

Political Parties in the East African Integration Process

M Baregu

Professor of International Relations
University of Dar es Salaam
Tanzania

B Ally¹

Department of Political Science and Public Administration
University of Dar es Salaam
Tanzania

ABSTRACT

This article examines four models on the role of political parties in economic and political integration arrangements that have emerged historically. First is the US model in which all political parties in what is essentially a federal dispensation, large and small; old and new, have a national character although parties are not a part of the relevant federal American constitution. The second model is the European Union pattern in which political parties continue to be of a national rather than a federal cross-country character and play virtually no visible role in regional politics except in contesting for the European Parliament. The third is the Russian Federation model which is prescriptive and highly regulated to ensure that parties have a federal character to avoid the possibility of parochial nationalism. The fourth case, which is closer to home, is the Tanzanian model which emerged under conditions of political exigencies involving a revolution in Zanzibar and a military mutiny in Tanganyika.

INTRODUCTION

The study of the role of political parties in economic and political integration arrangements has not attracted as much intellectual attention as it deserves. Even when some attention has been directed to the issue, it has simply focused more on the attitudes and positions of political parties towards integration and much less on their roles in influencing this process or their responses to the impact of the processes. This situation is basically to be explained by the fact that regional integration has essentially been defined as a *high politics* interstate matter in which the national states have been the major direct actors. This has meant

that popular participation in decisions affecting the EU, for example, was minimal until the introduction of direct elections for the members of the European Parliament (MEPs).

Political party participation in integration arrangements has traditionally been confined to debating, within the domestic environment, what approach best suits the national interest. Greater stress has thus been placed on obtaining a national consensus and much less on creating alliances between like-minded political parties across countries. This is the case regarding Regional Economic Communities (RECs) such as ECOWAS in West Africa and is still very much the case in the case of the East African Community (EAC). It attests to the continued dominance of the sovereignty of nation states and could hinder any efforts to create political federation based on a transcendent nationality founded on a commitment to *pooled sovereignty*. Under the notion of pooled sovereignty the whole is greater than the sum of the parts.

EXPERIENCES AND MODELS

As pointed out in the Abstract in this article essentially four models are discussed concerning the role of political parties in economic and political integration arrangements that have emerged historically. *Firstly* there is the US model in which, as mentioned earlier, all political parties, large and small; old and new, have a national character although parties are not a part of the American constitution. *Secondly*, there is the EU model in which political parties continue to have a national character and play virtually no visible role in regional politics except in contesting for the European Parliament. *Thirdly*, there is the Russian Federation model which is essentially prescriptive and highly regulated to ensure that parties have a federal character, and this helps in curtailing the possibility of inadvertently promoting parochial nationalism. *Fourthly* a model, which is closer to home, is the Tanzania pattern which emerged under conditions of political exigencies involving a revolution in Zanzibar and a military mutiny in Tanganyika.

The American party system dates back to the end of the civil war and therefore political party formation emerged within the dynamics of the civil war and the debate on federalism and the American constitution. Although the American political system permits the formation of political parties with few restrictions, for over two centuries it has been dominated by two parties; the Democrats and the Republicans. Between them these parties account for more than 90 percent of the registered members of the five parties that participated in the most recent federal election. These two have dominated American politics since the 1860s and American presidents have come from one or the other of the two political parties. Thus, the American system is for all practical purposes a two party system.

Political parties committees are expected to register with the Federal Election Commission (FEC) when they reach a particular threshold for spending or contributions. It is the FEC which determines whether the party committees meet the criteria for state or national status. Criteria for national status include; the holding of national conventions, setting up national offices and establishing state affiliates. Thus, political parties in the US can operate at state levels when their capacity is low but, almost invariably, they strive to operate at the national level.

In a recent article entitled; "Europeanization and Political Parties", Robert Ladrech (2009) notes that the study of political parties in Europe has traditionally been confined to their national politics and political environments. It was not until the 1990s in the wake of the introduction of direct elections to the European Parliament that the subject of the role of political parties



in quasi-political federation began to attract attention. Before that time political parties were not seen as actors in the integration process. Nor were they perceived to be affected by the processes. Haas (1958) makes a tangential reference to political dynamics in his seminal work *Uniting Europe*. The traditional roles of political parties such as interest articulation, political education, interest aggregation, representation, legislation and government formation were assumed to be confined to the national environments. This was partly because the process of European integration was informed by functionalist and neo-functionalist thinking in which the major actors were mainly commercial/industrial organisations and governments.

At the same time however, there was a gradual process of mutual penetration in which European decisions progressively affected domestic jurisdictions and *vice versa*. Ladrech notes: "Of many areas of domestic politics which may have experienced an impact from Europe, it is party systems in particular that have perhaps proved to be most imperious to change". Thus, up to the present moment there is hardly a European level party political system. This of course poses a number of problems for political parties and their national governments. These problems may be of three kinds. *Firstly* is that political parties may be rendered irrelevant to the integration process. *Secondly* party positions may create difficulties by denying governments the flexibility to act in negotiations with other governments. *Thirdly*, party ideologies within or between states may be so different that policy continuity and predictability are compromised.

In order to cope with these difficulties of reconciling domestic and regional identities, political parties have devised a number of mechanisms, largely by trial and error, in an effort to Europeanise themselves. To this end some parties have made references to the EU in their election manifestos and programmes. Others have even established European departments in their organisations. Yet, others have treated their Members of the European Parliament (MEPs) as a special constituency. On the whole, on a continuum, political party attitudes range from euro-enthusiasts to euro-rejectionists with euro-sceptics in between. Modalities of *Europeanisation*, in turn, range from simple contacts between like-minded parties to inter-party co-operation and on the formation of trans-national parties such as *the Party of European Socialists* or *the European Peoples' Party*. The recent public consultations on fast-tracking political federation in East Africa reveal similar tendencies in the region.

Apart from the experience of the US and the European Union, there is also the example of political parties in the Russian Federation. During the Soviet period there was only one party, The Communist Party of the Soviet Union (CPSU) which was enshrined in the Constitution operated from the Kremlin with branches across the Soviet Republics. This was a highly centralised and controlled system with the head of state as the chief executive of the party. The CPSU was known as the *nutshell of the political system of the country*.

After the collapse of the Soviet Union there were several hesitant attempts to form political parties without establishing an explicit framework which could move the country from the single party dominance of the CPSU, accommodate the federal nature of the new Russian State and provide for the diversity of views and ideologies. Thus, the Federal Parliament (Duma) adopted Federal Law No. 95 FZ on Political Parties in June 2001. Mindful of the concerns pointed out above, the law guaranteed the equality of political parties before the law regardless of ideology, objectives and goals. It also spelt out the objectives of the parties including the shaping of public opinion; political education; expression of opinion on issues of public life; and nomination of candidates to elections.

Moreover, this law proclaims the following conditions:

- that a political party shall have regional offices in more than 50% of the subjects of the Russian Federation and only one in each subject;
- that each party shall have not less than 50 000 members and regional branches have no less than 500 members;
- parties have to be located in the Russian Federation;
- citizens may belong to only one party;
- parties may conduct activities over the entire territory of the Russian Federation; and
- the law proscribes subversive activities as well as parties organised on the basis of professions, race, nationality or religion.

By the end of 2002 about 15 parties had been formed.

Finally there is the case of Tanzania which is the longest enduring political union in Africa. The union between Tanganyika and Zanzibar has attracted considerable political controversies centered around its legitimacy as well as its functionality. The Union was born against a background of several political developments all of which contributed towards the form that emerged. Among others, there was the Pan-Africanist ethos evolving from the African independence movement; the revolution in Zanzibar; and the cold-war fears of the West over another Cuba off the east African coast and the army's mutiny in Tanganyika which demonstrated the vulnerability of the nascent African states. All these developments suggest that the Union between Zanzibar and Tanganyika was essentially driven by security concerns and the speed with which it was consummated attests to that sense of urgency. Whether the same concerns continue to prevail or new concerns have emerged, lies at the bottom of current conflicts in the Union.

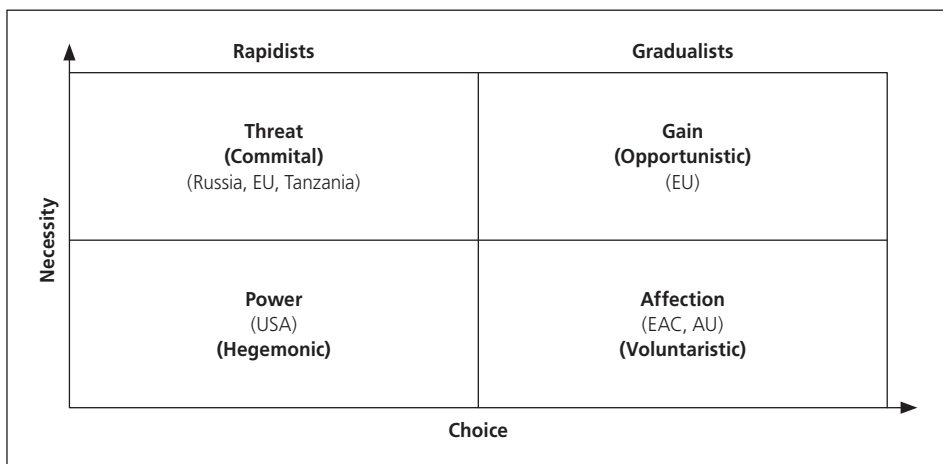
DRIVING IMPERATIVES FOR INTEGRATION ARRANGEMENTS: AN ASSESSMENT

Integration arrangements are driven by definite imperatives. Such imperatives may derive from perceptions of integration as a matter of choice or necessity. The depth of integration is also a function of the driving imperatives. The more integration is driven by necessity the greater the possibility of deeper integration and *vice versa*. The position and role of political parties in this process will also depend on the depth of integration with the highest level of participation realized in a political union. Conversely the looser the integration the less will be the role of political parties. The following quadrant (Diagramme 1) depicts the inverse relationship between necessity and choice:

The American, European and Russian models described above all bear some lessons for the future role of political parties in the East African political federation. The American model is born of the historical conditions of the civil war which settled the differences between the confederalism (1781 – 1789) and the Federalism (1789 –) in favour of the latter under the US Constitution. Sovereignty was squarely vested in the Federal government. This created a strong federal government and implicitly promoted the emergence of political parties as federal organisations if they wanted to be effective at the union level. It should be noted



Diagram 1 Necessity vs Choice Imperatives



that the Union of the United States was essentially hegemonic with the Northern federalists defeating the confederalists, surrounding them and imposing conditions of Union. Thus, the role of political parties in an East African federation will crucially depend on the distribution of power between the federal and the state levels in the EA constitution.

The European model may be described as incremental. It is essentially driven by a combination of gain and security. This approach is frequently also described as muddling through. There were no compelling contingent historical conditions here except for the end of World War II which resulted in the creation of the European Coal and Steel Community (ECSC) as the nucleus of the EU. Being a functionalist organisation the ECSC was designed to deliberately avoid rather than confront the challenges of sovereignty. Political parties, having emerged in the context of domestic jurisdiction, have essentially remained that way. Emerging party alliances along particular issues may evolve into party mergers, but that will depend crucially on an increased perception of threat.

The American model has its roots in the establishment of the hegemony of the North over the South. It is thus a model driven by power and, over time, security concerns. The American model was thus not voluntaristic but conditional. The US Constitution clearly spells out the boundaries of state and federal authority and any residual powers are vested in the Federal government. Political parties have emerged in the same way. This is not a model that can easily be emulated in East Africa since there is no state that can impose a viable hegemony in the region.

The Russian Federation was born out of necessity in which Russia had to stem disintegration, at any cost, after the collapse of the Soviet Union. This is essentially a security imperative and that is why the constituent parts of the Russian Federation are referred to as subjects of the Federation. The Constitution and particularly, Federal Law No. 95 FZ is deliberately designed to prevent parochial politics, dissidence and secession. That is why party formation, registration and presumably oversight are highly centralised in the Federal Constitution. This model would be most suitable for East African Federation but that would crucially depend on a shared perception of threat and conception of security among the member states.

In the East African Community there has been a missed opportunity, until recently, for political parties to network and co-operate on the regional basis. During the struggle for independence there were parties with relatively strong regional networks, but lessons from these pre-independence regional frameworks have not been successfully explored. After independence some political parties, especially those in power made attempts towards regional collaborations. The most outstanding of such collaborations was the Mulungushi Club, consisting of UPC (Uganda), TANU (Tanzania) and UNIP (Zambia). In the recent years, largely because of the high level of dependency, a number of political parties within the region are being sponsored by the same group of donors, some of whom insist that these parties work closely together. In Uganda, for example, DP and PDC are being sponsored by the Democratic Union of Africa allowing for collaborated regional activities among these parties. The *donor driven* regional collaborations may offer an important avenue for political parties in the East African region to take a centre stage in the processes of integration and provide for a strong and sustainable political basis for the East African Community. The constitutions in place and the state of multiparty politics in the member states of the EAC are now considered.

CONSTITUTIONS

The review of constitutions of the EAC reveals both convergences and divergences in the core principles or philosophies upon which state power and administration are organised and by which politics is practiced. The general principles stipulated in the constitutions include: democratic principles; national unity and stability; respect and promotion of human rights; social justice; as well as social-economic development. These principles are believed to be achievable through accountability system that involves checks and balances between the organs of government, and independence of the judiciary.

Besides the democratic ideals, the constitutional principles reflect the history, political ideals and social values within the member states. Evidently, the historical events in Rwanda as is the case with Burundi have greatly determined the nature of the principles which are found in the preamble of their constitutions. The Preamble of the Rwandan Constitution, for example, recalls the genocide that decimated more than a million of Rwandese it makes a resolution to fight the ideology of genocide; of all its manifestations; and to eradicate ethnic, regional and any other form of divisions. Similarly, the preamble of Ugandan Constitution of 1995 includes these words:

“Recalling our history which has been characterized by political and constitutional instability; Recognising our struggles against the forces of tyranny, oppression and exploitation; Committed to building a better future by establishing a socio-economic and political order...”

Uganda, Burundi, Rwanda and most recently Kenya have experienced violence and atrocities of great proportions which have adversely affected their governmental systems. As reflected in the preambles of their constitutions, these countries have taken these past experiences as historical lessons and have pushed them to establish principles towards creating a more solid foundation upon which democratic values and institutions can be built and sustained.



ESTABLISHMENT OF POLITICAL PARTIES IN EAST AFRICA

In East Africa, as in the rest of Africa, the development of political parties was an evolutionary process driven by nationalist leaders during the colonial era. Political parties at that time began as nationalist movements whose ultimate aim was to gain political independence and restore the dignity of colonised people. They started out as social associations against colonial exploitation; segregation and oppression. With refusal of the colonial administrations to institute governmental reforms, the organisation of these groups became more and more radical and populist in character. They broadened their support among the people and gradually developed into mass movements and eventually into fully-fledged political parties, especially during the last decade of decolonisation. Some of these parties were mass-based parties and *nationalist* in character others were *particularistic* and some were *ethnic*. However, the colonial governments were effective players in the decolonisation processes partly by facilitating or enabling some parties. In Rwanda, Uganda, Tanzania and Burundi for example, the colonialists facilitated particular parties to take over state power while they suppressed others.

After independence, the multiparty system which guided the process of independence of East African countries was short-lived. One-party and military regimes turned out to be the order of the day particularly between the 1960s and 1990s. Systematically, the political systems in East Africa evolved from *de facto* to *de jure* one-party systems for the cases of Kenya, Tanzania, and Rwanda, and to military rule for the case of Burundi and Uganda. Uganda, on its part, had the No-Party or *Movementocracy*. Table 1 gives the types of party systems/regimes that have been witnessed throughout the post-independence period in the five East African countries.

The political space under both the *de facto* or *de jure* one-party systems as well as under military rule was too narrow for political parties to exert meaningful influence on the governing processes of respective countries. Between 1962 and 1990s the political landscape in East Africa was not conducive for competitive politics. Thus, many political parties which existed either died naturally or were banned and in some countries their leaders were harassed, imprisoned, and at times assassinated. Towards the 1990s signs of failures of one-party and military regimes became increasingly evident and at the same time the demands for democratisation both by internal and external forces grew strongly.

External forces aside², it was the failure of the governing class to institute political reforms as well as visible and audible dissidents which paved the way for the emergence of organised opposition and civic bodies as agents of reforms. In the case of Tanzania, the National Convention for Constitutional Reform³ (NCCR) strongly agitated for constitutional reforms (Mmuya and Chaligha, 1992). Also, political activists in Kenya both conservative (like Kenneth Matiba and Charles Rubia) and radicals like Oginga Odinga, Mohammed Noor, and Raila Odinga, and fiery church leaders like Timothy Njoya pressurized the Daniel Arap Moi's authoritarian government to institute democratic changes in the country (Musambayi, 2006). Burundi's case was quite different. After surviving several coup attempts Major Pierre Buyoya's government produced a draft constitution in late 1991 that was approved by referendum in March 1992, and a multi-party system was introduced a month later. In Rwanda, the force behind reforms was the then rebel force of Rwandan Patriotic Front (RPF) which unleashed attacks against President Habyarimana's government. At that point in

Table 1 Political Systems or Regimes in East Africa, 1961-1990

Country	Political system/regime	Years
Burundi	Monarchy	1962–1966
	De facto military regime	1967–1976
	One-party	1981–1986
	Military regime	1987–1991
	Civilian transitional period	1992–1997
	Multiparty	1998 to date
Kenya	Multiparty	1963
	De facto one-party	1964–1966
	Multiparty	1966–1969
	De facto one party	1969–1982
	De jure one-party	1982–1991
	Multiparty	(Dec) 1991 to date
Rwanda	De facto one-party	1962 –1969
	De jure one-party	1970 –1972
	Military regime	1973 –1974
	One-party regime	1975 – 1990
	Multiparty	1991 to date
Tanzania	De facto one-party	1961–1964
	De jure one-party	1965–1992
	Multiparty	1992 to date
Uganda	De facto one-party	1962–1965
	De jure one-party	1966–1970
	Military regime	1971–1979
	Transitional Regime	1979–1980
	Multiparty System	1981–1985
	Military regime	1985 (July)–1986 (Jan)
	No-Party/Movement System	1986– 2005
	Multiparty	2006 to date

Source: Compiled by the authors



history, the one-party state or the *Movement* in the case of Uganda had been the effective actor in party politics.

The re-introduction of a multiparty system in East Africa allowed for proliferation of political parties at a remarkable speed. For instance, as the *Tanzania's Political Parties Act* came into effect on 1st July. Subsequent registration of parties followed and by November 1993 the number had reached 13 (Mmuya, 1996). Today, Tanzania has 17 fully registered political parties. In Kenya within a span of five years of re-introduction of multiparty politics some 43 parties had been formed. There are now about 140 political parties in Kenya. In Uganda, there are currently 36 registered political parties, but with only six parties having representatives in Parliament. The high number of political parties and of other civic groups can be taken as an indication of the effects of liberalism on freedom of participation in social and political affairs. However, the proliferation of political organisations is not the indication of their strengths.

In recent years, East Africa has witnessed party formation through coalitions either as political solution to end ethnic violence (Burundi) or post-election violence (Kenya), but coalitions have acted as political strategy for some parties to hold power (Rwanda). In Tanzania, the idea of a coalition of the four major opposition parties to oust the ruling CCM party is floating, but there are indications that the coalition formation efforts may not succeed due to a number of factors including the lack of consensus among the leaders of the opposition camp.

SOCIAL BASES AND PARTY ORGANISATION

With ongoing proliferations of political parties the concern is whether these parties possess the qualities, organisational capacities and competitiveness to achieve even their assumed traditional roles and functions. It is therefore important to understand the social bases of these political parties. This will reflect their potentials to be representative of the diverse social groups and their ability to compete effectively in elections.

Most analysts of African politics maintain that since the re-introduction of multiparty elections during the early 1990s, ethnically dominated party systems have been the norm in sub-Saharan Africa. Ethnicity has dominated politics in the region to the extent that political parties can be more easily distinguished from each other largely based on *who* they represent rather than by *what* they represent (Dowd and Driessen, 2008). East Africa is not an exception, whereby the social bases of most political parties predominantly lie with either a single or coalition of ethnic groups, regions or provinces from which parties draw loyal supporters. In the two cases of Rwanda and Burundi, political parties are ethnic-based with the Hutu's or Tutsi's support providing their social bases. For instance, out of the six major political parties in Rwanda only the ruling Rwandan Patriotic Front (FPR) has a social base constitutive of predominately ethnic Tutsi; the rest wield support from the ethnic Hutus. In Kenya, Tanzania (Zanzibar), and Uganda the major parties draw their support from the regional-cum-ethnic networks. As Raila Odinga correctly argued, ethnicity as a political tool remains one of the daunting obstacles to democratisation in the region. The civil wars in Rwanda, Uganda and Burundi, among others, can be attributed to the contest between ethnic groups over the control of the apparatus of state and government for the allocation of resources (African Press, 2007).

The predominance of ethnic-based parties is attributed to the social cleavages which tend to shape the political landscape in the region. In the African context, ethnicity gives identity to members of society, from whom political parties draw support. At the party level, *ethnic factor* tends to apply to different levels of organisation: the membership size, the nature of organisational structure, the quality of leadership or a combination of these aspects. The predominance of ethnic parties can also be explained by the fact that *politicized ethnicity* acts as a sort of ideology where clear-cut and Western ideologies of socialism and liberalism do not offer strong ground for the political activity. Of course, this does not mean that *socialist, social democrats or liberal* inspired parties do not exist, but a deeper analysis reveal that these parties are, more often than not, unclear about their ideological inclinations because of the gap between their ideas and their actions. Ethnicity has been used as an effective political tool partly because the parties are truncated from the society and driven by the political ambitions of their leaders and so they opt to manipulate ethnicity in order to attain political legitimacy.

With respect to party organisation, the reviewed statutes that provide for formation of political parties also stipulate legal requirements for organising party-based activities. The specific legal requirements vary from country to country. For example in Rwanda, the Organic law No. 16, 2003 forbids political parties to conduct political activities at the local levels. This suggests that the party system in Rwanda is highly centralised and removed from the local level. Notwithstanding such legal requirements, organised political parties in East Africa vary in terms of membership size, functional differentiation, and multiplicity of organisational levels (hierarchism). Membership size is the most unreliable measurement criterion for determining the organisational strengths of registered parties in the region because reliable statistical data showing the number of their members is not available.

The established parties that existed prior to the adoption of a multiparty system have the advantage of possessing decentralised structures with deep-reaching local networks (branches), when compared to the recently formed parties (especially opposition parties). This is clear if KANU of Kenya and, to a greater extent, CCM of Tanzania, are considered whose long histories have given them by far the strongest party structures and branch networks of all the political parties (Chaligha, 2005; CCM, 2005; Wanjohi, 2005; Institute for Education in Democracy, 1998).

Newly formed political parties are often characterised by weak organisation, low levels of institutionalisation and inadequate links to the society especially at the grassroots levels. The outreach of the newly found parties is very limited, mostly to urban areas, partly because they lack a financial base to extend their presence from the national level down to the grassroots level.

PARTY ROLES AND FUNCTIONS

In the medieval period, political legitimacy was derived either from God (*the divine right of kings*), from hereditary right, or from the will of small ruling elite (as in some city-states). Beginning with the Magna Carta, these old ideas of political legitimacy were attacked in Europe in the seventeenth and eighteenth centuries, as citizens began to demand expansion of political space for greater participation in political life. These challenges took more radical



and organised forms, and ultimately resulted in political formations that we call political parties. This historical genesis of political parties shows that they invariably emerge with increased differentiation and complexity of activities within a political system.

In the contemporary East African context the roles played by political parties cannot be overstated. Competition for power is the definitive function of political parties in the region. Whether or not they win control of the government, political parties participate in influencing the public policy making process. However, political succession in East Africa has been historically not very smooth as incumbent ruling parties tend to do whatever it takes to maintain a hold on power (Peter and Kopsieker, 2006). Thus, peaceful power transfers between political parties through the ballot box remain rare in the region. As Kiiza (2005) argues, ruling parties such as Chama Cha Mapinduzi (CCM) in Tanzania⁴ and the National Resistance Movement (NRM) in Uganda have deliberately forged tight party-military relations to maintain their incumbency. Given this political reality, opposition parties have largely been playing a marginal role in consolidating multiparty democracy. Nevertheless, the newly established parties have been important critics of fruitless government policy; they have occasionally been able to prevent abuses of power (Institute for Education in Democracy, 1998). Through representative organs, opposition parties have been increasingly active to criticize and hold the government to account for its commissions or omissions. The opposition parties in Tanzania have recently succeeded to foster the anti-corruption agenda in the parliament.

FORMATION OF POLITICAL PARTIES IN THE REGION

In the countries studied the formation of political parties is established under specific statutes which are designed to provide for terms, conditions, the procedures for part registration and for incidental or related matters. Generally, these statutes set the rules and regulations to be followed before a political party is fully registered. But the concern is mainly to examine whether there are sufficient democratic guarantees for formation and operation of independent political parties.

The most common and basic regulation found in the reviewed statutes, is possibly the requirement that a political party's social base must not reflect discriminatory elements such as ethnicity, tribe, religion, race or regionalism; and its structure and mode of operation must be national in character. The Constitution of Burundi prohibits ethnic references, which necessitated the last active rebel group formerly known as Parti pour la Libération du Peuple Hutu-Forces Nationales de Libération (Palipehutu-FNL) to remove the word 'Hutu' and rename itself as Forces Nationales de Libération (FNL) in January 2009 to secure legal registration as a political party (IRIN Africa, 2009). Legal prohibitions as these may be manipulated to restrict political activities of political parties. As it has been the case in Uganda, freely-operating political parties were restricted by NRM under the pretext that they would manipulate divisive elements of religion and ethnicity (Muwanga, 2005).

Another important issue with respect to the legal framework for formation of political parties is related to the status and affiliations of the registering authorities of the parties. It is provided in all of the reviewed relevant statutes that parties are accorded full registration following formal (written and published) approval by the office responsible for registration of political parties. In Tanzania and Kenya, the Registrars of Political Parties are supposedly

non-partisan, but in Burundi and Rwanda the authoritative officials over formation of political parties are Government ministers. This raises concern about their impartiality. For instance, in Rwanda a political party can face sanctions (including de-registration) for “causing trouble or carrying out divisive acts” (Organic Law Governing Political Organizations and Politicians No. 16, 2003). This provision was applied when the Hutu-based Democratic Republican Movement (MDR) was banned ahead of the 2003 elections. While discriminatory and divisive politics can have devastating effect on the Rwandese society, the Party had been viewed as a strong opponent to the ruling coalition (*Financial Times*, December 4, 2006; 16:36).

Moreover, Rwanda’s Organic Law no.16 of 2003 requires every political party to be part of the *Forum for political parties*. This Forum is supposed to achieve one of the three fundamental principles which guide the country’s politics, namely constant pursuit for solutions through dialogue and consensus. Still, this means legal existence of the political parties is conditioned by becoming members of the Forum.

Formal coalition of political parties has been witnessed in all East African countries, except for Tanzania, where the legal provision for political merger and coalition between parties was non-existent until recently.⁵ Of all the five countries, Kenya has a longer history of forming coalitions but to serve particular short-term interests of the key players involved. The coalition is often aimed at strengthening the executive by co-opting selected individuals or groups of people into the administration for the purposes of pushing through official agenda that would otherwise have problems getting accepted (Munene, 2001). Under the relevant statutes political parties in the region may form coalition or a merger for the purposes of elections as a means of coming to power, but the terms and conditions for such coalitions vary from one country to another.

PARTY POLITICS AND ELECTIONS

Elections in East Africa have been used as the legal means for political succession. Notwithstanding, military coups in the cases of Uganda, Burundi, and Rwanda were opted at some point in their political history. Elections have been conducted at the local, legislative, and presidential levels although research has focused on the national elections. However, the electoral performance of most parties remain low, in a sense that, electoral victories have been enjoyed by a relatively few political parties and especially incumbent ones. For example, with the exception of Kenya, the victorious political parties have been the incumbent parties since the introduction of multiparty elections in the 1990s. While electoral victory is partly determined by a number of factors intrinsic to the parties, external factors like the nature of legal framework, the character of election management and administration, the role of the incumbent party in election, the nature of media coverage and the nature of political culture are critical. Some of these factors will be examined which have influenced party electoral performance within the region.

Elections are conducted under electoral laws which dictate the extent of electoral competition and the quality of electoral participation. In Rwanda, constitutional requirements and the organic law seem to have constrained competitive politics and effective participation of opposition parties. For instance, the MNRD which had been the main opposition force was outlawed before the elections in 2008 following accusation of promoting sectarian



divisions in the country. Similarly, opponents of the NRM in Uganda are constrained to become adequately competitive in elections owing to the *Movement* political system as per Article 70(1) of the Constitution. While political parties legally exist in Uganda and may contest in elections, their activities are restricted.

Violence has been a feature of elections in recent years, and the same can be said about rigging and electoral corruption which seriously retards democratic consolidation in the region. Violence is, on the one hand, precipitated by intensive contestation for political power, but it is also exacerbated by the fact that democratic political succession remains a bitter pill for incumbent parties to swallow.⁶ Post-election violence claimed the lives of many in Kenya after the 2007 elections and resulted into the current power-sharing arrangements. It also sent Burundi into civil war after 1993 elections; it culminated in political assassination in Rwanda and persecution in Uganda; and at a lesser magnitude, caused political instability and social tensions in Zanzibar and few constituencies in Mainland Tanzania.

One of the essential components in a healthy multi-party democracy is a strong political opposition that acts as a check on the abuse of power by the ruling party and a protector of minorities' rights. However, the phenomenon of "parliamentary fragmentation" is most evident across the region as parliamentary seats are unevenly distributed among competing political parties. Often due to their own internal weakness and lack of legitimacy political parties outside the government (opposition) are mostly unable to provide sustainable and effective representation and to build a credible coalition able to defeat the dominant party in competitive elections.

There is also imbalance of power among the political parties, particularly, between the incumbent parties or dominant parties in coalitions and the opposition parties or minority parties in the coalition. In Kenya, to a large extent, the current (ODM/PNU) coalition government commands unquestionable majority in the Ninth Parliament. In Rwanda, the Rwandan Patriotic Front is the dominant party in the Parliament with 33 seats which is equivalent to 62% of parliamentary seats from directly elections and four times the number of the main opposition parties of Social Democratic Party (7) and Liberal Party (6). After the 2005 elections, the ruling party of Tanzania (CCM) is dominant with 89% representation in Parliament. In Burundi, the opposition political parties are divided and too weak to provide a check on the executive, since the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) controls Parliament. The power imbalance between political parties in the parliaments limits, to a considerable extent, the extent to which the minority political parties contribute to democratisation and poverty reduction initiatives.

The disproportional representation of political parties can be interpreted as a reflection of inadequate support from the population, which would then raise important questions about the possibilities of consolidating multiparty democracy. Wanjohi (2005) argues correctly that lack of adequate organisational capacity led to considerable decline of support for some parties that previously featured prominently in the elections.

ELECTORAL SYSTEMS BY COUNTRIES

Elections are critical for democratisation in any country, as they are intended to promote the popular will of the people. Elections are conducted under guidance of sets of rules and

regulations and mechanisms which determine eligibility of voting, election constituencies, nomination of candidates, voting procedures, and how the valid votes are converted into election victory. This framework under which elections are conducted is known as the Electoral System. The main distinction in relation to electoral systems is between *majoritarian systems* and *proportional representation* (PR) systems. The basic principle behind majoritarian systems is to allocate seat(s) to the party/candidate with more votes than any other (plurality systems) or to the party/candidate with at least 50 per cent + 1 vote (majoritarian systems). The principle behind proportional representation (PR) systems is to have a seat allocation system in place, which *consciously* attempts to ensure that the allocation of seats to parties to a considerable degree reflects the vote distribution among parties proportionally.

It is widely agreed that a choice of an election system is dictated by the need to ensure democracy. The actual designing of the electoral systems should take into account the social and political context. In East Africa, both electoral systems are practiced. As it would shortly be revealed, each national case is circumstantial and reflects both history and consequences of patterns of political mobilization. The characteristics of electoral systems in each of the five case studies captured in the following review focus on, among others: constitutional arrangements for allocation of parliamentary seats; functions and impartiality of electoral bodies; and formula of translating votes into electoral seats.

Tanzania

In Tanzania, the electoral system under which the union parliamentary and presidential elections are held is based on the Constitution of the United Republic of Tanzania, 1997 (with amendments) and the Elections Acts, 1985 (with amendments). As per union constitution, the union parliamentary seats are allocated through five different ways: direct election of members from single-member constituencies on the Mainland; election of representatives for Zanzibar constituencies; election of five Zanzibar House Representatives; Attorney General enters as ex-officio member of Parliament; and the special seats for women which constitutes 30% of all elected members of Parliament. By this introduction of the special-seat system, Tanzania⁷ has become one of a handful of African countries that meet the 30% target of the 1995 Beijing Platform for Action. (Meena, 2003).

The setting up of independent electoral commissions can be considered as a cornerstone of free and fair elections. In Tanzania, the National Electoral Committee (NEC) is provided for under Article 74(6) of the Constitution. Its main functions include: to supervise and coordinate the registration of voters at the national and local level elections; to supervise and coordinate conduct of elections at the national and local level elections; and to formulate electoral regulations/guidelines. With respect to impartiality, the NEC is an independent department that “shall not be obliged to comply with orders or directions of any person or any Government department or the views of any political party” (Constitution of United Republic of Tanzania, 74(1)). To keep its image of political neutrality NEC has increasingly and more openly involved all political parties in the electoral processes. The fact that NEC Chairman and vice chairman of the Commission, Director of Elections, and the commissioners are presidential appointees, notwithstanding their judicial and non-political qualifications, raises questions on its autonomy. Opposition political parties do not believe that its impartiality is



100% assured because the ruling party is said to be a state party and civil servants are loyal to the ruling party contrary to the public service code of ethics and conduct.

Burundi

Burundi uses the proportional representation system. The choice of an electoral system was informed by the historical context of the country at the time it was chosen. It was against the background of a deeply divided society, fragmented and deeply traumatized by long-term political exclusion and warfare, that the overall need for inclusiveness became the overriding consideration for PR system. It is a tailor-made proportional representation system applied to fulfil the terms of the Arusha Accord which informed the electoral law and constitutional arrangements of power-sharing among the former rebel groups-cum-political parties.

As per constitutional arrangements, the proportional system allocates 60% of parliamentary seats to Hutu parties and the remaining 40% to Tutsi parties⁸. According to this arrangement, the party list system is used whereby each list of candidates must have a mixture of candidates from the two major ethnic groups, which is for every three candidates on the list at least one candidate should belong to one ethnic group, and accordingly two from the other group. If the first two candidates on a list were Hutus, the third one must be a Tutsi, or *vice versa*. For every four candidates there must be a woman on the list and 30% of the members of Parliament should be women.

In accordance with the Constitution, two institutions have been given an important role to play in order to guarantee free and fair elections. The first institution is the CENI (Commission Electorale Nationale Indépendante) which has to organise the elections, to guarantee the integrity of the election process; and finally to deliberate cases of election fraud. The CENI has five members who all enjoy the same immunity as members of the Parliament. At the provincial level the elections are carried out by the CEPIs, (Commission Electorale Provinciale Indépendante). Normally the CEPI has as many members as the number of communes in the province, in addition to three permanent members: the leader, the deputy and one responsible for the election materials. All members are nominated by the CENI.

Rwanda

In Rwanda the national elections are governed by the Organic Law no 17/2003 which contains specific provisions for presidential, parliamentary and senate elections. The electoral system is a complicated one, with different methods used for the election of President, Chamber of Deputies and the Senate and a quota system for promoting women representation.

The election of the President of the Republic is through a direct and secret ballot. The election of the President of the Republic is done in one round with the candidate elected has to obtain a simple majority of valid votes cast. In the event of the first candidates getting an equal number of votes during the first round, there is a run off between only those two candidates.

Article 4 of Organic Law no 17 2003 stipulates that the Presidential and parliamentary elections shall be organized and conducted by the National Electoral Commission in accordance with provisions of Article 180 of the Constitution (with relevant amendments).

The mandate of the electoral body is limited, unlike electoral bodies in Tanzania and Burundi for instance, the body has no mandate to determine electoral constituency as that is reserved for the President. In the course of performing their duties, commissioners and staff of the Commission must be politically neutral.

In practice, the electoral body has partisan affiliation and has been criticized for exercising tighter control over opposition candidates, thus raising concern as to its impartiality and independence. The chairman of the Commission is a member of the ruling party RPF Executive Committee and all the political parties which have representation in the Commission are perceived to have close ties with the ruling RPF as allies or its factions. Despite the partisan character, the EU Election Observation Mission (2008) in its statement of preliminary findings commended the Commission's technical and operational capability as well as its ability to swiftly respond to difficulties during the 2008 elections.

Kenya

Kenya's electoral system is typical of electoral systems in former British colonies in that almost all members of the national legislature are elected from single member districts (SMDs) on the principle of *first past the post*- i.e. candidates win the election by obtaining a *plurality* of the vote.

The quality and outcome of Kenyan elections have been influenced greatly by the manner in which the entire electoral process was managed (Wanyande, 2006). The management of Kenya's elections is the responsibility of the Electoral Commission of Kenya (ECK). The establishment of the ECK as a statutory body was premised on the assumption that an independent electoral body would ensure the conduct of free and fair elections. This assumption has, however, turned out to be false as complaints about election irregularities have continued under its aegis. The flaws of ECK in the 2007 elections have been associated with various factors including the overwhelming irresponsibility of the Commission. In the light of the errors highlighted in the Kriegler's Report, the ECK recommended a number of changes related to various matters including: the ECK's independence by having it report directly to Parliament; the establishment of criteria for the selection of Commissioners; and an inclusive and transparent appointment process.

To date, Kenya is among those African countries which had to re-evaluate their electoral systems to address some social and political imbalances. In the aftermath of post-election violence, the Independent Review Commission led by former South African judge Johann Kriegler was set up to investigate the election and came out with the recommendation that serious reform was required, including the replacement or overhaul of the Kenyan Electoral Commission and a new electoral system to replace the current pen-and-paper proceedings, to avoid more violence at the next elections (eNews 2.0, 2008). With the Grand Coalition Government and re-introduction of the post of the Prime Minister, Kenya is now going to change its electoral system to enhance fair and equitable representation. Following the Kriegler's Commission recommendations, the Parliamentary Committee on Constitution appointed the Independent Interim Electoral Commission (IIEC) to replace the discredited ECK and to overhaul the country's electoral system (Reuters, 2009). The new Interim Electoral Commission will create a new voters' register and oversee management of any future elections or referendums until a new constitution is passed.



Uganda

The electoral process in Uganda is overseen by an independent, statutory body known as Electoral Commission established under article 60 of the Constitution. The Electoral Commission consists of a chairperson, a deputy chairperson and five other members appointed by the President⁹. In contrast to the other four countries, appointment of officers and employees of the Electoral Commission will be made by the Commission acting in consultation with the Public Service Commission. Parliament has the power to approve or disprove the presidential appointments. Its mandatory powers of the EC are outlined in section 12(1) of the Electoral Commission Act, 1997. Analyses of 2001 elections suggest that the EC's handling of the issues of voter registration, voter education, the processing of election results, and budget control was weak and biased towards the NRM and the incumbent President. In response to the charges of electoral inconsistencies the EC's Chairman and five of the six commissioners were dismissed by President Museveni in July 2002 and a new Commission was appointed in December 2002.

ARRANGEMENTS FOR POWER SHARING

Power sharing could be viewed as a system of governance in which all major actors of society are provided with an acceptable share of power. The basic aims of power sharing are traditionally to ensure the decentralisation of power; the protection of minority rights; the establishment of grand coalition governments in which nearly all political parties are represented and the provision of mechanisms to ensure decision making by consensus. Power-sharing arrangements, therefore, help to promote government legitimacy and a sense of political fairness among the electorate.

In East Africa, two forms of power sharing can be identified. The first form of power-sharing is that of a constitutional type, whereby the arrangements for sharing power among two or more political parties has its basis on some constitutional provisions. This type is applicable in Rwanda and Burundi. In these two countries, power sharing has been constitutionally provided as a proper solution to social divisions which have haunted the countries since independence. In Uganda, pursuant to Article 58 of the Constitution of the Republic, the President and the Speaker of the Chamber of Deputies shall be from different political parties. The members of the cabinet are selected from political parties proportional to the number of seats in the Chamber of Deputies. It is worth noting that the political party holding the majority of the seats in the Chamber of the Deputies should not exceed 50% of all the members of the cabinet. However, the discretionary power of the President to declare war without prior consensus from the cabinet of a coalition government poses a threat to balance of power among the political parties that forms the government.

The Constitution of the Republic of Burundi provides for power sharing but with stronger emphasis on the ethnic aspect. The vice presidents, who are presidential appointees, must be from different political parties and ethnic groups (one of the vice-presidents must be from a different ethnic group compared to the President). Even when the President dismisses a vice-president the replacement must come from the same ethnic group and political party belonging to the dismissed vice-president. Moreover, it is constitutionally provided that the

composition of the cabinet should be proportional, with the *Hutus* not exceeding 60% of the seats and *Tutsis* not exceeding 40% of the seats in the National Assembly. In terms of quota requirements, this arrangement does not seem rigid but if implemented accordingly, the *Twas* would be excluded from government.

The second form, pragmatic kind of power-sharing arrangements, serves a political solution to crises as the results of negotiations among the rival parties. In countries like Kenya and Tanzania (particularly Zanzibar) power sharing arrangements among the prominent political parties evolved through this type. In the case of Zanzibar, the Peace Accords (“Muafaka” I and “Muafaka II) (ESURP, 2004; Heilman, 2004) between the rival political parties namely the ruling CCM (Revolutionary Party) and CUF (Civic United Front) are aimed at resolving sporadic post-election violence, grassroots’ hostilities, mutual distrust and political impasse (Maliyamkono and Kanyongolo, 2003).

CONCLUSION AND RECOMMENDATIONS

It has been shown above that political parties in East Africa have been playing critical roles in shaping the politics and governance processes within their respective countries. However, the parties have not been able to create functional networks and alliances beyond their national borders or wield influence on the integration process largely because of lack of institutional arrangements for doing so. The absence of formal arrangements for fostering the participation of political parties in the integration process suggests that the political base of East African Community is largely weak. In spite of that, the ongoing efforts to create a political federation in East Africa may encounter difficulties if political parties do not take a centre stage in the process. It is argued that, there is a strong case for increased participation of political parties towards a stronger and sustainable East African Political Federation. This requires the East African community to devise and institute mechanisms which will stimulate the participation of political parties in the whole process of integration.

The role of political parties in the East African Community, besides legitimating the political processes, should be to build strong foundations for democratic governance in the region. This requires identifying a set of norms and values commonly accepted by the people upon which the East African Constitution can be founded. These norms and values may include tolerance (social and political); popular power and popular sovereignty that ensure leaders owe prime accountability to the citizens; and (social and political) equality. These values would be critical for democratic consolidation within the East African Community. In addition, the constitution must address four critical elements which should be addressed while contemplating on the process of creating a political federation in the region. The East Africa’s constitution has, among other, to:

- clarify the citizenship issue in the federal arrangement and prescribe how it will affect the formation and organisation of political parties;
- prescribe the conditions for party registration with a view of ensuring that political parties with parochial objectives are not created;
- provide mechanisms for enabling the creation of alliances among like-minded political parties across countries; and



- provide mechanisms for enhancing the participation of political parties in federal matters.

The initiatives to stimulate the participation of political parties in the integration process and in developing an East African constitution will not succeed if the activities of other critical players in the region especially the academic institutions, professional associations, civil society organisations, business associations and media institutions are kept fragmented. There are ongoing efforts by such bodies to develop the East African culture of co-operation despite the fact that the activities of such bodies are not effectively coordinated. For example, the University of Dar es Salaam in collaboration with other universities in the region has been organizing Annual *State of Politics in East Africa* Conferences through which academic discussions and reflections on political federation issues have been given much attention and emphasis. Other professional associations in the legal, media and the business sectors have been organizing regional conferences, seminars and workshops with the aim of inculcating the East African culture of co-operation among their members.

It is suggested that in this period of transition towards East African political federation an East African Democracy Centre (EADC) be created under the auspices of the East African Community. The primary objective of the proposed EADC would be to foster the creation of a federal constitution and co-ordinate the activities of all critical players in the region including political parties. This proposal is congruent with the the principles enshrined in the East African Community Treaty. The principles include good governance, pluralism and sound democratic practice. Thus the proposed EADC will perform the functions aiming at enabling political parties to contribute towards the realization of the treaty principles. Some of the activities to be performed by EADC may include:

- organizing interparty activities in the form of seminars, workshops and study tours both at national and regional levels for regular discussions and reflections on political federation issues;
- devising and instituting the interparty conflict management and resolution mechanisms which may assist political parties identify possible sources of serious political conflicts and thus facilitate the handling of such conflicts;
- commissioning studies on the politics of political federation in Africa; and
- organizing short term training for party functionaries and political party leaders in the region as well as conducting civic education for the people in East Africa.
- It is envisaged that the activities of EADA will lead towards achieving the following objectives:
 - defending unity, justice, democracy and prosperity in the region;
 - nurturing an East African identity and a sense of citizenship;
 - promoting political tolerance among and between political parties and citizens in the region;
 - enhancing the civic competence of East Africans;
 - enhancing collaboration with and between other agents of democratization; including experts, religious organisations, civil society organisations, media and development partners; and
 - fostering the creation of alliance of like-minded political parties across countries and within member states.

ENDNOTES

- 1 Mwesiga Baregu is Professor of Public Administration and International Relations at the University of Dar es Salaam, Tanzania; Bashiru Ally is an Assistant Lecturer in the Department of Political Science and Public Administration, University of Dar es Salaam.
- 2 The international bodies and donor countries had been critical actors in the transition to multiparty in Africa, East Africa included, for instance it took some pushing by the French President Mitterrand who expressly linked economic assistance to democratization, for the then President Habyarimana to accept multi parties in 1991. Also, in Kenya, November 1991, the donors in their Paris Club Meeting decided to suspended balance of payment support and other aid disbursements pending multi-party reforms (Wanyande, 2002:89).
- 3 The NCCR seized the opportunity after moments of shock and tremble within the ruling party Chama cha Mapinduzi (CCM) that were caused by open criticism against malfunctioning one-party system from the party founder and first President Mwalimu Julius Nyerere.
- 4 Writing about the Police and Election in Tanzania, Ndumbaro (2008:148-161) explores the role of the police force in the electoral process during both single party and multiparty elections. He points out that the police force is accused of partisanship due to its biased behaviour, which includes intimidation, towards supporters of the opposition during the multiparty elections.
- 5 Recently the principal Act for formation of Political Parties was amended in the National Assembly to provide for, among others, coalition of political parties which has provoked a heated debate and rejection by the opposition parties.
- 6 It is a conclusion deducted from critical essays on the subject in Maina and Kopsieker (editors) (2006).
- 7 It has been proposed that the numerical representation of women be extended to 50% of all elected members of parliament, by the formula with which to achieve that aim has yet to be established.
- 8 Some observers have raised concerns that this arrangement allows a considerable over-representation of Tutsis as compared to their numerical share of the population.
- 9 Members of the Commission shall: be non-partisan; persons of high moral character, proven integrity and who possess considerable experience and demonstrated competence in the conduct of public affairs; hold office for seven years with not more than one term renewal (Section 60, Articles 2-5)

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