a single-party Democracy. That is due to the continued powerful dominance of a single party. Today there are about 22 registered political parties in Tanzania.

#### 1.4.2 Formation of Political Movement in Botswana

Botswana had a peaceful independence transition which influenced the formation of political parties without adopting a *de jure* single-party rule. The history and creation of political parties spring from the colonial past, which is similar to many African countries. For instance, in Botswana, parties were primarily emerged to fight for independence. On the other hand, Botswana is one of the oldest states with stable Democracy in Africa where there are free formation and operation of opposition parties because of the lack of repression and hostility.<sup>50</sup> There are more than 13 opposition parties which split among them with the ability to challenge the *Bechuanaland* Democratic Party (BDP) hegemony. The development of the multi-party system in Botswana represents the party's Democracy with the culture of political tolerance which accommodates the existence of all shades of political parties.<sup>51</sup>

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<sup>47</sup> Refer item 22 of the First Schedule to the Constitution of the United Republic of Tanzania, 1977, as amended

<sup>48</sup> Article 3 of the Constitution of the United Republic of Tanzania, 1977, as amended from time to time

<sup>49</sup> Mohamed Nyirabu, The Multiparty Reform Process in Tanzania: The Dominance of the Ruling Party, *African Journal of Political Science*, 2002, Vol.7, No.2, p. 103, <http://digital.lib.msu.edu/projects/africanjournals/>, accessed on 8<sup>th</sup> Feb 2020

<sup>50</sup> David Sebudubudu and Bertha Osei-Hwedie, In Permanent Opposition: Botswana's other Political Parties, pp. 87-88

<sup>51</sup> *Ibid*, p. 88

The first credible party in Botswana to fight for independence was the Botswana People's Party (PPP) of 1960. In 1962 *Bechuanaland* Democratic Party (BDP) was formed of which in 1965 won Botswana's elections.<sup>52</sup> The 1965 pre-independence elections made the BDP the dominance party, and the BPP became the opposition minority party.<sup>53</sup> The BPP dismal performance in the 1965 election was caused by wrangles leadership which led to the division of the party's function. The breakout formed three groups which identified as BPP under *KgalemangMotsete*, BPP under *PhillipMatante* and BPP under *MotsamaiMpho* which renamed latter as Botswana Independence Party (BIP) later.<sup>54</sup> Most opposition parties emerged in 1966 in the period of post-independence such as Botswana National Front (BNF) and then in 1997 The United Action Party (UAP) was formed which later was absorbed by Botswana Alliance Movement (BAM) in 2003.<sup>55</sup> The Marxist Engels, Leninist and Stalinist Movement of Botswana (MELS) were registered in the same year 1997. In 1998 the BNF spat and formed the new party called Botswana Congress Party (BCP), and in 2003 there was another split from BNF led to the formation of National Democratic Front (NDF).<sup>56</sup> Formation of opposition political parties continue as in 2019 the Botswana Patriotic Front (BPF) was launched.

### 1.4.3 Formation of Political Movement in South Africa

Since the inception of independence in 1910 under white rule, South Africa experienced riots and apartheid. The segregation policy was dated back to the twentieth century: in 1948 the National Party (NP) election marked to be the beginning of apartheid.<sup>57</sup> There was a cold war between the blacks and the white rule. The NP, after assuming power blocked all means of

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<sup>52</sup> David Sebudubudu and Bertha Osei-Hwedie, In Permanent Opposition, p. 87

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> <https://2001-2009.state.gov/r/pa/ho/time/pcw/98678.htm>, accessed on 24<sup>th</sup> May 2020

political protest of non-violent by non-whites.<sup>58</sup> The African National Congress (ANC) and the Pan Africanist Congress (PAC) in 1960 were outlawed, and many of their leaders were imprisoned including the leader of ANC Nelson Mandela who was the anti-apartheid symbol.<sup>59</sup>

The first political parties in South Africa to be established were ANC which acquired such name from South African Native National Congress in 1912, and the next one was the Communist Party of South Africa (CPSA).<sup>60</sup> In 1959 the Pan Africanist Congress (PAC) was established. In 1960 the PAC and ANC were banned and started to operate underground. Some of the members who expelled from ANC and formed a new party called the United Democratic Movement (UDM) and Economic Freedom Fighters (EFF). The early of 1990s marks the end of the cold war and the institutionalized system of racial segregation which led to the establishment of the new democratic government in 1994.<sup>61</sup>

### **1.5 Interim Conclusion**

The central theme on the concept of Democracy which denotes rule according to the people's wishes either through direct or indirect elected representatives. A democratic state should allow peoples' autonomous to decide on their political matters and to participate in government affairs through their respective representatives. That is how people could enjoy their political freedom: association, expression, and participation in public affairs within their states. Opposition political parties have geared to compete with the ruling party and to allow government accountability, checks and balances in fostering Democracy.

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<sup>58</sup> <https://2001-2009.state.gov/r/pa/ho/time/pcw/98678.htm>, accessed on 24<sup>th</sup> May 2020

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

## CHAPTER TWO

### COMPARATIVE ANALYSIS ON REGULATION OF POLITICAL PARTIES

#### 2.1 Introduction

The primary threat of constitutionalism to parties is the rise of dominant parties which could unilaterally control the Constitution by imposing its amendment and enacting or changing laws to entrench their dominance rule.<sup>62</sup> This chapter is going to analyses critical issues concerning parties' formation and existence. The chapter discusses the legal bases for the establishment of political parties, the role and functions of parties, the rights and privileges of parties, the limitations and banning of political parties. The researcher's aim for selecting these features of comparison intends to explore the general overview of the formation of political parties, the legal technicalities and the implication of political parties' laws. These questions are more relevant to examine the status of political parties within comparators countries and how opposition political parties enjoy the same autonomous as the dominant party.

Through this comparison analysis, this chapter will ascertain the effects of modifying political parties' legal framework which is likely to protect the interest and existence of dominant parties' system and destroying party's pluralism in Tanzania. This feature of the comparison indicates that these states share the same commonalities in regulating political parties. Despite the commonalities features of these countries and the nature of opposition political parties against the single-party rule systems, there has been a significant variance in parties' regulation, specifically the oppositions. Furthermore, the chapter ascertains the legal implications on the existence of opposition parties in Tanzania and how South Africa and

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<sup>62</sup> Charles Fombad M, Challenges to Constitutionalism and Constitutional Rights in Africa and the enabling Role of Political Parties: Lessons and Perspectives from Southern Africa, p. 24

Botswana political parties legal framework can be used for effectiveness and efficiency of Tanzanian political party's legal framework.

## 2.2 Legal Requirements for Establishment of Political Parties

Constitution plays a vital role in defining the function of state institutions, including political parties and to limit the ordinary legislations that may distort the polity body and processes.<sup>63</sup>

There is a significant link between political parties and the government, but the most critical connection is on parties and constitutionalism. Political parties require a clear political context and legal environment which articulates the establishment, functions, organization and management.<sup>64</sup> The Tanzania Constitution spells out the formation and functions of parties, and other legislations guide clear manner of guidelines for the regulation of parties.<sup>65</sup>

The right to form political parties is incorporated in the Constitution following the amendment to the Constitution in 1992 to allow parties pluralism.<sup>66</sup> The Constitution also guarantees the right to freedom of association and formation of political parties.<sup>67</sup> The Political Parties Act provides for registration, regulations and limitations for political parties. To form a political party application shall be made to the Registrar and registration shall pass through two stages: provisional and full registration upon fulfilment of conditions.<sup>68</sup>

In South Africa after the apartheid crisis, in the 1990s the oppressed parties started to regain powers and democratic political development. By 1994 the transition was adopted which lead to the formation of political pressure groups from African National Congress (ANC), lead to

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<sup>63</sup> Charles Fombad M, Challenges to Constitutionalism and Constitutional Rights in Africa, p. 24

<sup>64</sup> Gloria Somolekae, Political Parties in Botswana, EISA, 2006, South Africa, p. 20, <https://www.eisa.org.za/pub-parties.php>, accessed on 4<sup>th</sup> April 2020

<sup>65</sup> The Election Act and the Political Parties (Amendment) Act, 2019

<sup>66</sup> Article 3 of the Constitution of the United Republic of Tanzania, 1977, as amended from time to time, recognizes the adoption of the multi-partyism in Tanzania in 1992.

<sup>67</sup> Article 20 of the Constitution of the United Republic of Tanzania, as amended

<sup>68</sup> Refer Political Parties Act Sections 7(1)(3) application to Registrar, Section 8 as amended by Act No.1 of 2019 for stages of registration and Section 10 as amended by Act No.1 of 2019 on conditions for total registration

the creation of the multi-party system.<sup>69</sup> Article 19 of the Constitution guarantees the right to free political association. The registration and affairs of political parties are governed by chapter four of the Electoral Commission Act of 1996 which regulates for registrations of political parties.<sup>70</sup> Moreover, the right to equality and non-discrimination is guaranteed by article 6 of the Constitution. The right to freedom of expression, association and assembly is provided under articles 16, 17 and 18 of the Constitution. A political party can be registered upon application to the Chief Electoral Officer instead of Registrar as the case of Tanzania and Botswana.<sup>71</sup>

The formation and registration of political parties in Botswana are straightforward as for other societies, where the Constitution guarantees the existence of oppositions and civic organizations.<sup>72</sup> The Botswana Constitution does not explicitly stipulates for political parties though guarantees the right to freedom of expression and association/assembly.<sup>73</sup> The Constitution under chapter two protects the fundamental rights such as freedom of speech, association and assembly of which the freedoms allow the proliferation of political opposition parties with the capacity to seek external sources of funds something scarce in other African countries.<sup>74</sup> Political parties' funding and expenditure are not regulated by any law in Botswana; even state does not finance political parties, and parties are not compelled to disclose their sources of fund.<sup>75</sup> The Electoral Act regulates a candidate's expenses and not

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<sup>69</sup> Article 1(d) of the Constitution of South Africa, 1996. Also refer [https://www.ndi.org/sites/default/files/1881\\_ke\\_cgdpolicybrief\\_5.pdf](https://www.ndi.org/sites/default/files/1881_ke_cgdpolicybrief_5.pdf), accessed on 30<sup>th</sup> December 2019

<sup>70</sup> Electoral Commission Act of 1996

<sup>71</sup> Section 15(1) of the Electoral Commission Act of 1996

<sup>72</sup> David Sebudubudu and Bertha Osei-Hwedie, In Permanent Opposition: Botswana's other Political Parties, pp. 88-89

<sup>73</sup> Articles 12 and 13 of the Constitution of Botswana

<sup>74</sup> David Sebudubudu and Bertha Osei-Hwedie, In Permanent Opposition: Botswana's other Political Parties, p. 89

<sup>75</sup> African Democracy Encyclopedia Project, Available at, <https://www.eisa.org.za/wep/botparties3.htm>, accessed on 24<sup>th</sup> May 2020

including the parties expenses incurred for the elections.<sup>76</sup> Neither the Botswana Constitution nor the electoral Act mentions the terms “Political Party” this is because state wishes to employ the system of ‘free mandate’ which entails *vote for candidates and not the party*.<sup>77</sup> The “free mandate principle” requires that a member of parliament represents the nation as a whole and not his constituency or department.<sup>78</sup> This means that a representative is capable of enjoying absolute independence over the country and not to a particular population who may be accountable to their interests.<sup>79</sup>

Unlike Tanzania and South Africa, parties in Botswana are not regulated by specific Political Parties Act but fall under the general Societies Act. As result establishment of a political party does not have to meet any specific requirements other than those applying generally to ‘societies’. Simply the party will be listed by the Registrar of societies at the specific schedule under the Civil Societies Act.<sup>80</sup> Therefore, members of the intended party could approach the Registrar of organizations with their party’s Constitution, and if the Registrar satisfies and passes the scrutiny within few days (less than a week) the party will be registered.<sup>81</sup> This procedure is appreciated by the opposition politicians to be fair and accessible. In 2018 the retired President *Ian Khama* established a new party (Botswana Patriotic Front) with the support from the BDP while the candidates are from the BDP: the rivalry lead to the split of the ruling party and *Khama* started to campaign for opposition candidates instead of the BDP candidates.<sup>82</sup>

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<sup>76</sup> Section 80-81 of the Electoral Act Chapter 02:09

<sup>77</sup> Gloria Somolekae, Political Parties in Botswana, EISA, 2006, South Africa, p. 20. This allows deputies to retain their seats even after defecting to another party.

<sup>78</sup> *Marc Van der Hulst*, The Parliamentary Mandate: A Global Comparative Study, Inter-Parliamentary Union, 2000, pp. 8-9, Available at, [http://archive.ipu.org/PDF/publications/mandate\\_e.pdf](http://archive.ipu.org/PDF/publications/mandate_e.pdf), accessed on 27<sup>th</sup> May 2020

<sup>79</sup> *Ibid.*, p. 10. Therefore senators and deputies are capable to exercise their powers free without being bound by the undertakings of their voters given during elections.

<sup>80</sup> The Civil Societies Act of 1983, refer the schedule made under section 3 of the Act

<sup>81</sup> Gloria Somolekae, Political Parties in Botswana, EISA, 2006, South Africa, pp. 20-21

<sup>82</sup> <https://www.washingtonpost.com/politics/2019/10/21/botswanas/>, accessed on 28<sup>th</sup> March 2020

### 2.3 Rights and Privileges of Political Parties

Political parties in the three countries are recognized by law as voluntary associations with universal personality. That makes them loosely referred to as Voluntary Corporation, as stated in the South African case of *Ramakatsa and others v Magashule and others*. Accordingly, the Constitutional Court held that “...the African National Congress is a voluntary association with perpetual succession and power, with legal personality apart from its members...which make it to be an incorporated association and not a voluntary association *per se*...as per rule 27 of the ANC Constitution.”<sup>83</sup> The Constitution Court declares that political parties should comply with Article 19 (the right to form and participate in parties activities) of the Constitution. Thus, political parties have legal personality different from its members which make them different from other associations such as churches, trade unions and civil societies. In South Africa, parties enjoy the privilege over their registered locality.<sup>84</sup> Also, parties enjoy the right to renew their registration annually for failure to represent in a legislative body.<sup>85</sup> Parties enjoy the constitutional freedom of association and expression within their political agenda.<sup>86</sup>

In a South African case of *August and another v Electoral Commission and others*, the Constitutional Court stated that “in nature the right to vote has positive obligations to the executive and legislature, which requires them to enact a legislation which will prescribe and translate the reality of this. Failure to have the defining scope of such legislation has led to the deficiency on the whole process of regulating political parties activities.”<sup>87</sup>

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<sup>83</sup> *Ramakatsa and others v Magashule and others* [2013] (2) BCLR 202(CC), paragraph 79

<sup>84</sup> Section 15A(3) of the Electoral Commission Act, 1996

<sup>85</sup> Section 15(6) of the Electoral Commission Act, 1996

<sup>86</sup> Article 16-19 of the Constitution of South Africa, 1996

<sup>87</sup> *August and another v Electoral Commission and others* [1999](4)BCLR 363 (CC), paragraph 372



While in Tanzania, political parties are privileged to hold meetings and addressing the public everywhere in the country upon fulfilling the requirement of the law.<sup>88</sup> This privilege is limited to some other Civil Societies and Non-Governmental Organizations according to their nature of registration. The Constitution guarantees the right to freedom of association and expression but these rights are currently violated by the Political Parties (Amendment) Act of 2019.<sup>89</sup> As for Botswana parties are governed by the Societies Act, there are no special privileges compared to other societies.

## **2.4 The Legal Limitations/restrictions put forward for Political Parties**

The majoritarian rule becomes the most contravention abuse over political processes by enacting or amending laws which regulating parties such as political parties laws, electoral laws and political parties funding.<sup>90</sup> The Constitution provides restrictions for political parties to be registered which formed and act contrary to the principles of Democracy and non-discrimination.<sup>91</sup> Political Parties in Tanzania are limited by the newly enacted law, and the higher power is within the Registrar.<sup>92</sup> The following are restrictions and limitations;

### **2.4.1 Restrictions on Freedom of Expression, Association and Public Participation**

The office of Registrar is excessively empowered with the function to regulate civic education on multi-party Democracy and other related political matters. Also the same has power to control public education entrusted to political parties, and he can disapprove it.<sup>93</sup> Any person wishing to conduct civic education, capacity building training or political party

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<sup>88</sup> Section 11(1) of the Political Parties, 1992, as amended by Political Parties (Amendment) Act of 2019

<sup>89</sup> Refer Section 6A(6)(7), 5B(5), 3(a)(5) of Act No.1 of 2019

<sup>90</sup> Charles Fombad M, Challenges to Constitutionalism and Constitutional Rights in Africa and the enabling Role of Political Parties: Lessons and Perspectives from Southern Africa, pp. 27-29

<sup>91</sup> Article 20(2) of the Constitution of the United Republic of Tanzania, 1977 as amended from time to time.

<sup>92</sup> Section 4 of the Political Parties Act, 1992, as amended by Act No. 1 of 2019.

<sup>93</sup> Section 3(a)(5)(g) and (f) and section 5, 5A and 5B of Act No.1 of 2019

initiatives must apply to the Registrar by writing to get an approval or disapproval.<sup>94</sup> That has an effect that brings a threat to capacity building, mobilization of citizens and failure to influence government.<sup>95</sup> Parties restricted to exercise their core role acquainted to influence parties' ideology and multi-party Democracy to the public through pressure or activist groups.<sup>96</sup> In South Africa and Botswana, there is no such limitation the Constitution guarantees political rights without further restrictions through enacted laws. The Act also provides for 21 days only for coalition and merges of parties before the general election; it is an unreasonable time.<sup>97</sup> The period of 21 days is absurd for a merge to take place before the nomination of the candidate for general election without affecting freedom of association through campaigns because in that short period parties will be busy with election preparations.<sup>98</sup> There should be no strict time limit for merge and coalition of parties which are likely to interfere with parties' freedom to participate in peaceful elections.

In some other jurisdiction, political legislation which is likely to infringe freedom of political parties can be challenged indirectly through the use of the Court. In *Zambian Case of Mulundika and others v. The People*<sup>99</sup>, appellants were arrested for convening a public gathering without permission, as per section 5(4) of the Public Order Act, according to which an assembly or public meeting will be permitted if the regulating officer satisfied that the meeting or gathering is unlikely to infringe the peace. The Supreme Court also held that "the right to participate in public gatherings is inherently under the freedom of expression which allows receiving information and ideas without being interfered, the requirement of permission which is likely to be refused for being improper or basing on arbitrary grounds are obvious obstacles to those freedoms. Therefore, the Court held that the effect of section 5(4)

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<sup>94</sup> Section 5, 5A and 5B of Act No.1 of 2019

<sup>95</sup> Sections 3(a), 5(g), 6, 6A and 8(C)(3) of the Political Parties Act (Amendment) Act, 2019

<sup>96</sup> Section 6A(6)(7) of Act No.1 of 2019

<sup>97</sup> Section 11A(1) of Act No.1 of 2019

<sup>98</sup> Twaweza joint report

<sup>99</sup> *Mulundika and others v. The People* [1996] 2 LRC 175

of the Public Order Act is against the reasonable justifiable standards in a democratic society as it contravenes articles 20 and 21 of the Constitution, therefore null and void for being unconstitutional. In Botswana, unlike Tanzania, oppositions allowed to develop and operate their electoral functions freely without interference from the ruling party as exceptional African standards. The election never experienced violence, and any electoral disputes are resolved amicably through the judiciary.<sup>100</sup>

#### **2.4.1.1 Creation of Fear and Excessive Penalties**

The Tanzanian Political Parties (amendment) Act brings new provisions with some other modifications. These create fear through harsh penalties, limitations and warnings most of them are administrative, thus jeopardize Democracy as parties are required to be nurtured in young democratic countries.<sup>101</sup> While in South Africa the Electoral Commission Act which regulates the registration and formation of political parties does not contain any harsh penalties or offences against political parties within the provisions of the law. Chapter six (Section 21) which is the general provisions also covers offences and penalties for any person who commits crimes against the Commission, and the punishment may be a fine or imprisonment for not more than five years.

#### **2.4.2 Excessive Power to the Registrar**

According to the Tanzanian Act, the Registrar become the regulator of parties with power to demand any kind of information concerning parties' affairs and can intervene sensitive and internal issues: such as on membership, finances, management and internal discipline.<sup>102</sup> Suit against the Registrar and officers in his office for anything done is not allowed.<sup>103</sup> We can

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<sup>100</sup> David Sebudubudu and Bertha Osei-Hwedie, In Permanent Opposition: Botswana's other Political Parties, p. 87

<sup>101</sup> Sections 5A(4)(6), 5B(2)(3)(5), 8C(3)(4), 8D(4), 8E(3), 12C(3) and 21D(1-4) of the Political Parties (Amendment) Act, 2019

<sup>102</sup> Sections 4(5)(e), 5B, 6(a)(b), 19A, 22(a)(b) and 22E of Political Parties (Amendment) Act, 2019.

<sup>103</sup> Section 6 of Act No.1 of 2019

learn from South Africa where a Chief Electoral Officer can be sued by an aggrieved party or failure to register a party.<sup>104</sup> In South Africa, the law restricts parties to be registered for failure to comply with 14 days registration rule, the requirement for selection of name, mark or symbol and violation of the principle of non-discrimination.<sup>105</sup> For Botswana as parties are regarded as societies the Registrar of societies upon receiving the name of the party has to endorse it in the list of parties at the specific schedule of the Civil Societies Act.<sup>106</sup>

## 2.5 Legal Provision for Banning Political Parties

The Constitution acknowledges the rights and parties entitlements with due regard to parties' operations within the legal framework. Political parties violating the legal framework may face sanctions. The ultimate sanction is a party's dissolution. Banning political parties is a very sensitive issue and can easily be misused by dominant political opponents. The dominant one party sometimes aims to seize power and overthrow the existing structure of the Constitution (such as the multi-party system) by banning or limiting the existence of the opposition parties.<sup>107</sup> In other situation in a *de facto* one-party system, the political system is dominated by the ruling party and perform hegemony overall state organs without banning or limiting other parties by constitutional or any law such as Zimbabwe and Lesotho.<sup>108</sup> The African Charter called states to comply with national constitutions in promoting political pluralism. In *Interights and others v Mauritania*<sup>109</sup> the African Commission declared that the government of Mauritania the Act of dissolving a political party violated Article 10 of the African Charter. There was no proportionality upon the dissolution in relation to the nature of offences and breaches that the party had committed. The Commission reiterated that the government had to act accordingly to their Constitution to reinforce the health of political

<sup>104</sup> Section 16(2-4) of the Electoral Commission Act, 1996

<sup>105</sup> Section 16(1)(a)-(c) of the Electoral Commission Act, 1996

<sup>106</sup> Refer the schedule made under section 3 of the Civil Societies Act of 1983

<sup>107</sup> Khabele Matlosa and Victor Shale, Political Parties Programme Handbook No. 18, p. 10

<sup>108</sup> Ibid.

<sup>109</sup> *Interights and others v Mauritania*, Comm 242/2001(2004)

pluralism and democratic practices for the benefit of public peace and social unity. Also, in *International Pen and others v Nigeria*<sup>110</sup> the government took action for an association which failed to approve its positions. Then the Commission found the government in violation of Article 10 of the African Charter on the right to freedom of association.

While for de jure one-party system the political system is controlled by the dominant ruling party and exercise the hegemony over state organs by deliberately banning the existence of other parties through constitutional or legal provision.<sup>111</sup> In this system, the existence of political pluralism is ineffective. The Constitution of Tanzania does not expressly provide for banning of political parties. Also, neither the electoral law nor political law in Tanzania stipulate for the prohibition on political parties. The amendment to Political Parties Act provides for the suspension of political parties by the Registrar in some circumstances, such as failure to comply with a particular provision or other laws.<sup>112</sup>

There is no provision for party banning in South Africa due to the development of Democracy, high parties' thresholds and stable political parties only suspension. In Botswana also there is no any provision for banning of political parties either in the Constitution or the societies act.

## 2.6 Interim Conclusion

It can be concluded that both regional and international human rights instruments have a vital role in fostering Democracy, the rule of law, and human rights in the African context. The national and regional courts have a significant role in ensuring that AU states primarily pay attention to the normative international and regional framework, which are the sources for the national normative framework. The facilitation depends on the review procedures which

<sup>110</sup> *International Pen and others v Nigeria*, CommNos 137/94, 139/94, 154/96 and 161/97

<sup>111</sup> Khabele Matlosa and Victor Shale, Political Parties Programme Handbook No. 18, p. 10

<sup>112</sup> Section 5A and B of Act No.1 of 2019.

articulate the constitutional compatibility and legal provisions to comply with AU human rights instruments. The need for political parties' framework is obvious the realization of the regulation of parties' establishment, accountability and affairs. Any regulatory is allowed whenever its action is proportional to the legitimate aim and purposely in a democratic society. The amendment to the Tanzanian Political Parties Act is unjustifiable for being incompatible with the Constitution, hence failure to comply with the required standards in a democratic society.

## CHAPTER THREE

### CHALLENGES FACING OPPOSITION PARTIES AND THE MEASURES TO STRENGTHEN POLITICAL DEMOCRACY

#### 3.1 Introduction

This chapter discusses the general challenge facing opposition parties in a system of dominant one party. It also explains some measures that could be applied to strengthen the efficacy of multi-party system in democratic states.

#### 3.2 Challenges Facing Political Parties in Fostering Democracy

It is observed that the ruling party enjoys all the powers and become a permanent government where it is fused directly into the state. Tanzania as a democratic state faces with poor accountability, checks and balances which are compromised by the ruling party and lack of effective parliamentary oppositions. In Botswana since 2014, there is some development on opposition parties, since 1966 the ruling party enjoys the power but recently the vote sink down to 50% for the first time in 2014 elections where the four oppositions unite together to form a coalition.<sup>113</sup>

In 2019 general election the ruling party (Botswana Democratic Party-BDP) for the first time about 53 years faced a challenge with the running mate from the oppositions where votes fall below 50%. <sup>114</sup> The BDP in this election is primarily seen to be losers as four ministers, and thirty-eight incumbent Members of Parliament had lost their bids where thirteen within that

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<sup>113</sup> Reported by Andrew Heavens in <https://www.africanews.com/2017/02/03/botswana-s-opposition-parties>, accessed on 28<sup>th</sup> March 2020. The opposition's coalition parties are Botswana Movement for Democracy, Botswana Congress Party, Botswana People's Party and Botswana National Front.

<sup>114</sup> President Masisi from Botswana Democratic Party won 38 of 57 seats, Available at <https://www.washingtonpost.com/politics/2019/10/21/botswanas-ruling>, accessed on 28<sup>th</sup> March 2020

group are running either by the oppositions or independent candidates.<sup>115</sup> In Botswana there is no state funding for political parties because they do not have special status compared to other societies, the opposition parties contend that the ruling party enjoys the unfair advantage from the government.<sup>116</sup> This could be the main challenge facing parties to be active in their political activities, especially election campaigns. The ruling party benefits from many sources of funds compared to oppositions which are under-resourced and mostly depend on sources of funds which are variable.<sup>117</sup>

Whenever there is a need for restrictions or limitations to political parties activities, they must satisfy the threshold which meets the reasonable standards as justifiable within a democratic society. Otherwise, they should be subject to general limitation clauses which apply to some fundamental freedoms where political rights are embodied usually.<sup>118</sup> This was lamented in the case of *Home Affairs v National Institute for Crime Prevention and Re-integration of Offenders (NICRO) and others*, where the South African Constitutional Court was consulted to determine the validity of a particular provision in the Electoral Act which restricts prisoners to participate in election matters. It was held that “*the limitation should be justified in relation to section 36<sup>119</sup> of the Constitution, which contains the general limitation clause.*”<sup>120</sup>

<sup>115</sup> Available at <https://www.washingtonpost.com/politics/2019/10/21/botswanas-ruling>, accessed on 28<sup>th</sup> March 2020

<sup>116</sup> [https://afrobarometer.org/sites/default/files/press-release/Botswana/bot\\_r7\\_pr1\\_state\\_funding\\_parties.pdf](https://afrobarometer.org/sites/default/files/press-release/Botswana/bot_r7_pr1_state_funding_parties.pdf), accessed on 27<sup>th</sup> May 2020

<sup>117</sup> African Democracy Encyclopedia Project, <https://www.eisa.org.za/wep/botparties3.htm>, accessed on 24<sup>th</sup> May 2020

<sup>118</sup> Charles Fombad M, *Challenges to Constitutionalism and Constitutional Rights in Africa and the enabling Role of Political Parties*, p. 27

<sup>119</sup> Under the general provision heading “limitation of rights” provides as follows; 36(1) The rights in the Bill of rights can only be limited by a law of general application whereby the limitation shall be reasonable and justifiable...in a democratic society...including the nature and purpose of the limitation, nature and extent of the limitation...no any other law than the provision of the Constitution may limit the rights that entrenched in the Bill of Rights.

<sup>120</sup> *Home Affairs v National Institute for Crime Prevention and Re-integration of Offenders (NICRO) and others* [2004] (5) BCLR 445 (CC)



The opposition political parties in Tanzania are more likely to be affected by the amended Act for the new provisions which might shrink and threaten the progressive development of *multi-partyism*.<sup>121</sup>

### **3.3 Measures to Increase the Efficiency of Opposition Parties in Democratic Country**

It should be noted at this juncture that, there are four key players for political parties in any legal system: the executive, legislature, judiciary and the electoral body. Both four serves a legitimate purpose on the existence of political parties. The weakness of parties' existence is either facilitated by the executive failure to regulate and accommodate the party's pluralism. Or it is due to the legislature's failure to enact a practical and comprehensive law/s or the judiciary failure to facilitate the interpretation and implementation of the law/s. It could further be the failure of the electoral body to oversee the election process.

The dominant party is hardly autonomous with the influence of the government, which causes the difficulty to demarcate where the government influence starts and that of political party ends. This relationship between the government and the ruling party is blurred due to the following reasons: the dominant party's dependence on the government's resources and government's control over the party's organization.

#### **3.3.1 Implementation of Compliance Mechanism**

The ACDEG which insist on pluralism of political parties in Africa could be a powerful instrument and tool to foster political Democracy, human rights and the rule of law in Africa.

There is poor ratification and implementation of the ACDEG since several years entered into

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<sup>121</sup> The Act contains some amendments with limitations and punishments such as sections 4 on the function of the office of registrar, section 5 limitation on civic education and capacity building, section 6 no suit against the registrar, section 6(A)(6)(7) limitation to parties to form pressure or activist groups, section 11 limitation on merge of political parties, section 12 declaration to be sent to the registrar, etc.

force as confirmation took five years and as of 2019 the compliance of the Charter is still pending.<sup>122</sup> States are obliged to submit reports every two years to the AU Commission on how they take measures on legislative or others for the effective implementation of the Charter's commitments. By 2016 only twelve countries of African Union (AU) reports on the domestication of the Charter while in 2017 Togo was the first AU country to submit such report after almost ten years from ratification.<sup>123</sup> The initial stages of its acceptance and depositing were so slow, and it is absurd as on June 2019 thirteen years since its adoption forty-six member states of AU out of fifty-five have signed the Charter.<sup>124</sup> Only thirty-four member states of AU ratified the Charter as for 2019 report.<sup>125</sup> There are still nine countries which never signed the Charter by mid-June 2019 including Botswana and Tanzania. The ACDEG calls upon state parties to initiate appropriate measures for legislative, administration and executive that will facilitate the national laws, policies and regulations are conformity with the Charter and to incorporate principles and commitments of the Charter within their national strategies and policies.<sup>126</sup>

To enhance political Democracy and the rule of law in Africa, like South Africa, Botswana and Tanzania should express their commitment to comply with the ACDEG by signing and ratify it. Failure to do so can cause the manipulation of political Democracy and the rule of law. The authoritarian dominant one-party regime compromised and manipulated political and electoral systems of Tanzania by neglecting to comply with both regional and international obligations, hence struggle to mute the opposition political parties. The African

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<sup>122</sup> Ulf Engel, The 2007 African Charter on Democracy, Elections and Governance: Trying to make Sense of the Late Ratification of the African Charter and Non-Implementation of Its Compliance Mechanism, *Africa Spectrum*, 2019, Vol. 54(2), pp. 127-128, Available at <https://journals.sagepub.com/doi/pdf/10.1177/000203>, accessed on 16<sup>th</sup> May 2020

<sup>123</sup> *Ibid.*, pp. 133-134

<sup>124</sup> *Ibid.*, p. 132

<sup>125</sup> List of countries which have signed and ratified/accessed to the ACDEG, Available at <https://au.int/sites/default/files/treaties/36384-sl-AFRICAN%>, accessed on 22<sup>th</sup> May 2020

<sup>126</sup> Article 2 and 3 and 44 of the African Charter on Democracy, Elections and Governance, 2007

Court of Human and People's Rights has improved its mandate to interpret both regional and international instruments to which a state ratified them. In that regard, the Court has power over cases and disputes which concerning the implementation and application of African Charter and any other human rights instruments which are relevant.<sup>127</sup>

In **Christopher R. Mtikila and others v Republic of Tanzania**, the African Court on human and peoples' rights in its first case held that legislative banning of an independent candidate in Tanzania is unconstitutional. Hence, the Court called Tanzania to review such provision of the Constitution as it violates the right to political participation which guaranteed by the African Charter.<sup>128</sup> Although Botswana did not ratify the ACDEG, still opposition political parties are free to participate in polity body without restrictions and straightforward formation of the party. In **Glenister v President of the Republic of South Africa**<sup>129</sup> where the South African Constitutional Court considers the primary role of international instruments to promote constitutionalism and good governance and that the Court can invalidate the state's legislative measures and action on this basis. Botswana's Court of Appeal had previously in line with this spirit/approach, in **Attorney General v Dow**, the Court lamented that, even though Botswana has not domesticated the Organization of African Unity (OAU) Treaty, the Court while interpreting the legislation will make sure that the interpretation could not conflict international laws and obligations which Botswana undertaken. In this regard, the Court is of the view that "*the fact that Botswana signed and ratified the treaty, it indicates its adherence to regional and international instruments regardless of domestication, it implies that a state concerned could be held accountable through their national court.*"<sup>130</sup>

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<sup>127</sup> Article 5 of the Protocol to the African Charter on Human and People's rights on the establishment of the African Court on Human and People's rights.

<sup>128</sup> *Christopher R. Mtikila and others v Republic of Tanzania*, Applications 009/2011 and 011/2011, judgment 2013

<sup>129</sup> 2011 (3) SA 347 (CC)

<sup>130</sup> *Attorney General v Dow* (2001) AHRLR99 (BwCA1992)

The most challenge to AU legal framework on constitutionalism, Democracy, the rule of law and human rights is the limited effect caused by states members that have not ratified some regional instruments such as the ACDEG (including Botswana and Tanzania). Therefore, African states are encouraged to be part to the ACDEG treaty which incorporates many provisions of the *Lome Declaration*<sup>131</sup> which form part of the AU soft law as it establishes principles and standards of which all AU member states have to comply though *Lome Declaration* is non-binding law.<sup>132</sup> In this regards, it would be worth to say that the promotion and protection for constitutional rights and political parties' duties will be useful if African states would show their willingness to ratify and domesticate international and regional human rights legal framework.<sup>133</sup>

### 3.3.2 Neutralization of Oppressive Political Laws

The restrictions put forward by the Political Parties Act direct hinder the development and existence of opposition parties in Tanzania. The Tanzania Political Parties Act is very vague and redundant hence a need for clarity in all the provisions which revealed to have effect on powers, penalty, and contradictions.<sup>134</sup> The opposition party members contend that the legislation is likely to criminalize political activities in Tanzania and will turn the political system into a *de facto* one-party. Since 2016 the President restricted and banned parties' rallies and demonstrations until election periods, this affects much the oppositions and most members are detained every day.<sup>135</sup> It is unacceptable to have a right in the Constitution and a

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<sup>131</sup> It was adopted in 2000 by OAU Heads of States, as a framework for OAU response for unconstitutional changes of government. Among the objectives for instance in number iv considering states to promote political pluralism...participatory democracy...and number v fundamental rights should be guaranteed in conformity with UDHR and African Charter..

<sup>132</sup> Article 44 of the ACDEG

<sup>133</sup> Preamble to the African Charter on Human and Peoples' Rights

<sup>134</sup> Sections 3 and 5A and B on civic education, 5A(6) and 5B(2)(3) the offences are too punitive can be put in the offence section, Section 6A(6) restriction on pressure or activist groups, sections 8C, 8D and 8D on suspension of political parties and more others

<sup>135</sup> <https://www.reuters.com/article/us-tanzania-politics/tanzania-mps-gra>, accessed on 26<sup>th</sup> March 2020

particular law authorized to take away such right, especially the freedom of association.<sup>136</sup> In *APDH v The Republic of Cote d'Ivoire*<sup>137</sup> the adoption of impugned law with effect to the composition of the Independent Electoral Commission, the African Court found the state in violation to its commitment under article 17 of the African Charter on Democracy (ACDEG). This affects the right of citizen to participate in public affairs freely as guaranteed by the African Charter Article 13. Therefore the Court ruled that *Cote d'Ivoire* has to take measures to amend such impugned law to comply with human rights instruments. Despite Tanzania hasn't signed the ACDEG but it has obligations under Article 13 of the African Charter.

Powers of political parties are merely depended on the party's operating system as a whole and not on their individuals' activities. Multi-party systems contribute much in introducing a routine and regularized competition structure with conflict of values, voices and interests.<sup>138</sup> Competition has a great potential to facilitate horizontal accountability for legislature and executive with relationship to vertical responsibility of the electorate. In Tanzania, the democratic one-party dominant system is weakened by the prolonged CCM electoral and domination of policy agenda. The Political Parties Act of Tanzania is likely to manipulate multi-party democracy. This will give more chance for the dominant party to continue celebrating its profoundly undemocracy, economic looting, terrorizing and intimidating minorities. In this regards, they are confidence to participate in elections knowing exactly to be the winner. The unbalanced system of political parties with oppressive law endangers the effectiveness of political oppositions which are contributing much for democratic accountability: dominant party can damage Democracy through incentives for manipulation

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<sup>136</sup> This was expressed by *Zitto Kabwe* the leader of opposition party *ACT-Wazalendo* Party, while trying to oppose the passing of the amendment law at the parliament.

<sup>137</sup> *Actions Pour la des Droits de l'Homme v The Republic of Cote d'Ivoire*, Application 001/2014, judgement 2016

<sup>138</sup> Anthony Butler, How Democratic is the African National Congress? *Journal of Southern Africa Studies*, Vol. 31, No. 4, 2005, pp. 735-736, <https://www.jstor.org/stable/pdf/25065043.pdf>, accessed on 7<sup>th</sup> May 2020

of electoral politics. Therefore, in Tanzania, the amended law weakens the competitive multi-party Democracy, and this will turn the state into authoritarian one-party regime a future which is not bright to liberal political Democracy.

Party politics in South Africa remains competitive because of party institutionalization; development of economic for educated and population urbanization has bequeathed, well-organized workers and growth of the middle class, all these assist political oversight with extensive constitutional patronage politics.<sup>139</sup> Liberation movement for liberal institutions and independent political pluralism authority for ANC caused the change and growth of multi-party competition herald.

### **3.4 Interim Conclusion**

Political parties in democratic *polities* are taken to be the end product for freedom of association; also, they possess an instinct feature of quality as they influence society through individuals' sponsorship for political office. The dominant one-party system can use its freedom to undermine the multi-party operation through manipulation of the law to ensure that a competitive democracy cannot degenerate. The Constitution should recognize political parties in broad and statutory requirements (electoral laws and Party laws) should be capable of defining political parties and its regulations, including state funding.

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<sup>139</sup> Anthony Butler, How Democratic is the African National Congress, p. 736

## CHAPTER FOUR

### CONCLUSIONS AND RECOMMENDATIONS

#### 4.1 General Conclusion

This study proves the research question about the abuses of dominant one party in multi-party system in strong democratic states of Botswana, South Africa and Tanzania. Sufficiency law implies some number of things such as implementation and its effectiveness. The study reveals that Tanzania, like South Africa and Botswana, the political parties' law is subject to affect the functions and existence of opposition parties. The dominant one party paralyses political parties' pluralism which strives to empower vulnerable groups in the society, increase transparency and facilitate equal income distribution to the people. Despite the constitutional democracy in these countries, they still dominated by one party regime, where in Tanzania manipulates the opposition parties through the amendment of the Political Parties Act.

The problem which this study addresses is the extent to which the dominant one party in influential democratic countries abuses the multi-party democracy. The legal framework which regulates political parties has potential impact in governing the organization and functions of parties. The study assumed that the Political Parties (Amendment) Act of Tanzania has enormous consequences in diminishing the opposition parties and affect people's autonomous in political democracy. The most disputes in Africa as the case in Tanzania arisen from parties and electoral laws skillfully made to favour and protect the interests of the incumbent regimes and electoral malpractices.<sup>140</sup> This is the most

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<sup>140</sup> Charles Fombad M, Challenges to Constitutionalism and Constitutional Rights in Africa and the enabling Role of Political Parties: Lessons and Perspectives from Southern Africa, p. 31

controversial challenge in which the majoritarian system abuses the polity body by making and amending parties' laws to restrict, overturn and take government powers.

The first objective to this study on the legal basis for the establishment of political parties reveals that in Tanzania the amended law makes fear to the people to associate and form a political party because of restrictions on pressure groups, civic education, many offences with high penalties etc. Registrar has given more powers to regulate the formation of political parties in Tanzania. But there are no such strict procedures for establishment of parties in Botswana and South Africa because of the easiness of the political laws. In the second objective on the rights and privileges of political parties, the study reveals that in both countries, parties are recognized and privileged as a voluntary association to carrying their political activities as non-profit making organizations. They are autonomous, and people are free to form and to join any political party in a democratic society.

The research reveals that on the last two objectives for restriction and banning of political parties, in Tanzania the amended law imposes many barriers. These include restrictions to form pressure groups, civic education, and the imposition of fear through penalties and sanctions on parties activities. Also, the Registrar has empowered to interfere internal matters of political parties. In comparison with South Africa and Botswana the laws are lenient with common barriers. There are no provisions for the party's banning in both countries though too many restrictions imposed by legislation in Tanzania to parties' which limits parties' freedom. The study also reveals in these countries political parties' threshold is high and free in recent years. Opposition parties in Botswana and South Africa are free to compete in election with the ruling party without restrictions imposed by the law. Therefore, political parties play a central function of Democracy and development.



The amended political law tries to introduce new provisions, repeal some provisions and add some contents within the provisions with the effect on the regulation of political parties as we have seen the impact in chapter three of this study: on parties' establishment, functions, rights, and accountability.

## BIBLIOGRAPHY

### Books and Articles

Anyimadu, A. *Research Paper on Politics and Development in Tanzania shifting the Status Quo, Africa Programme*. 2016. <http://www.reseachgate.net>

Beetham, David. "Defining and Measuring Democracy." *SAGE Modern Series*, Vol. 36. SAGE Publication, London. 1994.

Beetham, David. *Democracy and Human Rights*. Blackwell Publishers Ltd, UK. 2003.

Centre, Legal and Human Rights. *Analysis of the Political Parties (Amendment) Act, 2019*. 2019. <https://www.humanrights.or.tz/posts/b/News/analysis-of-the-political-parties-amendment-act-2018>

Egboh, E.A. & Aniche E.T. "Politics of Tanzania." In *Comparative Politics: An African Viewpoint*, edited by C.C. Ojukwu and I.M. Alumona. Enuge: Rhycee Kerex Publishers, 2015. <http://www.reseachgate.net>

Engel, Ulf. "The 2007 African Charter on Democracy, Elections and Governance: Trying to make sense of the Late Ratification of the African Charter and Non-Implementation of Its Compliance Mechanism." *Africa Spectrum*, Vol. 54(2). 2019. <https://journals.sagepub.com/doi/pdf/10.1177/000203>

Held, David. *Democracy and the Global Order, from Modern State to Cosmopolitan Governance*. Polity Press, UK. 1995.

M, Charles Fombad. "Challenges to Constitutionalism and Constitutional Rights in Africa and the enabling Role of Political Parties: Lessons and Perspectives from Southern Africa." *The American Journal of Comparative Law*, Vol. 55. 2007. <https://doi.org/10.1093/ajcl/55.1.1>

Maiyo, Josh. *Political Parties and Democratic Consolidation in Tanzania: Overcoming Transition Challenges*, the Netherlands Institute for Multiparty Democracy, 2008. <http://www.researchgate.net/publication/political/parties/and/democratic/and/democratic/consolidation/in/Tanzania/overcoming/transition/challenges>

Matlosa, Khabele and Victor Shale. "Promoting Credible Elections and Democratic Governance in Africa." *Political Parties Programme Handbook No. 18*. EISA, South Africa. 2008. <https://www.eisa.org.za/pdf/eh18.pdf>

Matlosa, Khabele. (2007), "Political Parties in southern Africa: The State of Parties and their Role in Democratization." *International IDEA Research and Dialogue Coordination*. 2007. <https://www.idea.int/sites/default/files/publications/political-parties-in-southern-africa>

Nyirabu, Mohamed. "The Multiparty Reform Process in Tanzania: The Dominance of the Ruling Party." *African Journal of Political Science*, Vol. 7, No. 2. 2002. <http://digital.lib.msu.edu/projects/africanjournals/>

Ottaway, Marina. "Opposition Parties and Democracy in South Africa." *A Journal of Opinion*, Vol. 20, No.1. Cambridge University Press, Winter 1991. <https://www.jstor.org/stable/1166769>

Sebudubudu, David and Bertha Osei-Hwedie, "In Permanent Opposition: Botswana's other Political Parties." *South African Journal of International Affairs*, Vol. 17, No.1. 2010. <http://www.tandfonline.com/page/terms-andconditions>

Stiftung, Konrad A. "Concepts and Principles of Democratic Governance and Accountability." *A Guide for Peer Educators*. Uganda. 2011. <https://constitutionallyspeaking.co.za/call-for-papers-political-parties-and-the-party-system-in-south-africa>

The National Democratic Institute for International Affairs (NDI). *Political Parties and the Transition to Democracy, A Primer in Democratic Party-building for Leaders, Organizers and Activists*. 2001. <http://www.eods.eu/library/NDI>

TWaweza, *Statement on Proposed Amendments to the Political Parties Act 2002*, January 2019. <https://www.twaweza.org/go/statement-on-proposed-amendments-to-the-political-parties-act-2002>

Wulff, Arne. *Legal Framework for Political Parties in Selected Countries of Sub-Saharan Africa, KAS Rule of Law Program for Sub-Saharan Africa*. 2017. <https://www.kas.de/documents>

## Websites

<https://constitutionallyspeaking.co.za/call-for-papers-political-parties-and-the-party-system-in-south-africa>

<https://www.humanrights.or.tz/assets/images/upload/files/JointAnalysis>

<https://www.reuters.com/article/us-tanzania-politics/tanzania-mps-gra>

<https://2001-2009.state.gov/r/pa/ho/time/pcw/98678.htm>

<https://www.thecitizen.co.tz/News/Proposed-changes-to-political-parties-law-trashed/>

<https://www.africanews.com/2018/12/17/inside-tanzania-s-repressive-amendments-to-political-parties-act/>

<https://www.washingtonpost.com/politics/2019/10/21/botswanas-ruling>