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PRIVATISED POLICING DUTIES IN A CONSTITUTIONAL STATE: THE CASE OF POSTCOLONIAL TANZANIA IN SOCIO-LEGAL CONTEXT

Jaba Tumaini Shadrack

Thesis Submitted to the University of Warwick for Fulfilment of the Degree of Doctor of Philosophy in Law

School of Law
University of Warwick
October 2020
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Acknowledgements

I am grateful to the Commonwealth Scholarships Commission for funding my stay in the UK, doctoral research, and travels for three years and a half. I am equally thankful to my employer, the University of Dar es Salaam (UDSM), for the study leave, fieldwork bursary and keeping my salary rolling. Very special gratitude goes to my supervisors, Professors Ana Aliverti and Ming-Sung Kuo, for reading and commenting on my draft chapters, thesis and drawing my attention to works and arguments that have escaped my researches. I am also intellectually indebted to my examiners, Professors Solange Mouthaan and Bruce Baker, for reviewing my thesis and giving me constructive feedback.

I acknowledge my indebtedness to my siblings, entire extended family, friends, neighbours, UDSM School of Law leadership, and taxpayers in Tanzania who have supported me morally and materially along the way. With a special mention to my fellow Tanzanians and comrades studying in the UK, especially Richard Bigambo, and Theophil Romward. It was always great to talk to you and critiquing my research project. Last but by no means least, I appreciate the company and support of the research community and office mates at Warwick Law School, particularly Marie, Lulwah, Angel, Julie, Saveethika, and Simon. It was great sharing the university and office spaces with all of you over the past three years. Thank you all for being there for me!
Dedication

To my parents, Mr & Mrs. Deogratias Mfungo Shadrack, I owe it all to you.

To my son, Mfungo Bhita Jaba, for carrying my name forward.
Declaration

I hereby declare that this thesis is my own work, except where acknowledgement is given to outside sources. It is submitted to the University of Warwick in support of my application for the degree of Doctor of Philosophy in Law. It has been written by me and has not been submitted for a degree at another university.
Abstract
In 2006, the government's decision to formally embrace 'polisi jamii' or 'ulinzi shirikishi' (community or participatory police/policing) reinvigorated a fresh urge among scholars to study plural policing in Tanzania. As such, recent literature has paid remarkable attention to the state police, commercial security firms, community-led security groups and party militias in Tanzania. Other scholars have covered some grounds on the role of, and interactions between state and non-state actors under the community policing schemes and the assemblage of security groups in extraction sites. The literature on plural law enforcement in Sub-Saharan Africa has also grown exponentially, but rarely examines counterfactual cases and semi-autocratic states such as Tanzania. This thesis advances our understanding of plural policing in a postcolonial state context where statutory and constitutional bans on private security service providers formalised the notion that the state has a monopoly on the use of force. This thesis locates the bans in a broader context of plural policing and asks, why has the Tanzania state not sought to eliminate non-state policing when it is banned legally and constitutionally? This question allows the study to examine the mechanisms used by successive semi-autocratic governments in Tanzania to manipulate the security sector through the selective use of the legal and constitutional provisions. It concludes that security actors are as much political actors as the act of policing is concerned.

This work, the first of its kind in Tanzania’s settings, builds on and departs from well-known frameworks that view the act of policing in Africa as plural, multichoice, anchored, networked/nodal, assemblage, hybrid, multilateral, fragmented, and order-making. It advocates for a new paradigm, namely ‘state-controlled’ plural policing to develop an overarching theme of the thesis, that is, politics shape, construct, manipulate, and determine the policing scene in Tanzania. Simply put, plural policing of Tanzania has been regulated by successive governments along political interests. The government has had absolute control over the distribution but not the production of security services and that non-state actors are indirect and effective means of state control of violence. Today, the government of Tanzania generates, controls and is part of the commercial security sector and is imbedded in community-based security groups in a domestic space. As such, the ban on private security service providers was not a turning point in real security policies rather it has allowed the government to
tighten the control on coercive powers and organise security along the state political ideology. The government has been pragmatic in implementing the bans by constantly manipulating the Constitution and co-opt non-state actors into public policing. The presence of privately and communally organised security groups operating in the country within a plural security landscape proves that the bans have had little weight in practice.

The contributions of this thesis to plural policing literature is manifold. Through a multifaced ‘state-controlled’ plural policing, I problematise and capture state-run commercial security companies and services in the definition of ‘private policing’; I lift a ‘vigilante’ tag on quasi-police groups like sungusungu; I show community policing as a policy that creates the nexus between public and private sectors, community and commercial, and global and local efforts; I point out and explain a complex set of laws and policies that embrace both state-centric and liberal approaches to policing (i.e. the entanglements of new and old laws and policies); I demonstrate the centrality of a semi-autocratic form of government, local politics, and geopolitics (not necessarily law) in organising security; and I explore the exact contours and intricate web of security actors from the precolonial to postcolonial periods. In reaching at the study’s conclusions, I use a ‘decolonising methodology’ and drew on archival research in Dodoma and Dar es Salaam to understand the debates around the 1977 ban and about hybrid policing in the country. I also surveyed comparative examples of ‘hybridity’ and ‘plurality’ in other parts of the country scattered in several historical, political and policing literature. This style of inquiry that incorporates legal dimensions in the analysis is not common in policing literature, and when used, studies tend to mention legal issues in the margins of their findings. Also, I have not married a particular normative stance in favour or against public or private security providers in exploring the ban and the ensuing hybrid forms of security arrangements.
# Glossary and List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>ABG</td>
<td>African Barrick Gold</td>
</tr>
<tr>
<td>Akida</td>
<td>Village or town headman</td>
</tr>
<tr>
<td>ALC</td>
<td>OAU’s Liberation Committee</td>
</tr>
<tr>
<td>APU</td>
<td>Auxiliary Police Unit</td>
</tr>
<tr>
<td>Askari</td>
<td>Soldier (also German soldiers)</td>
</tr>
<tr>
<td>ASP</td>
<td>Afro-Shirazi Party</td>
</tr>
<tr>
<td>Azimio la Arusha</td>
<td>Arusha Declaration</td>
</tr>
<tr>
<td>Baba wa Taifa</td>
<td>Father of the nation</td>
</tr>
<tr>
<td>Balozi/mjumbe wa nyumba kumi/hamsini</td>
<td>Ten/Fifty-cell leader or system</td>
</tr>
<tr>
<td>Baraza</td>
<td>Assembly/council</td>
</tr>
<tr>
<td>Basumba batale</td>
<td>Great youths or neighbourhood leaders</td>
</tr>
<tr>
<td>BRN</td>
<td>Big Results Now</td>
</tr>
<tr>
<td>CC</td>
<td>Central Committee</td>
</tr>
<tr>
<td>CCM</td>
<td><em>Chama Cha Mapinduzi</em> (the Revolutionary Party)</td>
</tr>
<tr>
<td>CHADEMA</td>
<td><em>Chama cha Demokrasia na Maendeleo</em> (Party for Democracy and Progress)</td>
</tr>
<tr>
<td>Chama kushika hatamu</td>
<td>Party supremacy</td>
</tr>
<tr>
<td>Chap/Cap.</td>
<td>Chapter</td>
</tr>
<tr>
<td>CIA</td>
<td>Central Intelligence Agency</td>
</tr>
<tr>
<td>CID</td>
<td>Criminal Investigation Department</td>
</tr>
<tr>
<td>CP</td>
<td>Community policing</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Description</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------</td>
</tr>
<tr>
<td>CPGs</td>
<td>Community-based policing groups</td>
</tr>
<tr>
<td>CSOs</td>
<td>Civil Society Organisations</td>
</tr>
<tr>
<td>CUF</td>
<td>Civic United Front</td>
</tr>
<tr>
<td>DOAG</td>
<td>Deutsch-Ostafrikanische Gesellschaft (German East Africa Trading Company)</td>
</tr>
<tr>
<td>Fanya Fujo Uone</td>
<td>Cause trouble and you will pay dearly</td>
</tr>
<tr>
<td>FFU</td>
<td>Field Force Unit</td>
</tr>
<tr>
<td>Gobore</td>
<td>Homemade guns</td>
</tr>
<tr>
<td>GATS</td>
<td>General Agreement on Trade in Services</td>
</tr>
<tr>
<td>Geti-kali</td>
<td>A well-off neighbourhood/family</td>
</tr>
<tr>
<td>IGP</td>
<td>Inspector-General of Police</td>
</tr>
<tr>
<td>Jadi</td>
<td>Traditions</td>
</tr>
<tr>
<td>Jeshi</td>
<td>Army</td>
</tr>
<tr>
<td>JKT</td>
<td>Jeshi la Kujenga Taifa (National Service)</td>
</tr>
<tr>
<td>Jumbe or tarishi</td>
<td>Messenger</td>
</tr>
<tr>
<td>Kamanda</td>
<td>Commander</td>
</tr>
<tr>
<td>Kampuni za Ulinzi</td>
<td>Security Companies</td>
</tr>
<tr>
<td>Kata</td>
<td>Ward</td>
</tr>
<tr>
<td>Kibonda</td>
<td>Breakdown of law and order among the Pare people</td>
</tr>
<tr>
<td>Kijiji</td>
<td>Village</td>
</tr>
<tr>
<td>Kota/kambi</td>
<td>Police barracks</td>
</tr>
<tr>
<td>Kuingia polisi ni bure ila kutoka ni pesa</td>
<td>It is free to enter a police station, but you must pay to exit</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>LGAs</td>
<td>Local government authorities</td>
</tr>
<tr>
<td>LHRC</td>
<td>Legal and Human Rights Centre</td>
</tr>
<tr>
<td>Liwali</td>
<td>Mayor</td>
</tr>
<tr>
<td>Mageuzi</td>
<td>Political reforms</td>
</tr>
<tr>
<td>Mgambo/jeshi la mgambo</td>
<td>People’s militias</td>
</tr>
<tr>
<td>MHA</td>
<td>Ministry of Home Affairs</td>
</tr>
<tr>
<td>Mji wa rangi tatu</td>
<td>A town of three colours</td>
</tr>
<tr>
<td>Mkoa</td>
<td>Regional</td>
</tr>
<tr>
<td>MPU</td>
<td>Military Police Unit</td>
</tr>
<tr>
<td>Mwenyekiti</td>
<td>Village chairperson</td>
</tr>
<tr>
<td>Mwongozo wa TANU</td>
<td>TANU/Party’s Guidelines</td>
</tr>
<tr>
<td>NBS</td>
<td>National Bureau of Statistics</td>
</tr>
<tr>
<td>NDSC</td>
<td>National Defence and Security Commission</td>
</tr>
<tr>
<td>NEC</td>
<td>National Executive Committee</td>
</tr>
<tr>
<td>NGOs</td>
<td>Non-governmental Organisations</td>
</tr>
<tr>
<td>OAU</td>
<td>Organisation of African Unity</td>
</tr>
<tr>
<td>Operesheni</td>
<td>Security operations</td>
</tr>
<tr>
<td>PMRGs</td>
<td>Party militia and radicalised groups</td>
</tr>
<tr>
<td>PGOs</td>
<td>Police General Orders</td>
</tr>
<tr>
<td>Poli-CCM</td>
<td>A coined word that refers to a special relation between the police and CCM</td>
</tr>
<tr>
<td>Polisi/Afande</td>
<td>Police</td>
</tr>
<tr>
<td>Term</td>
<td>Description</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Polisi jamii or ulinzi shirikishi</td>
<td>Community or participatory police/policing</td>
</tr>
<tr>
<td>Polisi Wasaidizi</td>
<td>Auxiliary Police</td>
</tr>
<tr>
<td>POO</td>
<td>Public Order Ordinance</td>
</tr>
<tr>
<td>PSCs</td>
<td>Private security companies</td>
</tr>
<tr>
<td>Ruga ruga</td>
<td>Squad of elite troops among the Nyamwezi people</td>
</tr>
<tr>
<td>SAPs</td>
<td>Structural adjustment programmes</td>
</tr>
<tr>
<td>SGL</td>
<td>SUMA JKT Guard LTD</td>
</tr>
<tr>
<td>SO</td>
<td>Societies Ordinance</td>
</tr>
<tr>
<td>SUMA JKT</td>
<td>Shirika la Uzalishajimali la Jeshi la Kujenga Taifa</td>
</tr>
<tr>
<td>TANU</td>
<td>Tanganyika African National Union</td>
</tr>
<tr>
<td>Tarafa</td>
<td>Divisional</td>
</tr>
<tr>
<td>TPDF/JWTZ</td>
<td>Tanzania People’s Defence Forces/ Jeshi la Wananchi wa Tanzania</td>
</tr>
<tr>
<td>TPF</td>
<td>Tanzania Police Force</td>
</tr>
<tr>
<td>TYL</td>
<td>TANU Youth League</td>
</tr>
<tr>
<td>Ubia</td>
<td>Public-private partnership</td>
</tr>
<tr>
<td>UDSM</td>
<td>University of Dar es Salaam</td>
</tr>
<tr>
<td>Uhindini</td>
<td>Indian area</td>
</tr>
<tr>
<td>Ujamaa na kujitegemea</td>
<td>Socialism and self-reliance</td>
</tr>
<tr>
<td>Uswahilini</td>
<td>African area</td>
</tr>
<tr>
<td>Uswazi/uswahilini</td>
<td>Poor neighbourhoods/informal settlements</td>
</tr>
<tr>
<td>Uzunguni</td>
<td>European area</td>
</tr>
<tr>
<td>Term</td>
<td>Translation</td>
</tr>
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<td>----------------------------------------</td>
</tr>
<tr>
<td>Vichochoro</td>
<td>Narrow footpaths</td>
</tr>
<tr>
<td>Wamachinga</td>
<td>Street vendors</td>
</tr>
<tr>
<td>Wapiga debe</td>
<td>Bus touts who control transit buses/daladala</td>
</tr>
<tr>
<td>Wapigwe tu</td>
<td>Beat them</td>
</tr>
<tr>
<td>Wasaidizi wa polisi</td>
<td>Auxiliary police</td>
</tr>
<tr>
<td>Wasalama/sungusungu</td>
<td>People’s Militia/Traditional army</td>
</tr>
<tr>
<td>Watu wasiojulikana</td>
<td>Unknown assailants</td>
</tr>
<tr>
<td>Wilaya</td>
<td>District</td>
</tr>
<tr>
<td>Zidumu fikra za mwenyekiti</td>
<td>Long live ideas of the chairperson (slogan)</td>
</tr>
</tbody>
</table>
**Table of Local Legislation and Hansards - Tanzania**

- African Chiefs Ordinance (1953).
- Area Commissioners Act (1962).
- Arms and Ammunition Act (revised 2002).
- Articles of the Union between the Republic of Tanganyika and the Peoples' Republic of Zanzibar (1964).
- Bunge la Tanzania, Majadiliano ya Bunge, Mkutano wa 12, Kikao cha 10, tarehe 24/06/2003, Maswali na Majibu Na. 90, Jibu Na. 97.
- Companies Act (2002).
- Constitution of the United Republic of Tanzania, 1977 (first version)
- Constitutional Assembly Act (1962).
- Constitutional Government and Rule of Law Decree, No. 5 of 1964 (Republic of Zanzibar).
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Union of Tanganyika and Zanzibar Act (1964).

United Republic (Declaration of Name) Act (1964).

Villages and Ujamaa Villages (Registration, Designation and Administration) Act (1975).

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Tanganyika Text of Trusteeship Agreement as Approved by the General Assembly of the United Nations, New York, December 13, 1946.
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Amy P. Kibatala v. The Attorney General, the Director of Elections and National Electoral Commission, Miscellaneous Civil Cause No. 37 of 2015.


Misperesi K. Maingu v. Hamisi Mtongori and 9 Others, Civil Case No. 16 of 1988, High Court of Tanzania at Mwanza.

Ngwegwe s/o Sangija & 3 Others v. R., Criminal Appeal No. 72 of 1987, High Court of Tanzania at Mwanza.

Saidi Mwamwindi v. R. (1972) HCD 212.


The Republic v. Gray Likungu Mattaka and 6 Others, the High Court of Tanzania at Dar es Salaam, Criminal Session No. 103 of 1970 (formerly, Criminal Case No. 685 of 1970).
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Chapter 1: Introduction to the Study

1.1 Introduction

This chapter provides a general overview of the study and relates the key legislation and constitutional provisions covering internal security within the country during the colonial and post-colonial periods. It starts by briefly describing the country profile and key historical and socio-political factors (e.g. trade and colonial rule) that have played a significant role in the security arrangements and related policies in Tanzania. It builds on the important historical events to situate the study within the postcolonial state context where nation-builders passed statutory and constitutional bans on privately-run armed and security service providers in a plural security landscape. The thesis uses the word ‘ban’ to mean legal or official prohibition of privately organised armed forces and security service providers (non-state actors). The last four parts of this chapter cover the research question, objective, contribution, methodology, definitions of key terms and concepts and organisation of the thesis.

1.2 Tanzania: Country Profile and Key Historical Events

The name Tanzania was adopted in 1964 after the Union of two former sovereign states namely the Republic of Tanganyika and the People's Republic of Zanzibar. As opposed to Tanganyika (now Mainland Tanzania), Zanzibar (also Tanzania Islands) retains a semi-autonomous status in the Union structure. Like other African states, the former Republics of Tanganyika and Zanzibar were the by-products of state-building projects in the colonial period. Tanzania is found within the African Great Lakes Region and shares her borders with Mozambique, Zambia, and Malawi (South), Congo DRC, Burundi and Rwanda (West), Uganda and Kenya (North), and the Indian Ocean (East). It has the multitude of ethnic groups and high levels of linguistic and

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1 See, the Articles of the Union between the Republic of Tanganyika and the Peoples' Republic of Zanzibar, 1964. Cf. the preamble to the Great Britain. Tanganyika Republic Act 1962. 11 Eliz. 2, c. 1. London: HMSO; Para 2 of the Constitutional Government and Rule of Law Decree, No. 5 of 1964 (Republic of Zanzibar); and United Republic (Declaration of Name) Act, No. 61 of 1964.

2 Central Intelligence Agency (2018) The World Factbook. CIA.
religious diversity,\(^3\) the black Africans accounting for ninety-nine percent of the population.\(^4\)

Tanganyika formed part of German East Africa between 1885 and 1919 and fell under the British protection from 1919 to 1961 when it became an independent dominion within the Commonwealth with the Queen as the head of state.\(^5\) In 1962, it became a republic under the Tanganyika African National Union (TANU) headed by President Julius Kambarage Nyerere. Zanzibar, on the other hand, has two main Islands namely Unguja and Pemba within the Indian Oceans. Zanzibar fell under the Portuguese control between 1498 and 1698,\(^6\) followed by the Arabs from Oman between 1698 and 1890.\(^7\) However, the Portuguese and Arabs contact with the people of Zanzibar and the East African region through trade dates back to the 5\(^{th}\) Century AD.\(^8\) In 1890, the British took control of Zanzibar as a protectorate territory and gave power back to the Arab minority in 1963 as a constitutional monarchy within the Commonwealth.\(^9\) This prompted a bloody revolution in 1964 led by the Umma Party and the Afro-Shirazi Party (ASP) that deposed Sultan Jamshid bin Abdullah and replaced him by President Abeid Amani Karume.\(^10\)

Tanzania became a de jure one-party state from 1965 to 1992, with TANU and ASP as the only political parties on either side of the Union.\(^11\) TANU and ASP merged in 1977 to form the Chama Cha Mapinduzi (the Revolutionary Party) – CCM, which still rules the country to date.\(^12\) The Arusha Declaration of 1967 made Tanzania a socialist state whereby workers’ and peasants’ run the government and the major means of production are socially or collectively owned.\(^13\) However, since the Zanzibar

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\(^5\) Section 1(1) of the Tanganyika Independence Act, 1961, 10 Eliz. 2, Cap. 1.


\(^12\) Article 3 of the Constitution of the United Republic of Tanzania, 1977 (original)

\(^13\) Articles 3(1) and 9 of the Constitution of the United Republic of Tanzania, 1977 (revised in 2010).
Declaration of 1991, it has moved more forthrightly in a capitalist direction. The country has been politically stable with one military expedition against the Ugandan Idi Amin regime in 1978 and 1979. Today, Tanzania is a semi-autocratic, secular, and socialist state that adheres to multi-party democracy, with both central and local administrations. Until 2019, Mainland Tanzania has had four written Constitutions, which include two union Constitutions. The current union Constitution (1977) and other statutes contain a ban on privately-run armed forces and security service providers dealt with at length in this thesis vis-à-vis the notion of hybrid forms of security arrangements.

1.3 Research Context

Since the turn of the 21st century, activities of privately and communally organised security groups have attracted renewed interest among scholars in Tanzania and across the globe. This is so because more and more governments, households, neighbourhoods, local businesses, and international organisations are turning to these groups for protection. Scholars refer to these alternative forms of security arrangements that remedy state default as non-state actors and private actors or

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15 *Ibid*. Articles 3 and 33 of the Tanzania Constitution (revised in 2010)
17 Community-led security groups include traditional security arrangements (e.g. *sungusungu*) and political parties’ security groups (e.g. CCM’s *Green Guards* and CHADEMA’s *Red Brigades*) while security companies cover state-owned security companies (e.g. *SUMA JKT Guard Ltd*) and private security companies (e.g. *G4S KK Security and Ultimate Security – now part of GuardaWorld Corporation*).
private security actors\textsuperscript{22} or simply private policing.\textsuperscript{23} This study adopts the phrase non-state actors and private security service providers to describe armed and unarmed groups, firms and individuals such as pro-government militias, political party militias, security companies and community-based vigilante groups. These individuals and organisations are:

(i) willing and capable to use violence for pursuing their objectives and (ii) not integrated into formalized state institutions such as regular armies, presidential guards, police, or special forces. They, therefore, (iii) possess a certain degree of autonomy with regard to politics, military operations, resources, and infrastructure. They may, however, be supported or instrumentalized by state actors either secretly or openly, as happens often with militias, paramilitaries, mercenaries, or private military companies… Despite close relationships with state actors, these groups can still be seen as non-state actors since they are not under full state control.\textsuperscript{24}

The use of the word ‘non-state’ or ‘private’ suggests the existence of ‘state’ or ‘public’ actors, and their co-existence creates a plural security landscape or simply ‘plural/hybrid policing’.\textsuperscript{25} Despite their constant presence on streets and increasing role in community safety, private security service providers fall under the ‘banned’ (prohibited) organisations in Tanzania. Article 147(1) of the Constitution of the United Republic of Tanzania of 1977 provides, “…it is hereby prohibited for any person or any organisation or any group of persons except the Government to raise or maintain in Tanzania an armed force of any kind”. The Constitution restricts the term ‘armed forces’ to the state’s defence and security forces (as opposed to non-state armed forces) namely Defence Force (Army), the Police Force, the Prisons Service, the National Service, and any other government security organs.\textsuperscript{26}

The government has not only enacted several laws to limit the right of association, but state officials have also historically interpreted and enforced those laws to give weight to the constitutional ban on private security service providers. These laws

\begin{itemize}
\item \textsuperscript{26} Article 147 (2) and (4) of the Constitution of the United Republic of Tanzania, 1977 (revised in 2010).
\end{itemize}
include the Penal Code, Public Order Ordinance (now Act) of 1951 and Societies Ordinance (now Act) of 1954 that predate the 1977 Constitution and more recently repeated in the Political Parties (Amendment) Act of 2019. The Public Order Ordinance under Section 3 adds:

If the members or adherents of any association of persons, whether incorporated or not, are – (a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the armed forces of the United Republic; or (b) organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose, then any member or adherent of such association shall be guilty of an offence…

Section 8 of the Societies Ordinance (now Act) emphasises:

It shall be lawful for the President, in his absolute discretion, where he considers it to be essential in the public interest, by order to declare to be unlawful any society which in his opinion – (a) is being used for any purpose prejudicial to, or incompatible with, the maintenance of peace, order and good government.

The Act defines a ‘society’ as any club, company, partnership, or association of ten or more persons whatever its nature or object. Further, Section 8E of the Political Parties (Amendment) Act reiterates:

(1) A political party, a leader or a member shall not recruit, deploy or form a militia, paramilitary or security group of any kind or maintain an organisation intending to usurp the functions of the police force or any government security organ. (2) A political party shall not conduct, finance, coordinate or order to be conducted or coordinated, military style training or any kind of training on the use of force or the use of any kind of weapon to its members or any other person.

27 Introduced on 28 September 1945.
28 Ordinance No. 21 of 6th July 1951 (Cap. 304, now Cap. 385).
29 Ordinance No. 11 of 1st June 1954 (Cap. 337, now Cap. 337).
30 Special Bill Supplement, the Gazette of the United Republic of Tanzania, No. 4E. Vol. 99 of 16th October 2018.
At different occasions, the High Court of Tanzania, Presidential Commission on Mono-party or Multi-party System (Nyalali Commission), Registrar of Political Parties, Electoral Commission, and the Police Force and Ministry of Home Affairs have interpreted the 1977 ban to include private security service providers.

It should be borne in mind, however, that the Republic Constitution of 1962 and Interim Constitution of 1965 allowed activities of non-state actors (irregular forces) under the authority of an Act of Parliament. The two Constitutions differed substantially with the Public Order Ordinance and Societies Ordinance about the role of private security service providers in the society. Partly, this was so because the two Ordinances were conceived during the colonial period. The 1962 and 1965 Constitutions respectively provided that:

No person shall raise or maintain any military, naval or air forces in Tanzania except under the authority of an Act of Parliament.

37 Article 64.
38 Article 80.
39 Article 89 of the 1977 Constitution changed this position. Section 49 of the 5th Constitutional Amendment (Act No. 15 of 1984) moved Article 89 to Article 147. The Eighth Constitutional Amendment (1992) rearranged Article 147 into four Sub-sections.
However, no Act of the parliament was enacted to establish or allow private security service providers. In comparison, Article 266(4) of the 2014 Draft Constitution attempted to bring the 1962 and 1965 positions back to life. It reads:

It is hereby prohibited for any person to establish an institution, a company, community or organisation which is concerned with the National defence and security or an armed force, except in accordance with this Constitution or an Act of Parliament.

It proceeds under Article 274:

Without prejudice to the provisions of Article 266, Parliament may legislate for setting permit conditions in order to establish, control and manage other institutions that provide defence services.

Pending the adoption of the 2014 Draft Constitution that allows private security services, the constitutional and statutory bans on private security service providers remain in full force and effect. The government usually circumvents the ban through militia statutes,\(^{40}\) company law\(^{41}\) and local government legislation\(^{42}\) contrary to Article 64 of the 1977 Constitution. Article 64(5) provides for the effect of disregarding any constitutional clause (e.g. Article 147) when legislating as follows:

…in the event any other law conflicts with the provisions contained in this Constitution, the Constitution shall prevail and that other law, to the extent of the inconsistency with the Constitution, shall be void.

The above-named legislation contravenes the Constitution in two ways. Firstly, Article 147 does not contain any exception to the general rule or an avenue for the existence of private security service providers. It is only the government that has the constitutional mandate to establish organisations for enforcement of law and order, thus the Constitution does not envisage delegation of the core state powers to private individuals and for-profit companies.\(^{43}\) Secondly, existing laws do not establish private security service providers as distinct providers of security services but only extends policing powers to them. In Judge Mwalusanya’s dictum, private security


\(^{41}\) Companies Act, 2002.

\(^{42}\) See, Section 111(1)(2) of the Local Government (District Authorities) Act, No. 7 of 1982, and Section 16(c)-(e) and 54(1)(2) of the Local Government (Urban Authorities) Act, No. 8 of 1982. Cf. Article 146(2)(b) of the 1977 Constitution also allows the local authorities to enforce law and order.

\(^{43}\) LRCT (1994), \textit{Ibid.} See also the decision of the Supreme Court of Israel in the case of \textit{Human Rights Program v. the Minister of Finance (alias Academic Centre of Law and Business, Human Rights Division v. Minister of Finance) 124 (2009) HCJ 2605/05.}
service providers operate in a vacuum, that is to say, they operate outside the framework of the law.\textsuperscript{44} The People’s Militia Laws (Miscellaneous Amendments) Act (1989), for instance, defines ‘people’s militia’ to include:

An organised group of the people…operating with the authority of and under the aegis of the government and which is…participating in any…law enforcement exercise for the protection of the people…by whatever name known whether by wasalama, sungusungu or any other…

Not all private security service providers are sungusungu or operate with the authority of and under the auspices of the government. Even if this was the case, they remain unlawful under the purview of Articles 64(5) and 147 of the 1977 Constitution as they are not the creations of the government or Act of the Parliament.\textsuperscript{45} Given the statutory and constitutional restrictions imposed on non-state policing, the government has manipulated the security sector to allow the state security agencies to ‘commercialise’ their services. For instance, Regulation F.2 of the Police Force Service Regulations\textsuperscript{46} allows a police officer to provide his/her service to private individuals for payment. It reads as follows:

Without prejudice to the generality of Regulation F.1 above a Police Officer who is engaged on duty at the request of any person who has agreed to pay the Police Force for the Police Officer's services, shall not be entitled to any payment for those services except as provided by these Regulations; and any payments made in pursuance of that agreement shall be made by that person to the Police Force.

In addition, Sections 75 and 76 of the Police Force and Auxiliary Services Act\textsuperscript{47} allow the employment of police officers on special duty at the expense of private persons and the employment of additional police in special circumstances. Section 75(1) provides that:

The Inspector-General may, subject to the directions of the Minister, on the application of any person and on being satisfied as to the necessity therefor, detail any number of police officers for special duty at any place in the United Republic and for such period as may be considered necessary. Such police officers shall, subject to the provisions of this Act, be exclusively

\textsuperscript{44} Ngwegwe s/o Sangija & 3 Others v. R., Criminal Appeal No. 72 of 1987, High Court of Tanzania at Mwanza, and Misperesi K. Mangu v. Hanisi Mtongori and 9 Others, Civil Case No. 16 of 1988, High Court of Tanzania at Mwanza, both reported in Maina (1997), \textit{Ibid}, pp. 515-525.
\textsuperscript{46} G.N. No. 193 of 1995.
\textsuperscript{47} Cap. 322.
under the orders of the officer in charge of police in such place and shall, unless the Minister otherwise directs, be employed at the expense of the person making the application: provided that any person on whose application police officers have been detailed for special duty at any place may require that such police officers shall be withdrawn and at the expiration of one month from the date of such notice or such less period as the Inspector-General may determine such person shall be relieved of any further expense in connection with the employment of such police officers. (2) Any amount recoverable as expenses from any person making such application under subsection (1) may be recovered by the Inspector-General as a debt, and when received shall be paid into the revenue of the United Republic.

Section 76 adds that:

Where the Inspector-General considers that it is in the interests of any person that the employment of additional police in any place is necessary for the safety of any public or private property, or that there is a reasonable apprehension of a breach of the peace, he may, subject to the directions of the Minister, station police officers for duty at any place for such period as he may consider necessary, and may require any person to pay all or part of the expenses incurred thereby, and such person shall thereupon cause payment to be made in such manner as the Inspector-General may direct: provided that any person who has been required to pay such expense as aforesaid may appeal against such requirement to the Minister whose decision thereon shall be final.

A private party can also sign a security service agreement with the police and army under the Corporation Sole (Establishment) Act of 1974 and related regulations. Nonetheless, there has been a resistance from both public and private sector that armed forces cannot sell to the public the service that is their core function under the legislation and Constitution. This is partly because The Police General Orders No. 109 prohibits a police officer from undertaking “any private agency in any matter connected with the exercise of his public duties.”

Despite these legal dilemmas, private security service providers exist and operate as de facto state police and militias. Since 2006, the government’s effort has been to move away from state-centric model (illiberal model) to a more liberal approach to security namely community or participatory policing (polisi jamii/ulinzi shirikishi). The community policing (CP) approach brings together the state police, individuals,

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49 Para 27 of the Police General Orders (PGOs), revised 2006.
community and commercial security groups and development partners to enforce the everyday civil order. Among other things, private citizens, local and international organisations provide resources to and share information with the police and participate in a joint patrol with the police officers or operate independently in enforcing state laws in their communities. These hybrid forms of security arrangements started in the late 1980s but became more structured, complex, and interwoven in the free-market world in the mid-2000s. Nonetheless, the CP scheme presents a situation whereby the government enforces a policy rather than law. In Tanzania, a policy differs from a law, in that, the government is expected to formulate a policy or strategy, then enact a law based on the policy statements, i.e., law comes from a policy.\textsuperscript{50} Hence, I show in this study that the Tanzanian case is more complex, dynamic, and marred by politics, thus improving our understanding of policing in Africa as discussed below.\textsuperscript{51}

1.4 Aim, Question and Contributions

This thesis advances our understanding of plural policing in a postcolonial state context where the nation-builders banned non-state actors in both the state Constitution and statutes. It makes an original contribution to the debate about plural policing in developing countries, especially Tanzania. This thesis locates the bans in a broader context of plural policing and asks, why has the Tanzania state not sought to eliminate non-state policing when it is banned legally and constitutionally? This question allowed the study to investigate the mechanisms used by successive semi-autocratic governments in Tanzania to manipulate the security sector through the selective use of the legal and constitutional provisions. Besides, this thesis offers insights into policing in Tanzania in terms of its diversity, complexity, and development from pre-colonial to independence periods.

I develop and use ‘state-controlled plural policing’\textsuperscript{52} as an analytical framework and make one theoretical claim about hybrid security and the bans that underpin the thesis.

\textsuperscript{50} We have had instances where a law is enacted without a policy. See, Majamba, H.I. (2018) The paradox of the legislative drafting process in Tanzania. Statute Law Review, 39(2), pp. 171–183.
\textsuperscript{51} The study defines the terms policing, security, and plural policing in chapter two.
\textsuperscript{52} In a way, it is also a ‘party-controlled’ plural policing because of the party-state politics or the historical ties between the state and the party as well as the political influence of the party in formulating state policies and related security arrangements since 1954 to date. Because of the intimate
I claim that the intention of the government at all time has not been to produce security through non-state actors but rather to manipulate, regulate, and discipline them along political interests. The government has had absolute control over the distribution but not the production of security services and that non-state actors are indirect and effective means of state control of violence. Today, the government of Tanzania generates, controls and is part of the commercial security sector and is imbedded in community-based security groups in a domestic space. As such, the ban on private security service providers was not a turning point in real security policies rather it has allowed the government to tighten the control on coercive powers and organise security along the state political ideology. The government has been pragmatic in implementing the bans by constantly manipulating the Constitution and co-opt non-state actors into public policing. The presence of privately and communally organised security groups operating in the country within a plural security landscape proves that the bans have had little weight in practice. As shown in the third chapter, the Germans were the only rulers in Tanzanian history who tried to establish a ‘monopoly of violence’ both in theory and practice because they launched a series of military campaigns against and defeated all privately organized security groups in the country.

The contribution of this thesis to plural policing literature is manifold. It builds on and departs from well-known frameworks that view the act of policing in Africa as plural, multichoice, anchored, networked/nodal, assemblage, hybrid, multilateral, fragmented, and order-making to advocate for a new paradigm, namely ‘state-controlled’ plural policing. In particular, the study problematises and captures state-run commercial security companies and services in the definition of ‘private policing’ and lift a ‘vigilante’ tag on quasi-police groups like sungusungu; it shows CP as a policy that create the nexus between public and private sectors, community and commercial, and global and local efforts; it points out and explains a complex set of laws and policies that embrace both state-centric and liberal approaches to policing (i.e. the entanglements of new and old laws and policies); it demonstrates the centrality of a semi-autocratic form of government and geopolitics in organising security; and it explores the exact contours and intricate web of security actors from relationship between the state and the party, the two terms have become synonymous with each other. As such, the terms ‘statised’ and ‘state-driven’ are also used in this study to mean ‘state-controlled.’
precolonial to postcolonial periods. These key findings connect to the underlying theme of the study, which was to highlight the centrality of politics in organising security networks and the contradiction of the presence of diverse non-state actors despite the statutory and constitutional ban on private security service providers. I have used a qualitative research approach and employed documentary review as data collection and analysis methods to arrive at the main conclusions of this study as discussed below.

1.5 Methodology

I employed a qualitative methodological approach that drew upon archival or historical and documentary data sources to describe and explain a research phenomenon. I concentrated on a six months’ archival fieldwork in Dodoma and Dar es Salaam to understand the debates around the 1977 ban and about hybrid policing in the country. I chose Dar es Salaam because it is a business city, centre of urban politics, and almost all public and private archives and libraries have head offices in the city while Dodoma is the country’s capital city. The on-going exercise of relocating the government offices from Dar es Salaam to Dodoma involves moving public records to Dodoma. I retrieved historical documents on German rule and British colonies, dependencies, and the Commonwealth of Nations from online archives to supplement archival materials from Tanzania. In particular, I reviewed documents such as Constitutions, statutes and ordinances, bills, by-laws/regulations, decrees/proclamations, Orders in Council, guidelines, Hansards and transcripts, manuscripts, reports and statistics, speeches, government notices, cabinet papers, policy papers, party guidelines, pamphlets/Magazines, manifestos and declarations, press releases, case laws, and media reports.

I collected archival records from governmental and non-governmental institutions. The government institutions included Bunge (Parliament) Archives and Library (Dodoma), East Africana Collection (University of Dar es Salaam) and the National Bureau of Statistics (digital library). On the other hand, the non-governmental institutions were Mwalimu Nyerere Foundation (Dar es Salaam), CCM Library (Dodoma), Legal and Human Rights Centre (digital library), TWAWEZA (digital library), Congress’s World Digital Library, Internet Archive, AP Digital Archive, CIA Digital Library, New York Times digital archive and University of Warwick
Library. In a way, I adopted a ‘decolonising methodology’, thus prioritised or gave preference to publications from local organisations and scholars who understand better the Tanzanian historical process and context. Some of these scholars were party and government leaders who have played a great role in shaping government policies.\(^\text{53}\) According to Ndlovu-Gatsheni,\(^\text{54}\) a “decolonising methodology entails unmasking its role and purpose in research. It also about rebelling against it; shifting the identity of its object so as to re-position those who have been objects of research into questioners, critics, theorists, knowers, and communicators. And, finally, it means recasting research into what Europe has done to humanity and nature rather than following Europe as a teacher to the rest of the world.”

After data collection, I organised, compiled, coded, and interpreted it to establish major and minor themes or ideas to build on two interrelated concepts namely private and plural policing. Thus, both archival and documentary sources offered insights about the phenomenon and provided a conceptual density to enrich my study. I complemented this primary search with comparative examples of ‘hybridity’ and ‘plurality’ in other parts of the country scattered in several historical, political, and policing literature. I have combined legal and criminological aspects to probe the Tanzanian plural policing case. This style of inquiry that incorporates legal dimensions in the analysis is not common in policing literature, and when used, studies tend to mention legal issues in the margins of their findings. I have not married a particular normative stance in favour or against public or private security providers in exploring the ban and the ensuing hybrid forms of security arrangements. Besides a wealth of secondary sources, this study is based on insights I gathered from the late 1980s to date. Being a Tanzanian myself, I have seen, experienced, taken part in and hired some of policing groups discussed in the study at hand.

\(^{53}\) E.g. Sir Horace Byatt (British Governor of Tanganyika), J.K. Nyerere (Prime Minister and President of Tanganyika/Tanzania, and Chairman of TANU & CCM), Pius Msekwa (Ex-Clerk and Speaker of the National Assembly, Chairman of Various Presidential Commissions, and Vice-Chairman of CCM) and Philip Telford Georges (Chief Justice of Tanzania). Others include Brig. Gen. Hashim I. Mbita (Executive Secretary of African Liberation Committee), R.M. Kawawa (Prime Minister and Vice-President), Justice J.L. Mwalusanya (High Court Judge), and Oscar Kambona (Minister of Defence, Minister of Foreign Affairs, Minister of Home Affairs, and Chairman of OAU Liberation Committee).

Regarding ethical issues, my project did not require ethical scrutiny because it uses historical records and previously existing datasets that do not contain individual-level information. However, since I conducted my fieldwork in Tanzania, I was very much aware of the research guidelines issued by the Tanzania Commission of Science and Technology and the Statistics Act of 2015 (revised in 2018). Among other things, the rules require a researcher to seek and obtain a permit to access, keep, use, and disseminate information. Each organisation that I visited had research procedures such as writing a letter to access information. The next part defines key terms and concepts used in the thesis.

1.6 Definitions of Key Terms and Concepts

The key terms and concepts of the study are police, policing, plural policing and semi-autocratic state.

(a) Police

The word ‘police’ means a specific group of personnel or a government department charged with the preservation of public order, the promotion of public safety, the prevention and detection of crime and other negotiable social service functions in a particular territory. Police organisations are diverse in size, variously funded and trained, carry and use arms and stand in the executive branch of government. They customarily comprise uniformed or plain-clothes sworn police officers, community support officers, auxiliary police officers and judicial police officers in some jurisdictions who work alone or in partnerships.

(b) Policing

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60 The Police Force and Auxiliary Services Act (1939, revised in 2002).
Policing is one of the mechanisms that the government and its people use to protect themselves from crimes.\(^6^1\) Previously, the term policing connoted ‘peace’ or ‘peace-making’, thus policemen/women became ‘peace officers’.\(^6^2\) This study uses the term ‘policing’ to mean:

Organized forms of order maintenance, peacekeeping, rule or law enforcement, crime investigation and prevention and other forms of investigation and associated information-brokering---which may involve a conscious exercise of coercive power---undertaken by individuals or organizations, where such activities are viewed by them and/or others as a central or key defining part of their purpose.\(^6^3\)

A policing activity remains a diverse spectrum of the preventive, deterrent, and investigative works carried out by a variety of actors.\(^6^4\) It is an intentional and organised activity and service provided by statutory and non-statutory bodies that seek to guarantee safety.\(^6^5\) As a result, some studies use the term ‘security’ instead of ‘policing’ and give it a wide meaning to include security networks,\(^6^6\) crime control and the general state of being free from threat.\(^6^7\) This thesis uses the term policing interchangeably with the word security.

There are public and private dimensions to the act of policing. The public policing combines all state security agencies\(^6^8\) while private policing\(^6^9\) is a mixture of formal and informal, and voluntary and involuntary non-state actors that authorise and

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\(^6^9\) Also known as ‘self-policing’, ‘alternative security arrangements’, and ‘non-state actors’ or simply ‘private security actors.’
provide security services.\textsuperscript{70} This study places for-profit security services provided by corporations sole (state-run body corporates) into the ‘private’ category because of the interests served. The form that each policing organisation takes, whether state or non-state depends on many aspects such as the existing security problems, laws, geographical locations - rural or urban, and socio-economic and political status of the area concerned.\textsuperscript{71}

(c) Plural Policing

We live in an age where a complex network of public and private organisations and actors deliver public security services in the public, semi-public and private domains.\textsuperscript{72} Most jurisdictions in Africa rely on a variety of law-enforcers despite having security policies based on public monopolies.\textsuperscript{73} This situation only means that there is a convergence of private and public actors in policing activities. While the state is slowly withdrawing from front-line policing, the non-state actors emerge in different forms to fill the void.\textsuperscript{74} Bottom-up arrangements that co-exist with a more formalised top-down security system are routinely providing security.\textsuperscript{75} This implies that the hypothetical line that has traditionally divided the public functions from private ones is fading.\textsuperscript{76} Consequently, policing studies have developed several concepts to explain these forms of institutional plurality and hybridity. The most common concepts are ‘plural’, ‘multi-choice’, ‘nodal’, ‘network’, ‘assemblage’, ‘hybrid’, ‘multilateral’, ‘fragmented’, ‘order-making’, and ‘police extended family’.\textsuperscript{77}


\textsuperscript{75} Marks (2011), \textit{Ibid}.

\textsuperscript{76} Stenning and Shearing (2015), \textit{Ibid}. p. 5.

This thesis uses the notion of ‘plural’, thus plural policing (also hybrid policing) to explain the Tanzanian case. Some authors focus on the ‘plural’ aspect more than the policing feature and the nature of actors who undertake policing activity.\textsuperscript{78} Plurality refers not just to the multiplicity of security providers, but also, the variety of laws, practices, functions, clients and sponsors of security. Plural policing is common in countries where state authority is weak.\textsuperscript{79} Therefore, plural policing means a shift away from a state-centred policing framework to accommodate non-state security actors.\textsuperscript{80} It involves configuration of policing activity as a private, public and quasi-public (social good) and somewhat subject to market forces.\textsuperscript{81}

(d) Semi-autocratic government

A semi-autocratic government embodies both democratic and authoritarian features, that is to say, it neither fully democratic nor fully autocratic, thus falls into the grey zone between democracy and totalitarianism.\textsuperscript{82} It may centralise power to local government authorities (LGAs), national assembly and judicial body or embrace multiparty politics, but the ultimate state powers revolves around one powerful party and leader (imperial presidency).\textsuperscript{83} This form of governance is sometimes known as ‘hybrid’ or ‘semi-democratic’ or ‘semi-authoritarian’ or ‘electoral authoritarian’ regime.\textsuperscript{84} A semi-autocratic regime holds regular multiparty elections for public

\begin{thebibliography}{9}
\bibitem{79} Johnston (1992), \textit{Ibid}. p. 115.
\bibitem{80} Boels and Verhage (2016), \textit{Ibid}. p. 3.
\end{thebibliography}
office holders that violate minimum democratic values to conceal and perpetuate autocracy. The next part provides the organisation of the thesis.

1.7 Structure of the Thesis

This thesis has seven chapters. The second chapter analyses prior literature on plural policing framed in a postcolonial state context. The chapter sheds some light on key conceptual issues in that literature and highlights the main problems in the current state of knowledge. The chapter begins by briefly explaining common models (state-centric and liberal) in the governance of security and develops from there to give a detailed analysis of the policing literature on Africa in general and Tanzania in particular, and how it contributes to and differs from the study at hand. I have selected works published from 1990 to date, which make Tanzania or neighbouring states (Kenya and Uganda) and some Anglophone countries (South Africa, Sierra Leone, and Nigeria) as their focal areas. The style of analysis followed is to look at one literature at a time, and where necessary, comparing it with other studies in the series. At the concluding part, the chapter provides a summary of research gaps and my reflections on the analysis.

The third chapter provides a historical account of policing groups and law in terms of change and continuity in the precolonial to the early postcolonial periods. It reveals a degree of political motivation during those periods in relation to the modern time. It notes that the common form of security arrangements in the precolonial period included armed escorts, armed retainers, raiding troops, royal guards, and personal bodyguards. Tribal and clan chiefs, military leaders, warlords, traders, and commoners controlled early forms of security arrangements because there were hardly identifiable states, as we know them today, separating the public from private policing. Conversely, nation-states, governments, centralised security apparatuses (police, prison, and army) and codified laws were common features of the colonial era, thus a clear distinction between public and private actors developed. Other government institutions included native police and colonial agents. On the other hand, chartered companies, shooting clubs (rifle associations), in-house security

departments, party militias and neighbourhood watch groups pioneered the private security sector, which had political leanings. The last two parts of the chapter examined how the ‘mandate’ (later ‘trust’) territory status affected not only the creation of a strong police force in the country but also policy reforms in the ‘colony’ and ‘post-colony’. Therefore, the efforts to control the means of violence by the autocrats started in the precolonial era, but such efforts were refined and institutionalised through state policies in the colony. These spectres of colonial security arrangements, political manipulation, and policies continue to haunt the post-colony today.

In the fourth chapter, I build on the colonial bans imposed on community-led security groups via the Public Order Ordinance and the Societies Ordinance to discuss the 1977 ban. I uncover the reasons for banning non-state actors in the 1977 Constitution and not in the Republic (1962) and Interim (1965) Constitutions, respectively. In the first part of the chapter, I look at the state-specific factors for the adoption of a less strict stand towards non-state actors in the Republic and Interim Constitutions. In the second part, I lay down a foundation for understanding the role of the union of the formerly sovereign states of Tanganyika and Zanzibar and single-party autocrats in formulating national security policies. I also look at the party’s control of law and order through, and sometimes outside, the government machinery. In the third part, I build on the first two parts to explain the government statement in the constituent assembly for the 1977 ban and related socio-political context. The last part of the chapter shows the implication of and connects the context for the ban of non-state actors to the question of plural policing. I argue that the Tanzanian government’s security policy was as much about political necessities such as counterinsurgency, decolonisation, and secession movements.

The fifth chapter examines the country’s special circumstances that have contributed to the failure in upholding the bans, thus hybrid policing. It identifies three complex and overlapping reasons, namely legacy issues (rural-urban divide and regime policing), internal agency or risk factors (ujamaa ideology and Kagera war) and external contingency aspects (neoliberal reforms). I show in this chapter that the traditional ways of life predating the modern nation-state, the colonial legacy of artificial state structures, repressive and corrupt regimes, war, external economic
pressures, and neoliberal reforms are ultimate causes of pluralisation. The proximate cause for the departure from the state-centric policy to plural policing lies completely within the party guidelines and the Constitution itself, framed in the socialist path of development. The government has loosely interpreted the Constitution and party guidelines to accommodate and engage the very actors it sought to ban in policing the public space. Lastly, the chapter looks at the transformation of policing vis-à-vis the politics of security and draws on the lessons learnt from the Tanzanian plural policing case in the 1980s. The chapter concludes that it would be politically risky for the government not to accommodate the grassroots into state policing.

The sixth chapter draws on different theoretical and empirical aspects together to answer the research question. As such, I look at the current typology of policing groups and the meanings they generate to security. The first part of this chapter classifies and analyses policing groups both state and non-state in terms of their composition, functions, interactions, and client base. The last two parts examine the interactions and linkages between the state and non-state actors in the domestic space as well as how these developments inform the plural policing literature. The chapter concludes that although organisations that sponsor and perform the act of policing may emerge independent of the state, they are ultimately ‘statised’ through a wide range of politically motivated mechanisms such as co-optation, replication, sponsorship, patronage, and presidential pardons to create a ‘state-controlled’ security landscape. The last chapter highlights and brings together the main issues presented throughout the thesis as the general conclusion and implication of the study.
Chapter 2: Literature Review

2.1 Introduction

This chapter provides an analysis of the literature on plural policing framed in a postcolonial state context. It sheds light on key conceptual and theoretical issues in that literature and highlights the main problems in the current state of knowledge. I have selected works published from 1990 to date,\textsuperscript{86} which make Tanzania or neighbouring states (Kenya and Uganda) and some Anglophone countries (South Africa, Sierra Leone, and Nigeria) as their focal areas. The style of analysis followed is to look at one literature at a time, and where necessary, comparing it with other studies in the series. The chapter begins by briefly explaining common models in the governance of security, namely state-centric and liberal views of policing, which are referred to more often throughout the study because of their link to the ban and the notion of hybrid policing. The state-centric and liberal approach to policing translate into various patterns of plural policing in the form of multichoice policing, nodal governance, anchored pluralism, order-making and the global security assemblages.\textsuperscript{87} The chapter develops further to give a detailed analysis of the policing literature on Africa in general and Tanzania in particular, and how it sheds some light on the study at hand. At the concluding part, the chapter provides a summary of research gap and my reflections on the analysis.

2.2 State-centred and Liberal Approaches to Policing

The state-centred and liberal approaches to policing are the common security models that explain the governance of security and capture the interaction between public and private actors.\textsuperscript{88} In this study, the ban on private security service providers is linked to the state-centric model while the hybrid forms of security arrangements represent a shift to a more liberal state. To begin with, the state-centred model is a traditional and realist security paradigm based on the Hobbesian notion of the social contract.\textsuperscript{89}

\textsuperscript{86} The concept of plural policing started to acquire a central position in policing studies in the 1990s.
\textsuperscript{87} Scarpello (2017), \textit{Ibid}.
\textsuperscript{89} According to Hobbes, a body politic/commonwealth achieves peace and order if the people/subject by mutual covenant/constitution get together and give up their natural liberty for self-preservation to a
and Weber’s monopoly thesis\(^90\) whereby the state is the referent object of security. According to them, individuals in a civil society should relinquish their inherent power to defend themselves to the government,\(^91\) which in turn, claims a monopoly of the legitimate use of violence in a territory.\(^92\) In Hobbes and Weber’s views, defence, security, and maintenance of prisons are traditional functions of any government, thus precluded from the private domain.\(^93\) For them the provision of security should be a responsibility of the government and related institutions.\(^94\)

In a state-centred context, non-state actors are subordinate to state actors that enjoy a pivotal place in security matters\(^95\) as they have the constitutional and statutory mandate to provide security, guarantee the safety of the people and secure properties.\(^96\) Therefore, the realists are sceptical about the involvement of non-state actors in the production, distribution, allocation, and regulation of security.\(^97\) To them, policing is a public good, inherently governmental function, and central to the


\(^96\) Lar (2018), Ibid.

question of sovereignty.\textsuperscript{98} Likosky\textsuperscript{99} sums up the underlying fear about plural policing in the following words:

We contract out not only government functions but also the government’s monopolistic power over legitimate violence. What results is a splintering of sovereign power and thus an unsurprising accountability deficit.

The state needs to exercise a monopoly over violence and jealously safeguard and protect its authority against any form of governance that takes place either directly through, or in the shadow of, physical coercion.\textsuperscript{100} The state-centric ideas are still relevant today because the governments frame and construe national security policies and police reforms based on the state-centred view of governance.\textsuperscript{101} In Tanzania, despite historical evidence of the hybrid forms of security arrangements, the government has always positioned itself as the sole provider and authoriser of security outcomes.\textsuperscript{102} Mazrui\textsuperscript{103} suggests that the security policy in Tanzania is a result of fears over instability and suspicion of security forces outside the party’s control. Hence, understanding the state-centred approach is crucial in any attempt to explain the Tanzanian case where, in theory, the national security policies ban non-state actors and treat policing as a public good.\textsuperscript{104}

As opposed to a state-centric view of the state, in liberal thinking, an individual citizen is autonomous, sovereign, and distinct from the state. As a result, some scholars advocate for a neoliberal approach to policing and call for a shift of responsibility from the government to the private sector.\textsuperscript{105} The government becomes a non-unitary actor, a meddler, an idiot, a partisan and a cultural monolith, thus incapable of producing, organising, allocating and distributing the public good of security.\textsuperscript{106} To


\textsuperscript{99} In Chesterman and Fisher (2009), Ibid. p. 12.


\textsuperscript{101} Ibid.

\textsuperscript{102} See, Article 147(1) of the constitution of Tanzania, 1977.


\textsuperscript{104} Cf. Loader and Walker (2007), Ibid.

\textsuperscript{105} Marks (2011), Ibid. p. 51.

them, a private individual or corporation can as well organise, produce and distribute security.\textsuperscript{107} The neoliberal thesis goes further to propose a total replacement of the government agencies with private ones or to keep their involvement in people’s lives to a minimum.\textsuperscript{108} However, this line of argument does not explain the role of politics and governments in poor countries that struggle to fund state policing and whose public institutions are by-products of the colonial administration. Given these countries’ socio-political setup, it may be risky and tricky to distribute equal policing powers across a wide range of actors or dispose of the government’s role in the production of the public good of security.\textsuperscript{109} The neoliberal idea does not provide the tools to understand why developing countries continue to hold to their stronger orientation towards the public provision of security services.\textsuperscript{110} On the other hand, the governments in the developed countries have stronger private institutions that predate public ones and they are more autonomous and less subject to outside influence and government interference.\textsuperscript{111} Because of budget constraints and lack of political will, the policing models advocated by the liberals are somehow not workable in countries with weak state institutions and less attractive to public investments.

Within the liberal school, some minimalist scholars maintain a neutral position between the state and non-state actors. It is a ‘left-realist view’ that seeks practical solutions from democratised local control of the police and active involvement of the communities in addressing insecurities.\textsuperscript{112} Among other things, the minimalist state approach embraces nodal, anchored pluralism, multi-choice policing, order-making and assemblage perspectives to accommodate both public and private actors as indispensable players in the delivery of security.\textsuperscript{113} The nodal approach, for example, involves a complex network of hybrid arrangements and practices in which different mentalities of governance, as well as very different sets of institutional arrangements, coexist.\textsuperscript{114} Scholars in this group believe in a society which the state is just one

\textsuperscript{107} Krahmann (2010), \textit{Ibid.} pp. 30-36.
\textsuperscript{108} Rosky (2004), \textit{Ibid.}
\textsuperscript{110} \textit{Ibid.} p. 68.
\textsuperscript{112} Marks (2011), \textit{Ibid.} p. 51.
\textsuperscript{114} Terpstra (2017), \textit{Ibid.} pp. 68 and 69.
provider (node) among many. As a result, state, market and community groups work together in equal partnership within networks. On contrary, the idea of anchored pluralism maintains that although the networked policing may thrive, the state and related institutions such as the police retain the overall importance and effectively acts as the lead node. The hybridity of actors is important, for it generates a cluster of linkages between the civil society, the government and transnational institutions that increase adaptability, acceptability and compensates the government incapacity. With the hybridity of actors, the distinction between public and private domains disappears and security becomes a ‘semi-public’ or a ‘crowded’ good rather than a ‘public’ or a ‘social’ good. In a country where the public authority is seen as unfit and civilian policing groups coexist with the state police (informal order-making), it is proper to consider a relational approach to policing because of the links between politics and policing. As such, the order-making approach considers the political contestations in analysing security networks, which consolidate their position, gain supremacy and impose their agenda and practices. As a result, the distinction between public and private or state and non-state or legal and illegal actors makes no difference because these forms of order-making relate to how the state is organised. Whether legal or illegal, these variety of state and non-state producers and distributors of security services provide a complex set of choices for the people to meet their daily security needs or what Baker calls ‘multi-choice’ policing. In some instances, plural policing takes the form of ‘global assemblages’ whereby a collection of local and global or commercial and non-commercial or state and non-state producers and providers of security accompanied by old and new technologies and mentalities concentrate in one production area such a mining site.

116 Talbot (2013), Ibid.
117 Ibid.
121 Ibid.
122 Baker (2008), Ibid.
industrial zone and shopping centre. In what follows, I review some of the most relevant academic works on the different paradigms and frameworks of policing in Africa and Tanzania in particular.

2.3 Policing literature

2.3.1 Selected Works on the Rest of Africa

The existing literature advances five key points that allude the phenomenon of plural policing to policing models such as order-making, multichoice, nodal governance, security assemblage and anchored pluralism. The first point that the literature makes is that policing is part of social interaction and a means of governing that involves creating institutions, systems and policy shaped by socio-economic and political interests of the people. This is due to the history of state formation, development of public security institutions and wider political and social past of the country. Secondly, the literature informs us that plural policing involves a move away from the police but not from state policing for it is still within the influence and control of the government. The literature is also divided about the legality of non-state actors. Some scholars see private security providers as usurpers of judicial and police powers and human rights violators while others regard them as an indication of security sector reforms and related dynamics. Thirdly, policing literature reveals that policing activity is fragmented across the public and private (state and non-state), the communal and commercial and the local and global. There are, however, some signs of entanglements between state and non-state actors on the one hand and between community and commercial security groups on the other. The fourth point is that state security agencies have a strong influence on non-state actors but not the other way around. Policing activity is concerned with developing a working relationship and coexistence in a plural society rather than partnership. Lastly, the literature reveals that the security sector reform programmes schemes are western-driven and support the state-centric view of the state, as such, they fail to capture the hybrid forms of security arrangements in Africa.

Let us now discuss the literature that links the question of plural policing to the fragmentation of policing and entanglements between the state, community, and commercial security arrangements in Africa. Lar\textsuperscript{124} shows that policing is a form of socialisation and a means of governing, situated within a plural landscape shaped by socio-economic and political interests. To him, a history of state formation, development of public security institutions and wider political and social past have influenced practices of policing groups. He claims that a hybrid context of security provisioning comprises a plurality of actors and practices. The aspect of ‘plurality’ describes the actors engaged in policing practices, while ‘hybridity’ captures what plurality creates, that is, policing that combines state and non-state practices. Lar reveals further that policing practices are not always within the bounds of legal frameworks. Hence, there is a need to establish processes of monitoring and supervision to ensure that non-state actors operate within the law and respect human rights. This may involve identification, registration, and regulation of community-led policing groups through traditional rulers, local governments, local police and civil society organisations. To him, the involvement of the police is necessary because the government through the police force reserves the right to prohibit vigilante practices. I think, the involvement of the police, community, civil society, and local authorities in the governance of security does not always bring the desired results. This is so because even the police, who ought to set high moral standards, engage in human rights violations and corrupt practices more often than not.\textsuperscript{125} There are wide reports of community-led security actors also violating people’s rights, demanding and accepting bribes, colluding with criminals, obstructing justice, and harassing state law enforcers.\textsuperscript{126} Despite these weaknesses, non-state actors are vital to community safety, especially in liaising with the local police to reduce crime and violence in conflict-prone countries like Nigeria.

More on the involvement of security networks in the community safety, Hills\textsuperscript{127} provides differing perceptions and the role of the state and non-state actors in handling security and justice in Kano (Nigeria). In contrast to other parts of Nigeria, the city of

\begin{itemize}
\item \textsuperscript{124} Lar (2018), \textit{Ibid}.
\item \textsuperscript{125} Cf. The Legal and Human Rights Centre (LHRC) (2000-2019) \textit{Tanzania Human Rights Reports}.
\item \textsuperscript{126} Cf. Fleisher (2000), \textit{Ibid}.
\end{itemize}
Kano is relatively stable and has ‘diverse definitions and actors influencing the provision of security and justice’. She suggests that political and technical skills of senior police officers, use of locally appropriate forms of policing and informal liaison, rather than a formal scheme of mixed policing, are important aspects in securing peace and order in a plural society. As opposed to Lar, Hills suggests that the provision of security services by non-state actors has not influenced public policing. This is so because the role of non-state actors is clear and other state security agencies reinforce the core position of the public police. Thus, a policing activity is concerned with developing a working relationship and coexistence in a plural society rather than partnership and conflict prevention. In this way, the police can exploit the ability of security networks and authorities to deal with conflicting interests and ensure efficient policing activity. Unlike other states in Nigeria, the basis for Kano’s security arrangement is in its socio-political organisation and choices as well as the city’s place within the federal structure. The Nigerian case is relevant to this study because the security and the justice systems are closely connected in terms of actors involved and functions performed. As such, the police force set up or liaise with non-state actors or act as their patrons and regulators. This form of entanglements may be state-led or donor-driven through security sector reform programmes.

It is important for African countries to reform state-centric policy in their quest to harness the potential of private security providers. In this regard, Marks and others look at the paradox of policing and police reform in Durban (South Africa). They suggest that if the government acknowledges the role of non-state actors, coordinate and regulate their practices, they can supplement deficits in the formal security arrangement. Further, private actors can strengthen the democratic character of security provision and improves the public’s ratings of government performance. They challenge the state-centric view and emphasise the role of non-state actors in the provision of safety and regulation and mobilisation of resources. To them, African governments need to recognise hybrid political orders as a way of understanding policing realities and finding solutions to security dilemmas. In South Africa, for example, although formal and informal institutions routinely perform security

128 Ibid. p. 46.
129 Marks (2011), Ibid.
functions, the government favours a state-centric approach by reinventing itself as a developmental state that plans, intervenes and authorises security outcomes. The international donor community has also fallen into this trap, thus supporting the government’s interventions and plans that frame police reform within western models of democratisation through CP schemes.

The CP scheme overlooks part of the landscape in which a range of actors plays a significant role in securing local communities. To combat crimes, they propose the need to abandon western-driven CP scheme and state-centric model, thus adopt a minimal approach to policing. This allows the government to maintain small police force and effective participation of the people and non-state actors in the governance of security. As opposed to the state-centric model, a minimal approach to the state police does not advocate for a neo-liberal agenda or a simple shifting of responsibility from the state to the private realm. It recognises the need for involvement of the low-income people who are likely to suffer more from crimes in the governance of security. This is so because of a punitive nature of state police interventions which also fail to align with the local needs and sense of justice. This vision is attainable through internal and external funded local safety organs that co-ordinate policing activity and encourage collaboration between state and non-state actors. Nonetheless, as noted earlier, a wider community’s involvement does not always guarantee security for everyone.

Like Marks and others, Wisler and Onwudiwe blame Africa’s illiberal state-builders for the current patterns of CP scheme. The authors question the ideological discourse that confines CP in Africa to the Western model of security governance that tends to prohibit informal policing. They distinguish the western ideology of CP from popular and bottom-up forms of informal policing widely practised by communities in Africa. To them, such CP schemes represent top-down and unilateral

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130 Ibid. p. 49.
131 See, Bagayoko, N. (2012) Introduction: hybrid security governance in Africa. Special Issue: Hybrid Security Orders in Sub-Saharan Africa, 43(4), pp. 1-13. He maintains that external donors have often failed to acknowledge the fact that security governance in Africa is a mixture of statutory and non-statutory institutions. Thus, the security sector reforms are ‘driven by an administrative view of the state’ which focuses on the legal structure and overlooks the political and social character of a country.
133 Ibid. pp. 428 and 429.
actions of the state police or the government promoting self-rule while informal policing is a people-centred security arrangement at the grassroots. They suggest that the Western-backed CP programme has proven a failure in countries like South Africa turning the state to more directly repressive approach. Informal policing has succeeded in Tanzania and China ‘where the linkages between informal and the formal are institutionalised’. This is partly so because people in Africa are more likely to use traditional and customary systems rather than the formal ones in protecting themselves and resolving disputes. The reasons behind the variations of CP patterns depend on the ‘type of state, policing repertoires and the framing activity of police managers and social movements.’ Regarding the on-going trend of importing Western policing models to Africa, they call for more research based on dissimilar cases of CP to provide detailed historical accounts of successful transitions from one type of security arrangement to the other.

To detach policing from the state-centric approach to liberal models, Bagayoko and others use the analytic model of hybridity to examine the realities and the prospects of governing security in Africa. They look at hybrid security institutions and the way they are created, institutionalised and readjusted. They also analyse the hybrid security system, the patterns of inclusion and exclusion and the way lawmakers can create popular, broad-based, and effective security arrangements. Thus, as opposed to the security sector reforms that continue to focus on the police and reinforce state-centred policing models, they understand that states in Africa have intermediaries and series of networks and polities who provide public goods and function effectively as a second government that run the state in a postcolonial period. The underlying reality is that a vast array of different actors, both formal and informal or state and non-state, compete for security and exercise public authority.

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134 Ibid. p. 442.
135 Ibid. pp. 442 and 443.
136 Ibid. p. 442.
138 See, Bagayoko (2012), Ibid.
140 Ibid.
As against Lar,\textsuperscript{141} Marks and others,\textsuperscript{142} and Wisler and Onwudiwe’s findings,\textsuperscript{143} Bagayoko and others claim that non-state actors, informal or traditional institutions do not serve every community member and do not always meet everyone’s expectations. Some members of the community especially the weak and vulnerable ones are excluded from the traditional security system, which is somewhat disputed for its social biases and power hierarchies. They conclude that there is a need to build and promote local but inclusive systems of public authority and security governance in Africa that do not embrace or reinforce the non-democratic tendencies inherent in some informal structures. This is important because the African states and their security agencies tend to be virtually informal while the civil society is weak or divided and the distinction between state and non-state actors is fluid and, in some instances, non-existent.

The western-driven security schemes and traditional security system are not always good or bad. In some cases, the security schemes incorporate local security arrangements and bridge the gap between commercial and community-led security groups as well as public and private sectors. Therefore, whether public or private, policing is an ‘order-making’ activity (authoritative act to be obeyed) whereby formal, informal or illegal security actors not only identify and define ‘threats’ to a society but also maintain order and articulates the ‘do’s and don’ts’.\textsuperscript{144} Policing entails a set of practices, functions and who actually performs them on a daily basis rather than ‘who is in a de jure position to do so’.\textsuperscript{145} In this respect, Diphoorn and Kyed\textsuperscript{146} examine the case of Durban (South Africa) and Swaziland (now eSwatini) to show how logic and practice of commercial and community-led security groups merge and interact across socio-spatial boundaries. In contrast to state-centric approach, they use the plural and relational approaches to show that government’s withdrawal through neo-liberal reforms in Africa have watered-down the welfare state’s notion that security is a free good. They claim that the government is no longer a significant

\textsuperscript{141} Lar (2018), \textit{Ibid.}
\textsuperscript{142} Marks (2011), \textit{Ibid.}
\textsuperscript{143} Wisler and Onwudiwe (2008), \textit{Ibid.}
\textsuperscript{145} \textit{Ibid.}
provider and authoriser of policing activity in Africa. Further, they maintain that security is something you pay for if you can, or try to get by engaging in self-help policing, thus deepening ‘urban inequality and class-spatial segregation.’ The rich urban suburbs and big businesses hire private security companies (PSCs) for protection while the poor neighbourhoods and slums are ‘left to fend for themselves or resort to under-resourced and untrained civilian policing groups.’

There are also signs of the urban poor accessing subsidised commercial security services or some businesses paying community-led security groups to protect their properties. Therefore, the need for policing and security governance studies in Africa to expand the plural perspective to include the entanglement between PSCs and community-based security groups. These entanglements within the private realm are worth exploring because each security group continues to maintain its distinctive features and relevance in a competitive security landscape. As such, it creates a possibility of security actors to swap activities, PSCs becoming community actors while community-based security groups becoming commercial security actors. In a way, Diphoorn and Kyed dismiss strict socio-spatial segregation in the provision of security (a state of socio-spatial exclusion and isolation among social groups) as irrelevant because commercial and community-based security services are increasingly available to both affluent and low-income urban zones. The PSCs are now available to low-income earners, thus becoming harder to differentiate between community-led security groups and the PSCs in the formal collective arrangement. Massive urbanisation, rural-urban migration, unemployment, rising fear of crime, social differences and community mistrust contribute to the entanglement of the PSCs and community-based security groups. All these processes and logics occur within a state, thus shaped by the public institutions, practices and policies, on the one hand, and state and non-state actors, on the other.

Concerning the basis of both state-centric and liberal approaches to policing, Baker draws from historical and contemporary differences between state and non-state

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147 Ibid. p. 711.
148 Ibid.
150 Baker (2008), Ibid.
actors to explore the complexity and delicate nature of hybrid policing in Uganda and Sierra Leone.\(^{151}\) He focuses on the extent of policing bodies, the degree of government control over such policing agencies and the circumstances that prompt individuals, civil society, businesses and even governments to opt for non-state over state agencies. He establishes that in Uganda and Sierra Leone like in other African states, there are ‘overlapping policing agencies that are formal and informal, legal and illegal, effective and inept, fair and partisan, restrained and brutal.’\(^{152}\) Thus, policing activity is authorised by various actors both legal and illegal who have similar or conflicting socio-economic and political interests such as individuals, residential communities, corporate bodies and governments.

Baker dismisses the notion that policing activity is a public good as security has never been a reality to commoners except for a few elites living in capital cities, and rightly so. Policing has usually been a private good for many people and non-state actors have for so long been supplementing the state security agencies. This situation is contributed by years of authoritarian regimes in Africa that ‘provoked alienation from the state police and the development of informal legal orders that by-passed it.’\(^{153}\) In a way, Baker’s view contradicts those of Diphoorn and Kyed who claims that commercial and community-led security services are increasingly available to both low and high-income earners. However, by linking authoritarian regime to pluralisation, Baker ignores the fact that in fragile states like Uganda and Sierra Leone, it is normal for the government to ‘securitise’ some threats and direct the available resources to address them rather than focusing on public policing.

Baker submits further that the governance of policing remains a contested ground in which various security networks bargain and negotiate with one another about the nature of the order to be established and how to realise protection. He, therefore, proposes a ‘multi-choice’ approach to reflect a complex set of choice that people must make as they seek to negotiate ways of protection from crime and abuse on the daily

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basis to meet various security needs from multiple providers. Multi-choice approach involves a move away from the police but not from state policing for it is still within the influence and control of the state. The multi-choice policing may lead to unequal provision, exclusion of outsiders from accessing security services, use of violence with minimum constraints and supervision, inadequate or lack of accountability, facilitation of illegal activity (more policing groups may mean more crime), failure of the government to exercise territorial sovereignty and control of violence. However, the existence of many providers creates an opportunity for collaboration. Thus, the need for a single policy that makes the most of available multiple actors, that is, integrate, regulate, mobilise, and empower all those willing and able to preserve law and order. The next part reviews literature on the Tanzanian case.

2.3.2 Literature on Tanzania

Several policing scholars have focused on Tanzania to examine the legal implication of institutional hybridity,\textsuperscript{154} the role of community-led security groups in combating crimes and injustice,\textsuperscript{155} governance of security in poor urban neighbourhoods,\textsuperscript{156} the assembly of security actors in mining sites\textsuperscript{157} and benefits and costs derived from hybrid policing.\textsuperscript{158} The contribution of non-state actors to security has received mixed reviews among scholars in Tanzania. Some scholars like Shivji\textsuperscript{159} are sceptical about the role of non-state actors to community protection and rule of law. He views non-state actors as extra-legal coercion, thus illegal under state laws and violators of the rights to life and liberty. By extra-legal coercion, he means the use of force by security groups that are not part of the state structures but sanctioned by the highest organs or officials of the government or the party.\textsuperscript{160} He claims that the state’s resort to and backing of extra-legal coercion explains the lack of the rights-consciousness at

\textsuperscript{154}Shivji (1990), \textit{Ibid.}
\textsuperscript{156}Walwa (2017), \textit{Ibid.}
\textsuperscript{157}Abrahamsen and Williams (2017), \textit{Ibid.}
\textsuperscript{158}Cross (2013), \textit{Ibid}. Other studies are more difficult to categorise given the broad range of topics they cover, e.g. Maina (1997), \textit{Ibid.}; Kijo-Bisinba, H. and Maina, C.P. (2005) \textit{Justice and rule of law in Tanzania: selected judgements and writings of Justice James L. Mwalusanya and commentaries}. Dar es Salaam, LHRC.
various levels of governance. Like Baker,\textsuperscript{161} he adds that the lack of the rights-consciousness in security governance relates to the authoritarian and neo-colonial character of the political economy. He also highlights some signs for change from extra-legal to an intra-legal state in Tanzania.\textsuperscript{162} In an intra-legal state, officials exercise public powers like policing by following the law, while in the extra-legal state, it is not necessarily that statutory institutions are the ones that enjoy public powers and within the confines of the law. Shivji is right about the lack of a legal framework to govern non-state security actors in Tanzania. However, his assessment is too legalistic, based on the state-centric view and human rights. He fails to capture the plural nature of policing and the influence of uncodified laws and institutions in Africa. Also, his work partly focuses on the interpretation and application of the ban on private security providers rather than understanding why the government included the ban under the Constitution. Despite legal and human rights concerns about activities of private security service providers in Tanzania, the literature in recent years has focused more on the proliferation of security actors and how businesses rely on a collection of security actors that provide the perfect complement to each other. Abrahamsen and Williams\textsuperscript{163} call the use of several security providers that differ in terms of shape and size in one or more locations as security assemblage.

Within the assemblage framework, Abrahamsen and Williams\textsuperscript{164} investigate security arrangements at the African Barrick Gold’s (ABG) mine at North Mara, Tanzania. They treat ABG’s approach to the protection of foreign investments and facilitation of resource extraction as part of the evolving culture of ‘global security assemblages’ in the Global South.\textsuperscript{165} They use the notion of security assemblage to discuss the current security landscape at North Mara Gold Mine and surrounding villages. Mining firms operating in complex fragile environments tend to assemble and rely on several actors in addressing security challenges such as trespassing especially local people.


\textsuperscript{163} Abrahamsen and Williams (2017), \textit{Ibid.}

\textsuperscript{164} \textit{Ibid.}

\textsuperscript{165} Since 2018, the ‘local content’ law requires the mining firms to use local and not global providers to meet their security needs. See, the First Schedule to the Mining (Local Content) Regulations, GN. No. 3 of 2018 and the Mining Commission (Guideline for Submission of Local Content Plan), GN. No. 305 of 2018.
and artisanal miners, excessive use of force by state police and unnecessary loss of lives. To them, “global security assemblages are boundary fields in that they are neither private, nor public, neither local, nor global but mark analytical spaces that lie between these common distinctions”. Therefore, like plural and multi-choice policing, discussed earlier, the assemblage perspective focuses on the plurality of actors and forms of power and resources available to them and the way they coexist and cooperate in one or more locations to produce security. It does not take away the centrality of the state or frame non-state security actors in opposition to the government and the public policing. They show that security provisioning in an assemblage context incorporates the state police, PSCs, in-house security department, community-based policing groups (CPGs), local authority leaders, development and human rights NGOs and security walls and CCTV cameras. Thus, it creates a complex network of local and global or public and private actors, practices, norms and values, agendas, knowledge, technologies, interests, and competitions. This happens in conflictual and unequal environments in remote areas transformed into global sites for resource extractions where profit motives crush with the demands for local development.

As opposed to extraction sites, where mining companies assemble, structure, train and control security providers, security in human settlement is increasingly and variably dependent upon a range of actors. In recent years, the government and development partners have staged efforts to provide security services to the people through assemblage of state, commercial and community security groups under one banner of CP programme. The involvement of non-state actors in policing frees public resources, allows the police to focus on serious crimes and improves residents’ perceptions of local security. Cross, for example, recognises the diversity of actors involved in policing the domestic space. While she does not advocate for any particular security arrangement, she offers insights about the implications of hybrid policing in the country. She explains these outcomes in the form of historical trajectories of security arrangements, the politics of local development and the

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166 Cross (2013), Ibid.
purposes and ability of the public police to collaborate with the grassroots institutions. Her study helps us to understand the CP programmes in terms of how it operates, whether it has improved local security or promoted insecurity, and who benefits and from what. She suggests that the government and non-state actors have a very special but complex relationship because the CP scheme has borrowed heavily from the community-based security arrangements.

She claims that although CP is widely credited for improving local safety, the government has failed to sustain its voluntary and responsive nature to policing. This is so because of the advantages and disadvantages related to the politics of local participation in development activities and grassroots institutions. The costs and benefits of participating in CP remain unequally distributed among the main beneficiaries. As opposed to Lar, Cross suggests that wider community participation in policing does not necessarily improve security, it may as well offset the benefits and add the costs of organising security to the poor communities. The police force tends to focus more on cost-effective crime prevention schemes at the expenses of democratic governance of security. A lack of transparency and accountability subjects the CP scheme to personal preferences and enables local leaders to pursue their agenda at the expense of the community. The issue of participation is politicised and susceptible to inter-party contestations, thus losing its popular appeal to the people.

The ways that hybrid forms of security arrangements emerge and relate to one another has been an area of academic contention. These debates have intensified in recent years after the introduction of the CP scheme, which has subsumed private security service providers. As such, the term CP has become synonymous to the whole idea of plural policing and entanglements between security providers. Walwa, for example, rejects Cross’s view that CP in Tanzania is an extension of sungusungu from rural settings to urban areas. According to Walwa, although sungusungu system may have influenced CP, members of CP schemes operate within the local authority structures, use reasonable force during arrests, hand suspects over to the police and do not punish

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168 Lar (2018), Ibid. (discussed above).
offenders like *sungusungu*. On another hand, it is possible to interpret Cross’ findings differently to show that the Tanzanian CP scheme is a strategy that closes the gap between state and non-state actors as well as between community-led and profit-driven security actors. In contrast to a state-centric approach, Walwa uses the nodal governance perspective to look at the efficacy of CPGs namely neighbourhood watch and CP adopted by many poor suburbs in Dar es Salaam. He points out that security provision is no longer an exclusive domain of the government as CPGs work together with the public police in relatively low-income neighbourhoods to find solutions to rising security challenges. He claims that formal and informal bodies as well as voluntary groups provide security in cities by combining and negotiating in the plural security landscape. Unlike the police who tend to show up after a crime has been committed and people injured, CPGs are decisive, close to the people and respond to security needs on time.

As opposed to other community-led security schemes in Nigeria and South Africa, Walwa shows that CPGs in Tanzania are ‘home-grown approach to security management’ that helps to address the issue of crimes and violent extremism, youth unemployment and strengthen social cohesion. After the security sector reform in 2006, all non-state actors under the CP scheme in Tanzania operate within the local government structures such as ward police and local authorities, thus reduce operational conflicts with state policing. As such, it is increasingly becoming compulsory to establish, participate and contribute funds to these policing schemes, hence CPGs losing their ‘people-centred’ and ‘voluntary’ attributes.

Building on Walwa’s paper, Killian and Pastory contribute to the discussion about CPGs in Tanzania. As opposed to other policing studies in Africa which depict CPGs as identical security arrangements, they go beyond a mere characterisation of security groups to explore the roles played by men and women as members, leaders, and users of CPGs. They conclude that despite women being the main financial

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170 Ibid.
172 Ibid. p. 131.
173 Ibid. p. 132.
174 Walwa (2017), Ibid.
175 Killian and Pastory (2018), Ibid.
contributors, informers and users of these institutions, men dominate CPGs’ leadership and membership. The young males, on the other hand, are members of the CPGs and perpetrators of violent crimes like robbery. Killian and Pastory’s findings echo Bagayoko and others,\textsuperscript{176} in that, some CPGs are embedded in power hierarchies and social biases about certain community members. Like Walwa,\textsuperscript{177} the authors acknowledge that CPGs do not operate in a vacuum, they interact with and regulated by the grassroots institutions of governance, thus the need to study them in relation to the lowest tiers of the local authority. The authors explain that although Tanzania is relatively a peaceful country, it has the necessary elements that may trigger insecurities such as multiparty politics, highest ethnic diversity, religious tensions, extremism, high poverty levels, and youth unemployment.

Therefore, people establish and rely on their mechanisms because of the ‘real or perceived’ fear of crimes based on trust, respect, and social norms. Even so, the government and political parties are always keen to generate and tap into community-based institutions for political gains. As a result, Brennan\textsuperscript{178} considers the male youths who are more active in security networks as a social category and security institution. He shows how the male youths, through the state and the party forums such as the youth league and national service in Tanzania, became a powerful tool to challenge the state security actors despite a long history of state manipulation for political gains. He suggests that the youth groups are ‘enormous, semi-autonomous police and intelligence-gathering force’ that take a leading role in political intelligence, violence, vigilantism and other forms of quasi-policing and quasi-military activities.\textsuperscript{179} This thesis partly builds on Brennan’s work to look at the governance of security by single-party autocrats and fractious multiparty politics. The next part provides a summary of research gap and my reflections on the analysis.

\textbf{2.4 Conclusion}

There is a consensus among policing scholars that the governance of security in Africa is plural and is not something that the government institutions can and should do on\textsuperscript{\textsuperscript{176} Bagayoko, et al. (2016), Ibid. \textsuperscript{177} Walwa (2017), Ibid. \textsuperscript{178} Brennan (2006), Ibid. \textsuperscript{179} Ibid. pp. 233-4 and 245.}
their own. As such, very few studies today see the involvement of non-state actors in policing activity as violating state sovereignty or as a threat to political authorities.

Overall, there are five takeaways from the reviewed literature that the study at hand builds upon. First, policing is part of social interaction and a means of governing that involves creating institutions, systems and policy shaped by the history of the country. Second, the African countries favour a state-centric approach to policing that tends to restrict activities of non-state actors albeit assuming the role of the ‘second government’ and providing security to both human settlements and businesses. Third, the literature is divided about the legality of non-state actors. Some scholars see private security providers as usurpers of judicial and police powers and human rights violators while others regard them as an indication of security sector reforms and related dynamics. Fourth, there are signs of entanglements between state and non-state actors on the one hand and between community and commercial security groups on the other. Lastly, state security agencies have a strong influence on non-state actors but not the other way around. On the other hand, the work at hand problematises and improves the definitions of the term ‘private policing’ by adding state-owned commercial firms to the analysis and lift the tag ‘vigilante’ that has most often clouded the discussion of community-led security groups in Africa. I consider the context and effect of politics and state policy and ideology on plural policing both historically and in present times and add the entanglements of old and new state policies to the analysis. I add that the police are partisan and fail to align with the local needs and sense of justice, thus proliferation of private security service providers. I show that security sector reform programmes are now synonymous to plural policing, which pool together and co-opt non-state actors in state policing. I conclude that both public and private security providers are part of, subordinate to and operate within the state shaped by politics.

Although the existing works inform us about plural policing in Africa, most of them focus on countries disrupted by civil unrests and racial tensions as opposed to

relatively political stable countries like Tanzania. Further, existing studies do not tell us the precolonial and colonial dynamics of hybrid policing vis-a-vis the ban on private security service providers in the colonial statutes. These studies tend to have indirect information about Tanzania and give a special mention to sungusungu group, which is just one among many alternative security arrangements available in the country.\textsuperscript{183} Thus, it does not cover the centrality of a semi-autocratic form of government, local politics, and geopolitics in organising security. Other studies address the issue of the efficacy of community-led policing groups in low-income urban neighbourhoods,\textsuperscript{184} an assemblage of security actors in gold mines,\textsuperscript{185} the legal implication of institutional hybridity\textsuperscript{186} and benefits and costs derived from community policing.\textsuperscript{187} While some studies tend to look at the policing group in isolation,\textsuperscript{188} others are difficult to categorise given the broad range of topics they cover.\textsuperscript{189}

Further, despite the abundant research on policing, there are many conflicting explanations regarding the nature and contours of hybrid policing. Some studies have fallen into the common trap of associating the state-centric model and a policy shift to liberal approach in Tanzania with authoritarianism, inter-state war and neoliberal reforms.\textsuperscript{190} As such, they completely avoid the endemic problems of political interests, insecurity, dynamics of independence movements, counterinsurgency operations, geopolitics and nation-building efforts in laying a groundwork for the bans as well as plural policing landscapes. It is not just other state security forces like the army that reinforces the core position of the police as Hills suggests,\textsuperscript{191} but also militias, youth league and national service corps. Overall, the prior literature does not answer the question, why has the Tanzania state not sought to eliminate non-state policing when it is banned legally and constitutionally? The next chapter provides a

\textsuperscript{183} Wisler and Onwudiwe (2008), \textit{Ibid}.
\textsuperscript{184} Walwa (2017), \textit{Ibid}.
\textsuperscript{185} Abrahamsen and Williams (2017), \textit{Ibid}.
\textsuperscript{186} Shivji (1990), \textit{Ibid}.
\textsuperscript{187} Cross (2016), \textit{Ibid}.
\textsuperscript{189} Maina (1997), \textit{Ibid}; Kijo-Bisimba and Maina (2005), \textit{Ibid}.
\textsuperscript{190} See, Shivji (1990), \textit{Ibid}; and Cross (2013), \textit{Ibid}.
\textsuperscript{191} Hills (2012), \textit{Ibid}.
historical overview of security groups and laws in terms of continuity and change from the precolonial era to the early postcolonial period.
Chapter 3: Historical Antecedents of Non-state Actors and State Laws

3.1 Introduction

The chapter seeks to provide a historical account of policing groups and policy in the precolonial to the early postcolonial periods. It reveals a degree of political motivation during those periods in relation to the modern time. It notes that the common form of security arrangements in the precolonial period included armed escorts, armed retainers, raiding troops, royal guards, and personal bodyguards. Tribal and clan chiefs, military leaders, warlords, traders, and commoners controlled these early forms of security arrangements because there were hardly identifiable states, as we know them today, separating the public from private policing. Conversely, nation-states, governments, centralised security apparatuses (police, prison, and army) and codified laws were common features of the colonial era, thus a clear distinction between public and private actors developed. Other government institutions included native police (chiefly policing) and colonial agents [jumbe or tarishi (messenger), akida (village or town headman) and liwali (mayor)]. On the other hand, chartered companies, shooting clubs (rifle associations), in-house security departments, party militias, and neighbourhood watch groups pioneered the private security sector. The last two parts examines how the ‘mandate’ (later ‘trust’) territory status\(^{192}\) prevented not only the creation of a strong police force in the country but also contributed to poor security policies that disregarded the plural security landscape in the ‘colony’ and ‘post-colony’\(^{193}\). This chapter claims that the efforts to control the means of violence by the ruling elite (autocrats) and politicising it started in the precolonial era but such efforts were refined and institutionalised through state policy in the colonial epoch and transplanted into the ‘post-colony’, achieving a clear separation between state and non-state security actors.

3.2 Dynamics of the Precolonial Security Arrangements

The earliest forms of self-protection may have begun at a time when small family and neighbourhood groups banded together for mutual protection against rival families

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\(^{192}\) Tanganyika (now Mainland Tanzania) was a former Germany colony placed under the tutelage of Britain between 1919 and 1961, thus a mandated territory (League of Nations) and later a trust territory (United Nations).

\(^{193}\) A ‘colony’ is a weak territory controlled socially, politically, and economically by a more powerful country while a ‘post-colony’ is a former colony or independent state.
and marauding wild animals.\textsuperscript{194} The security arrangements were simple and need-based, that is, the heads of families selected the strongest men in their households to stand guard with other men from different families at night on a rotational basis.\textsuperscript{195} The emergence of more organised and sophisticated security arrangements in the precolonial societies depended on three factors, namely nature of a political organisation, trade and immigration. The early efforts to politicise security started with the formation of political organisations in the form of clan, tribe and chieftdom, which allowed few individuals to struggle for power, create simple central authority and forge alliances or defect to establish personal armed bands. The control and involvement in long-distance trade, on the other hand, enabled traders and commoners to accumulate properties, thus detaching themselves from communal security arrangements to create armed retainers. Like in a contemporary state, immigration and settlement were also common features among the precolonial societies, accompanied by wars of conquest and subjugation, secession, transfer of weaponry and military technologies. This enabled individuals to emerge and challenge tribal chiefs and clan heads to establish alternative security arrangements.

Precolonial societies were in a constant state of transformation and did not have an equal level of development.\textsuperscript{196} While political authorities and security institutions evolved over a period depending on the security needs of each community, their maturity differed from one society to the other.\textsuperscript{197} Among the Ha, Hehe, Bena, Sangu, Shambaa (Sambaa), Fipa, Zigua, Haya, Pare, Sukuma, Nyamwezi, and Zinza people, the political change involved the shift from the gerontocratic rule (based on age, wisdom and spiritual powers) to chiefs and military leaders.\textsuperscript{198} Community leaders

\textsuperscript{194} Igbinovia (1981), \textit{Ibid.}, p. 125.
\textsuperscript{195} Ibid.
\textsuperscript{197} Kimambo and Temu (1969), \textit{Ibid.}, p. 16.
became individuals who could organise an active defence against common threats and enforcing societal norms and tenets.199 This increased the scale and efficiency of political organisations. Hence, communal villages that once relied on collective efforts changed into simple political units depending on tribal armies, armed escorts, raiding troops, warlords, mercenaries, and personal bodyguards for protection. Even so, it was until the Arab and Ngoni settled in Tanzania that security arrangements took a more complex political form due to trade, insecurity, creation of semi-public institutions and transfer of technology.

The Arabs from Oman came to Tanzania as traders around the 5th and 6th centuries AD but established permanent settlements and political entities in the 18th century.200 They controlled the East African long-distance trade from the Indian Ocean to the interiors.201 These polities and trading activities influenced security arrangements in two ways. First, each trading group maintained a small but well-armed security unit to protect trade caravans and possessions against armed bandits in the mainland and pirates in the Indian Ocean.202 Second, the emergence of new security threats, such as slave raiding and plundering emerged during the caravan trade that forced families and communal villages to merge and cluster under powerful individuals for self-protection.203 Also, commoners and traders who gained access to wealth and guns from Arab traders established personal armed bands. The Arabs settlement and control of Zanzibar and Tanganyika coastal strip built on the early contact between the local people and Arabs through trade.204

For political reasons, Sultan Seyyid Said moved his capital from Muscat Omani to Zanzibar in 1840. The Omani Sultanate controlled Zanzibar, Dar es Salaam, Kilwa, Tanga, Bagamoyo, Lindi, and Mtwara.205 The Sultan established and asserted his authority over local people through coercive institutions (royal guards, gaol, and sharia court and law) and forging alliances through interracial marriages. These

Journal of Faculty of Arts and Social Sciences, Viii (2), pp. 29-40.
200 Al-Radi (1990), Ibid. p. 271.
201 Roberts (1968), Ibid. pp. 107 and 108.
202 Kimambo and Temu (1969), Ibid. p. 73 and Roberts (1968), Ibid. p. 133.
203 Ibid.
204 Ibid.
coercive institutions and related laws were the first ‘foreign’ mechanisms used to achieve political manipulation in a more coordinated manner. Therefore, we can trace the earliest but ‘rough’ distinction between public and private security arrangements from this period. The Sultan appointed bureaucrats who had both administrative and coercive powers (mostly Arabs), sponsored local collaborators, and introduced official titles and ranks (liwali, akida and jumbe). Jumbe or tarishi (messenger), akida (village or town headman) and liwali (mayor) assisted the Sultan to uphold the law and to rule over small communities. As we shall see later, they continued to act as administrators and law enforcers during the German and British colonial rules. At the time when the Arabs were settling in Tanzania, the Ngoni people were also fleeing from the Mfecane War in South Africa (1815-1840). The Ngoni moved northward and settled in Zambia, Mozambique, Malawi, and Tanzania.

The Ngoni immigrants had a standing army and superior techniques that changed the way security was organised among the precolonial societies. To ensure an effective political control of security, the Ngoni people conquered and annexed weak tribes, conscripted them into the army, defended acquired territories (contained rebellions) and enforced tribal codes. Consequently, the fear of Ngoni’s conquest influenced small communities to cluster together for defence in stockade villages, forge security alliances and copying Ngoni’s military techniques and weapons to form standing armies. The people in Southern, Central and Western Tanzania, for example, established new chiefdoms and involved more in the caravan trade and slave raiding because the raiders could easily sell prisoners of war into slavery. Traders and commoners, on the other hand, built their security units around slaves while other trading groups and chiefs hired Ngoni warriors as mercenaries and personal bodyguards to challenge tribal authorities and venture on the lucrative war of conquest. In North-western Tanganyika, among the Ha and Haya people, security arrangements took the form of Clientship like in the Ancient Rome whereby an

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211 Ibid.
individual or free client acknowledged his dependence on, and could attain security under a wealthy person/patron or body politic. Hence, armed bands emerged among the Ha, Hehe, Bena, Sangu, Fipa, Nyamwezi and Zinza tribes in the 19th century because of trade and immigration. The next part examines the breakdown of social order and the formation of security networks in the precolonial era.

3.3 Plural Security Landscape in the Precolonial Time

It is noteworthy to mention that before 1885, the distinction between public and private actors was hard to make. There was a diverse network of actors and power without a centre, working within a contested security landscape. Partly, this was so because of the communal way of life and a lack of a government as we know it today. As Torrance suggests, “the bargaining powers of the masses was strong relative to the elites…and the standards of living between chiefs and their subjects were not that different”. The structure of the traditional rulership was such that political power and its control resided not in the chiefly authority but the village assembly and council of elders. The two organs could depose a chief any time and at will. With the settlement of the Sultan of Omani in Zanzibar and the rise of small chiefdoms, a rough line separating local rulers and their institutions on the one hand, and traders and commoners on the other, started to appear. In my view, the latter institutions assumed the role of private security actors in their earliest form because of the advent of the body politic (city-states) that claimed a ‘monopoly on the use of violence’ along the Indian Ocean.

As noted earlier, the long-distance trade and immigration brought new politically motivated entities and related security threats, such as pillage and cattle and slave raiding. Among the Pare people in Northern Tanzania, for example, villagers were afraid to attend to their normal duties and women could only go to markets if they had armed escort from their husbands or a near relative. This breakdown of law and

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213 Ibid. pp. 68-77, 80 and 81.
214 Torrance (2006), Ibid. p. 3.
215 Roberts (1968), Ibid. p. 89.
217 Roberts (1968), Ibid. p. 30.
order came to be known as ‘kibonda’. In response, Chief Mranga formed security units by transforming clan initiation rites into an elaborate clan institution with coercive powers. In South-western Tanzania, tribal chiefs created small groups of armed men and royal guards to defend their chiefdoms, enforce customary laws and annex weak states. The chief of Nkansi, for example, created a squad of elite troops called “ruga ruga” or “isaasa” (“executioner’s axe” or “falcon”) while the Chief of Ufipa and Chief Ghendewa of Ugweno, had an army of elite warriors and personal bodyguards protecting them. Other small chiefdoms created palaces surrounded by defensive walls that became a symbol of power and autonomy. The Nyiha people in Mbeya region lived in heavily fortified and palisaded villages (stockades and deep ditches) for protection against raiders while Chief Mkwa wa built a stone wall and fort (lipuli) at Kalenga in Uhehe chiefdom.

The chiefly authority did not go unchallenged both within and outside the chiefdoms. Hence, to meet their political needs and to ensure the survival of their chieftains, the chiefs shaped security policies and transformed small groups of personal bodyguards into loyal tribal armies. This change allowed a chief to become more powerful than anyone else in the chiefdom in terms of political and military powers as well as wealth. However, the subsistence economy could not support standing armies and specialisation, thus the chiefs engaged more in the long-distance trade and used the army to conquer and raid vulnerable communities for slaves and cattle or asking for tributes in the form of ivory or slaves. Because of political necessity, Chief Semboja and Chief Shimbo, for example, formed the Teita warriors supported by tributes called ‘mbiru’ while Chief Mirambo created a small group of warriors to gain control of the Chiefdoms surrounding his Uyowa Chiefdom. The chiefs and traders

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218 Ibid. p. 31.
220 Roberts (1968), Ibid. pp. 42-44.
221 Kimambo and Temu (1969), Ibid. p. 64 and Roberts (1968), Ibid. pp. 90 and 91.
223 Roberts (1968), Ibid. pp. 49 and 50.
225 Ibid.
227 Roberts (1968), Ibid. pp. 11 and 22.
used the acquired wealth to buy weapons, support the army and maintain law and order. Contrary to Stapleton’s claim that precolonial societies did not maintain professional full-time and paid law enforcers, Roberts shows that Chief Mirambo gave cattle to his soldiers as payment in kind for their services to the chiefdom and exempted them from crop cultivation. Mirambo also charged Arab caravans some tolls and raided cattle to give to his soldiers. Like Roberts, Iliffe shows that in Usambara Chiefdom, men were free to engage in security activities and politics since banana cultivation required less labour. Although there were elements of specialisation in terms of having identifiable royal guards and soldiers, everyone was duty-bound to maintain customary law and order within the chiefdom.

Further, the chiefs relied on their subordinates (sub-chiefs) who ruled certain parts of the chiefdoms and vassal clans to uphold law and order. For political reasons, the sub-chiefs took an oath of allegiance to the chiefs and commanded a very limited number of warriors. In Hehe Chiefdom, for example, subordinate rulers (mzangila/vanzagila) kept law and order and assembled young men or soldiers (vigendo) for war. Chief Ndagara of Karagwe, on the other hand, allowed each Hinda princes to maintain a small army that protected the chiefdom at times of disturbance and gave them cattle in return. In Fipa Chiefdom, the chief placed strategic border villages under the control of military governors known as “alaasi”, responsible for frontier security. In Uyuwi Chiefdom, Chief Mirambo had border guards (agents) to maintain order in each conquered land while headmen who maintained a group of armed followers assisted Chief Isike in Unyanyembe chiefdom. It is also recorded that Kimweri ye Nyumbai in the Shambaa Chiefdom maintained great internal order and peace using his subordinates. The use of subordinates to maintain law and order, however, did

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230 Roberts (1968), Ibid. p. 130.
231 Ibid. p. 135.
232 Iliffe (1979), Ibid. p. 15.
233 Roberts (1968), Ibid. pp. 44 and 45.
234 Kimambo and Temu (1969), Ibid. p. 82.
235 Roberts (1968), Ibid. p. 90.
236 Ibid. pp. 138 and 139.
not prevent commoners and traders from forming private armies and controlling violence.

Some of the emerging chiefs had no military power or had scarce resources to maintain their authorities over a vast area. This allowed commoners and traders to form politically motivated armed bands and challenge hereditary chiefs. During the period of economic and political crises, traders seized the opportunity to form raiding troops and amass wealth.\textsuperscript{238} To regain political independence, \textit{Bwana Heri}, a Zigua trader, for example, created a private army by selling slaves to Arab traders that he later used to fight against the Germans.\textsuperscript{239} \textit{Msiri}, a Nyamwezi trader, used private mercenaries to establish the \textit{Ukimbu} chiefdom in the 1860s\textsuperscript{240} while \textit{Kuti}, a \textit{Galla} trader, established himself by force and created the \textit{Ipito} Chiefdom.\textsuperscript{241} Among the \textit{Luguru} people, \textit{Kisabengo} (a \textit{Zigua} trader) amassed power and made himself a leader of a group of runaway slaves near the coastal area to become the first ruler of \textit{Uluguru} in the 1850s.\textsuperscript{242} Apart from traders, commoners also took advantage of the breakdown of customs and loyalties to acquire firearms from Arab traders to form armed bands and groups of bandits.\textsuperscript{243} \textit{Kimalaunga}, for example, had armed retainers who terrorised defenceless villages near Lake Rukwa\textsuperscript{244} while \textit{Nyungu-ya-Mawe} of \textit{Unyamwezi} built a private army\textsuperscript{245} known as ‘\textit{ruga ruga}’ or ‘\textit{valuga-luga}’\textsuperscript{246} modelled on Chief \textit{Mirambo}’s army.\textsuperscript{247} Lieutenants (\textit{mutwale/vatwale}) commanded the \textit{ruga ruga} and responsible for self-protection, attacking and plundering trade caravans.\textsuperscript{248}

Some chiefs like \textit{Kimweri ye Nyumbai} of \textit{Usambara} Chiefdom created a monopoly on trade to ward off political rivalries and to prevent their subordinates from accessing weapons and wealth.\textsuperscript{249} This strategy failed because some subordinate rulers, vassal chiefs and commoners amassed wealth and formed security groups. This allowed

\begin{footnotes}
\item[238] Roberts (1968), \textit{Ibid}. pp. 30, 31 and 75.
\item[241] Roberts (1968), \textit{Ibid}. p. 106.
\item[243] Roberts (1968), \textit{Ibid}. pp. 91-93.
\item[246] Meaning - young, unmarried, professional soldiers.
\end{footnotes}
them to defect from old chiefdoms and form new ones (e.g. Chief Kilangabana, near Mikumi and Chief Mgunda of Kutu among the Nyamwezi people)\textsuperscript{250} or to depose incumbent chiefs and assume office (e.g. Nyungu-ya-Mawe attacked and defeated Kiwele,\textsuperscript{251} Ipito and Nkokolo Chiefdoms).\textsuperscript{252} Some deposed chiefs (e.g. Mnwa Sele in Unyamwezi) assembled groups of gunmen and continued to attack their deolders and trade caravans\textsuperscript{253} while others resorted to supernatural powers as a political necessity to form security groups and establish chiefdoms.\textsuperscript{254} Villagers considered witchcraft as a serious crime and security threat, thus they excommunicated, banished or killed witches and sorcerers.\textsuperscript{255} The fear of sorcery allowed individuals with supernatural powers or capable of performing rituals and detecting witches to become law enforcers and ascend to the throne. Chief Mashombo of Mshewa Mbaga, for example, devised a technique known as ndemwa and used it in ordinary law cases and in detecting sorcerers.\textsuperscript{256} Instead of punishing them, Mashombo employed them in his private army of mercenaries and witches that he used to raid and rule with impunity.\textsuperscript{257} Ndemwa was an important means of social control and encouraged people to hand over suspects to the diviners rather than taking the law into their hands.\textsuperscript{258} Another example is the mshitu ritual functionaries among the Shambaa (sambaa) people of North-eastern Tanzania.\textsuperscript{259}

Precolonial chiefdoms controlled trade, maintained tribal armies and demanded tributes and military volunteers from each homestead in exchange for protection.\textsuperscript{260} In other instances, subordinate chiefs, commoners, and traders created gangs of armed slaves or conscripted prisoners of war into personal security groups and used them to attack and depose tribal chiefs, establish outposts of armed retainers and levying tributes to the conquered tribes and trade caravans.\textsuperscript{261} These new security

\begin{itemize}
\item \textsuperscript{250} Roberts (1968), \textit{Ibid.} pp. 133 and 134.
\item \textsuperscript{251} Central Ukimbu.
\item \textsuperscript{252} Roberts (1968), \textit{Ibid.} pp. 109 and 110.
\item \textsuperscript{253} Roberts (1968), \textit{Ibid.} p. 132.
\item \textsuperscript{254} In 1928, the colonial government enacted the \textit{Witchcraft Ordinance}, the law that is still in force to date.
\item \textsuperscript{255} Iliffe (1979), \textit{Ibid.} pp. 11 and 12.
\item \textsuperscript{256} Kimambo and Temu (1969), \textit{Ibid.} p. 65.
\item \textsuperscript{257} \textit{Ibid.}
\item \textsuperscript{258} \textit{Ibid.}
\item \textsuperscript{261} Iliffe (1979), \textit{Ibid.} p. 48.
\end{itemize}
arrangements were politically motivated and mainly affected areas invaded by Ngoni people and along trade routes controlled by Arab settlers. In my view, the private armed bands controlled by traders and commoners were private security actors at a nascent stage while security units maintained by the Sultan and tribal chiefs or clan heads represented semi-public institutions. These early forms of hybrid security arrangements focussed on protecting the society against external threats (wild animals, cattle, slave raiding and annexation) rather than internal ones (crimes), thus the blurring of the border between defence and security functions. As discussed below, the colonial rulers centralised political powers and transformed these early security arrangements to serve their interests.

3.4 Security Arrangements in the Colonial Period

The state as we know it today and its attendant institutions came into being during the colonial period. The distinction between private and public actors and the line between defence and security functions became more pronounced. All security arrangements outside the government structure or public space became private ones. Commercial entities relied on state policing and maintained formal private security units to protect their trading interests and properties while the local communities depended on informal institutions for protection. Non-state actors, which took the form of imperial chartered companies, rifle or shooting clubs, in-house security departments, mercenaries and warlords, colonial agents (detribalised natives) and vigilante groups, were highly statised and politicised. The chartered companies, in-house security personnel and shooting clubs enjoyed a state-like status that transformed them into some sort of semi-state security actors. The public security actors included the police force, prison, military, and tribal police (chiefly policing). As the next two parts show, the German and British governments operated security on a purely political agenda.

262 Roberts (1968), Ibid. pp. 120-130.

263 This phase covers the German rule and British rule (1884-1963) in Tanzania. Tanganyika became the Germans’ colony. The Heligoland-Zanzibar Treaty of 01/07/1890 between the German Empire and British placed Zanzibar under the British rule.
3.4.1 The German Colonial Rule

The key strategies for maintaining political powers and economy included policing through a chartered company, a strong military presence, direct rule (governorship) and use of local collaborators.\(^{264}\) As such, the German East Africa Trading Company (*Deutsch-Ostafrikanische Gesellschaft - DOAG*) was the first recognisable law enforcer in Tanganyika.\(^{265}\) Carl Peters and his friends formed DOAG in 1884 and received a royal charter (political symbol) in 1885 to establish German colonies in East Africa.\(^{266}\) The DOAG could raise, maintain and use force and govern overseas territories on behalf of the German Empire.\(^{267}\) Ortiz\(^{268}\) claims that forces maintained by the overseas trading companies constitute the closest historical antecedent to PSCs in an embryonic form. Although the DOAG had a short spell (1884-1891), it left the mark in the creation of and politicising private security actors and the exercise of force by a body corporate in its own right.\(^{269}\)

The German government bought the DOAG, and sent a governor to take direct control of the colony\(^{270}\) and to establish the first public force (*Schutztruppe* or *Wissmanntrup*) in 1891.\(^{271}\) As both political and security strategy, the German soldiers (*askaris*) were


mostly Sudanese, Egyptians (Nubians), Turks, Somalis and Zulu. Germany recruited a few local people who joined the public force from the ‘martial tribes’ (Nyamwezi, Hehe and Yao). This was the beginning of the colonial policy of using strangers to maintain order among strangers. The askaris protected the colonial administration centres (bomas/bomani), governed the interiors and enforced prison sentences, laws (Gasetz), imperial edicts (Reichskanzler Verordnungen) and instructions from the Chancellor (Anweisungen). The regime tasked the existing network of traditional structures with policing the local people in respective villages and districts.

It is not clear whether the Germans established a formal police force in Tanganyika. Some literature contends that the Germans did not have a police force; rather they used the army and local administrators (liwali, jumbes and akidas) to do both policing and defence works. For easy control of security along political interests, the Germans negotiated with the Sultan and Omani aristocrats who became officers of the colonial government. The Arabs provided each major coastal town with a liwali and the hinterland with subordinate administrators (akidas). The liwali, an Arab administrator of a district’s headquarters, collected taxes, administered justice and punishments and were in-charge of colonial armed forces at a district level. The akidas administered local urban population assisted by jumbes or jumbenschaft (village headmen) in townships. Other sources claim that there was a police force (polizeitruppe and landespolizei) established on 1st March 1892. Von Herff

273 Ethnic groups believed to produce reliable, efficient, and fearsome soldiers.
275 Elrena van der Spuy & Ricky Röntsch (2008), Ibid. p. 58.
suggests, “…the creation and growth of a separate civilian police force from 1905 to 1914 virtually eliminated police and administrative tasks from the aegis of the *Schutztruppe* granting it the opportunity to become a specialised military force.” The main task of the police was to maintain law and order and to collect taxes. During a famine period whereby criminal groups stole livestock and grain, the colonial government responded by sending a force of police to restore order.

Since politics drove security arrangements and related policies, the public force protected the regime rather than the citizens, with more concentration of law enforcers in administrative centres and white residences. The regime defined residential zones for Europeans, Asians and Africans. The German’s *Bauordnung* (building regulations) of 1891 and 1913 respectively, for example, divided Dar es Salaam (formerly Mzizima) into three zones along racial lines of Europeans (zone I: government), Asians (zone II: commercial), and African (zone III: the *niegervierteil* - native village or bazaar). While the duty of DOAG and *askaris* was to maintain law and order in European settlements and investments and to protect the regime from native resistance, the existing network of district and village authorities (*akida*, *jumbe* and *liwali*) policed the indigenous population.

Apart from the short-lived rule of DOAG in Tanganyika that maintained private forces, the governor encouraged the European population in the colony to organise their security groups. The Europeans responded by forming civilian shooting clubs or companies (*schutzenkompagnie*), which were accorded military reserves or volunteers’ status to maintain the government’s influence in such arrangements.

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Therefore, not only these security clubs maintained law and order in production areas, but also fought alongside the German army during World War I. Moreover, the colonial state used vigilante groups like ruga ruga in the form of mercenaries and warlords to control the native population. Local collaborators such as Chief Merere II of Sangu chiefdom supplied the Germans with warriors to attack enemy tribes.  

The Germans also used local collaborators and warlords (German agents) who had private armies to maintain law and order among the Wanyanturu people in North-central and other interior parts of Tanganyika.

It is because of this close relationship between the regime and policing, the local people’s perceptions of the state security agencies appears “to have been similar to that of an occupying force,” thus giving birth to the earliest forms of anti-colonial movements in Tanzania. Rumaliza, for example, a great trader at Ujiji in Kigoma teamed up with Chief Isike to fight the Germans. Other traders and local chiefs who fought the Germans included Marealle, Isike, Mkwawa, Abushiri bin Salim, and Bwana Heri. The Maji Maji rebellion (1905-1907) also evidenced the existence of opposition by non-state actors and the failure of the Germans to control violence in the colony. Since the colonial troops were few and mostly unavailable to the indigenous population, the local people depended on community-based security groups to control crimes. These arrangements were private and could only exist if they did not pose a security threat to the colonial economy. Overall, the Germans are the only rulers in Tanzanian history who have tried to establish a ‘monopoly of violence’ both in theory and practice because they defeated and coercively co-opted all privately organized security groups in the country. The Germans created a state and law ‘properly so called’ and maintained order through a chartered company, the army, mercenaries, and colonial agents (jumbe, akida, and liwali) as political entities.

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291 Roberts (1968), Ibid. pp. 77 and 78.
293 Cross (2013), Ibid. p. 42.
295 Ibid.
296 Maji Maji was a war against the Germans involving twenty different ethnic groups in Southern Tanzania.
The chartered company had access to the means of violence just like a sovereign state, thus becoming a predecessor to modern-day PSCs. The German rule ended after World War I and Tanganyika became a British-administered territory under the League of Nations Mandate as discussed in the next part.299

3.4.2 The British Colonial Rule

Britain acquired Tanganyika through military campaigns against the Germans.300 The country became part of British East Africa and the League of Nations mandate in 1920, later a United Nations trust territory between 1946 and 1961. During World War I, the British allied forces, the Royal Navy and Infantry governed the conquered part of the country as an occupying power.301 The British also formed an ad hoc civilian police force in 1916, made up by a Major, 31 South African mounted rifles and supplemented by local volunteers.302 This task force carried out police duties in strategic areas and European settlements during the war. After the war, the British introduced two fundamental changes in public policing, implemented along political agenda at the time, i.e. racial divisions and residential zones. First, they established the Tanganyika Police Force and Prison Service in 1919303 as a third political branch of the colonial administration.304 Second, they introduced the indirect rule system exercised through local chiefs and Council of Elders305 who worked with intermediaries or detribalised/Europeanised natives306 (liwali, akida, and jumbe).307 The combination of these two changes not only defined and shaped the structure and functions of the police force along political interests but also sustained alternative security arrangements throughout the British rule.

302 Ibid.
304 Burton (2003), Ibid. pp. 65 and 67, and Burton (2005), Ibid. p. 64.
305 Governing Africans through their institutions.
306 Group of Africans who have lost their customs and traditional way of life.
To ensure political allegiance, the Tanganyika Police Force did not resemble the Metropolitan Police Service (Kin or Anglo-Saxon police system/London model) but the *gendarmerie* system (Continental Europe/French model). Initially, the British used the French model to build the Royal Irish Constabulary (RIC) in 1836 and reproduced it in all British colonies in Africa:

…to help pacify the country during colonial conquest, to patrol cities and commercial ventures, to enforce forced labour and taxation policies, and to deal, peripherally, with crimes of which individuals, especially the well-to-do and colonialists, were victims.

The London model represented a “force exercised indirectly by the people, from below, upwards” in comparison to the militarised French police with barracks that represented a force exercised, by authority, from above, downwards. Further, the London model was democratic and civilian aimed at preventing and detecting crimes and keeping law and order. The British created the police force out of military and para-military units (*askari*) inherited from the Germany period. To ensure that the regime was well represented and served in the force, the Europeans and Asians occupied the upper and middle ranks respectively while Africans filled the lower roles of police constables. Like the Germans, the British recruited local police officers from the local ethnic groups known as martial race and other British colonies. Further, to ensure political control of security in the colony, the principle that governed policing in the territory was “policing strangers by strangers”, thus creating mistrust, disunity, and animosity between the police and native population.

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315 Sukuma, Yao, Hehe, Kurya, Nyanwezi, Nyasa, and Ngoni. The colonial army (King’s armed Rifle) had a similar problem, whereby it recruited 20-25% of Tanganyika soldiers from mainly Hehe and Kurya.
The police presence in the native neighbourhoods and peri-urban areas was negligible and only there to sustain the regime and to service the economy. In particular, the European population and investments enjoyed special treatments under the colonial policing system because of exclusionary (racial) zoning and rural-urban divides. The Europeans had separate residential areas from Asians and Africans with full-time police protection. Killingray explains that:

Africa was only thinly policed by the colonial government. Colonial government had an interest in protecting European lives and property in towns and commercial centres and providing a measure of control over the key parts of the economic infrastructure. Thus, many territories had different branches of the police: town police employed by municipalities and often largely concerned with regulating African movements within the town, and other police units charged with specific duties involving the escort of officials and specie [money], or supervising the railways, mines and waterways.

The regime left the urban informal settlements and the villages, which had no significant economic value, to the control of the native authorities. Police admitted in the 1959 Annual Report that although the force was supposed to maintain civil order all over the territory, it was ‘largely restricted by its size to the capital and other urban areas.’ The state was organised differently in rural areas from urban ones creating what Mamdani calls a ‘bifurcated state’, that is to say, a state containing ‘two forms of power under a single hegemonic authority.’ The British divided the urban population into zones and ruled it directly from the designated administrative centres. The Europeans (officials and non-officials) occupied Zone I for residential and administrative purposes (‘Uzunguni’). Asians (Indians and Arabs) and few Europeans occupied Zone II (‘Uhindini’) for commerce and trade, residential and

320 Burton (2003), Ibid. p. 66.
manufacturing while Zone III (‘Uswahilini’) was reserved for the native squatters and townships.\textsuperscript{327}

Dar es Salaam, for example, became ‘mji wa rangi tatu’ (a town of three colours) because of its social or racial groups coalesce and geography.\textsuperscript{328} The colonial police did not have enough personnel and resources, hence directed the available resources to secure their economic interests and to control the urban population (racial profiling and selective policing) that was becoming too political.\textsuperscript{329} To put this into perspective, in 1935, Zone I with a population of fewer than 1,400 people had 34 police officers patrolling it at night while Zone II with about 9,000 people had 28 patrol officers. About 17 police officers patrolled Zone III with more than 20,000 inhabitants,\textsuperscript{330} thus vulnerable to crimes.\textsuperscript{331} Therefore, Zone\textsuperscript{1332} was relatively better policed while Zones II and III had an insignificant police presence,\textsuperscript{333} creating a hostile relationship and mistrust between the local people and the police.\textsuperscript{334}

Despite enjoying state policing, the European population also had access to state-sponsored private security units. The mining companies, large plantation, major transport networks, tourism firms, processing plants, factories, and vast retail stores maintained in-house security departments.\textsuperscript{335} Like the Germans whose security policies and arrangements were politically motivated, the British sponsored the establishment of private defence associations in the form of shooting and rifle clubs among miners, sailors and marines to hold out any security threat in their areas before the government could send reinforcement troops.\textsuperscript{336} The British also established the Auxiliary Police to serve special production areas (mines, power plants and factories).

\begin{itemize}
\item \textsuperscript{328} \textit{Cf.} Smiley (2009), \textit{Ibid.} p. 178
\item \textsuperscript{329} Burton (2003), \textit{Ibid.} p. 65.
\item \textsuperscript{331} Burton (2003), \textit{Ibid.} pp. 64, 82 and 90, and Burton (2004), \textit{Ibid.} pp. 1 and 6-21.
\item \textsuperscript{332} Seaview, Posta, Masaki and Oysterbay.
\item \textsuperscript{333} Burton (2004), \textit{Ibid.} pp. 10 and 13.
\item \textsuperscript{334} Owen (2016), \textit{Ibid.} p. 307.
\item \textsuperscript{336} Killingray (1986), \textit{Ibid.} pp. 431-2.
\end{itemize}
and continued to retain the service of retired police officers, soldiers, prison officers, and cattle guards as police reserve to serve political interests in the colony. Like the state police, these private security units mainly protected European (private) properties and enforced racial segregation laws. Deflem claims, “…many private police forces were established by colonial companies, which again shows how law enforcement and commercial imperialism were inextricably linked”. However, politically motivated policy of pluralism withered as time went on and the independence movement gathered steam.

The British understood that their rule rested on the legitimacy and effectiveness of local collaborators in rural and peri-urban areas. The regime, through the indirect system, introduced the native authorities, i.e. chiefly authority in 1924 and elders’ council in 1934, thus reviving the gerontocratic authority in the local communities. For political reasons and to ensure minimal local resistance, the British transformed the native authorities into a local extension of the colonial rule and relied upon them to perform a variety of policing tasks at the grassroots. Local chiefs and elders maintained law and order in their localities through the tribal police who responded to crime, collected tax and enforced the judgements of native courts. This move also signalled the revival and co-option of community-based security institutions that existed in the precolonial epoch such as ruga ruga regiment among the Nyamwezi people. Nevertheless, the British policing structures and practices presented several challenges that gave birth to vigilante groups in the colonial state. The regime hardly policed the less militant population, and the villagers had to teach their children what a police officer looks like. The relative absence of police in the native settlements

339 Maddox & Giblin (2005), Ibid. p. 72.
341 The Native Authority Ordinance (1926) and African Chiefs Ordinance (1953).
344 Burton (2003), Ibid. p. 81.
encouraged various groups to develop identifiable solutions to crimes and social inequality.\textsuperscript{345}

The chiefly policing created hostile relations between the native population and chiefs (regarded as \textit{white men’s dogs}).\textsuperscript{347} Since politics drove security, hereditary chiefs and other local ‘delegatees’ were mere puppets and unaccountable to the indigenous population, thus offered little assistance in maintaining law and order.\textsuperscript{348} This was so because the colonial regime reinvented and shaped the chiefly authority and tribal police units to meet colonial politics and related needs that could not necessarily reflect traditional institutions and values.\textsuperscript{349} The British also failed to identify Africans who had enough legitimacy and willing to carry out unpopular imperial orders.\textsuperscript{350} On the other hand, the introduction of the council of elders who were like a gerontocratic rule in precolonial societies as a way of controlling the urban youths proved a failure. This was so because the urban youths were the most dissatisfied group in the colonial period and no longer respecting chiefly authority and elders.\textsuperscript{351} This was partly due to unemployment and lack of a voice in both colonial and native institutions (elders’ council and chiefly authority).\textsuperscript{352} To make their voices heard and to challenge the colonial order, the educated youths and labourers formed and joined pressure groups, such as tribal organisations, vigilantes, trade unions and nationalist parties.\textsuperscript{353} In urban areas, these unions marked the gradual shift of social order from the colonial and native institutions to pressure groups’ discipline and vigilantes.\textsuperscript{354}

The nationalist parties, in particular, introduced the youth wings to their hierarchies in the 1950s.\textsuperscript{355} The parties recruited, manipulated, and deployed the youths as

\begin{thebibliography}{99}
\item Maddox & Giblin (2005), \textit{Ibid.} p. 139.
\item Maddox & Giblin (2005), \textit{Ibid.} p. 70.
\item The Germans’ direct rule replaced tribal chieftains, thus, when the British came in had to reinvent traditional authorities.
\item Burton (2005), \textit{Ibid.} p. 63.
\item Burton (2003), \textit{Ibid.} pp. 66 and 78.
\item \textit{Ibid.} p. 228.
\item \textit{Ibid.} p. 222.
\end{thebibliography}
coercive units in their struggles for political powers and self-governance.\textsuperscript{356} The Tanganyika African National Union (TANU) established the TANU Youth League (TYL) in 1956.\textsuperscript{357} The main tasks of the TYL were to enforce TANU discipline in public areas, frustrate other political groups and perform policing work.\textsuperscript{358} In Brennan’s\textsuperscript{359} words;

From its base in Dar es Salaam, Youth League policing quickly became territorial. In the Tanga, Northern, and Southern Provinces by late 1960, TYL had taken to usurping police powers by enforcing ‘either real or imaginary territorial laws by organizing night patrols of towns and roads, topping and sometimes arresting ordinary Tanganyikans for alleged offences, drilling like soldiers with imitation rifles, searching motor cars for illegal commodities, and holding illegal courts’. The colonial state anxiously identified TYL supporters as vigilante.

The practice of establishing youth wings as political and security groups was common to other nationalist parties and associations such as the African National Congress that clashed with TYL followers on several occasions.\textsuperscript{360} Zanzibar experienced a similar situation like Tanganyika, whereby the Zanzibar Nationalist Party had a youth league known as Youths’ Own Union, while Afro-Shirazi Party (ASP) established the ASP Youth League in 1959.\textsuperscript{361} In rural areas, the vigilante groups in the form of neighbourhood watch groups or moots started to develop. Among the Sukuma and Nyamwezi people, for example, the basumba batale (great youths or neighbourhood leaders) and mchapi groups emerged to assume generational roles.\textsuperscript{362} The leaders of a nationalist movement manipulated the ‘basumba batale’ to challenge the chiefly authority by setting up alternative courts and security arrangements. These politically motivated policing groups made searches and arrests, tried and punished criminals, adulterers and witches.\textsuperscript{363} They also supported TANU’s independence movement, forced some chiefs to abdicate and punished villagers who failed to attend political

\textsuperscript{356} Ibid.
\textsuperscript{357} Ibid. p. 228.
\textsuperscript{358} Ibid. p. 229.
\textsuperscript{359} Ibid. p. 230.
\textsuperscript{360} Ibid. pp. 229 and 231-232.
\textsuperscript{361} Mbogoni (2013), Ibid. p. 191, and Burgess (2003), Ibid. pp. 5-11.
\textsuperscript{362} Abrahams (1989), Ibid. p. 360.
rallies and village assemblies.\footnote{Abrahams (1989), \textit{Ibid}. p. 360.} To sum up the foregoing discussion, the British government enacted laws and established the police force, auxiliary police, prison service, army (King’s African Rifles) and native police (chiefly policing). It also allowed ‘white’ settlers and investors to form rifle associations and in-house security units in their settlement and production areas. On the other hand, the native population created party militias and neighbourhood watch groups parallel to the state and chiefly policing. In the last two parts, I examine how the ‘mandate’ (later ‘trust’) territory status prevented not only the creation of a strong police force in the country but also contributed to poor security policies that disregarded the plural security landscape in the ‘colony’ and ‘post-colony’.

\section*{3.5 Pathways to Weak Government Institutions}

The colonial regime created a condition of fragility that made it nearly impossible for the ‘post-colony’ to reinvent itself and break free from the paths set by its predecessor government and assert the rationality of state institutions. The state institutions remained weak, inaccessible to the large part of the population and unable to provide basic security services to the people. The existence of weak institutions in Tanganyika, for example, is partly associated with the politics of the World War I and the change of colonial powers from the Germans to the British. During the war, Tanganyika became a battleground in the East African region, thus the destruction of institutional arrangements and facilities and the death of well-trained security officers in the colony. After the war, the British introduced superficial reforms, not aimed at building strong institutions and personnel that would endure beyond colonial rule. The colony had a considerable number of non-native police officers that undermined the regime’s efforts to prepare the native to assume office after independence. Many European and Asian officials left in 1962, making it harder to fill the gap left behind with ill-trained and inexperienced local officers. Local officers discriminated against the remaining non-native officials, which forced the government to replace them with black Africans. The presence of foreign officials also made it harder for the local people to accept the government’s institutions, perceived as ‘alien’ and only there to serve the interest of the European population. Osghae claims, “…this gave rise to the endemic legitimacy crisis that marooned the colonial state and its postcolonial successor”.

Unlike the Germans who built and depended on formal institutions to govern (direct rule), the British did not invest much in state institutions; rather they co-opted and relied on traditional authorities (indirect rule) to serve political interests in a colony.

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372 Ibid.
374 Ibid (2006), Ibid.
377 Ibid.
378 Ibid.
The British rulers did not prepare the native population for self-government nor did they intend to develop or invest in strong institutions and personnel to take over after independence.\(^{379}\) The indirect rule destroyed a real sense of belonging due to competition for, or divided allegiance among citizens and created a culture of relying on traditional institutions to meet justice and security needs at the expense of public institutions.\(^{380}\) Wa Mtua\(^{381}\) claims that:

Most of these new citizens lacked any instinctual or nationalistic bond to the colonial state. The failure of the successor post-colonial state points to the continued inability of the "unnatural" and forced the state to inspire loyalty and distinct national identities.

The colonial regime designed public institutions in such a way that they facilitated the extraction of resources to Europe rather than to foster local development.\(^{382}\) The regime handled ruthlessly any form of civil disobedience and legitimised itself through securing order and ‘civilising’ the local people.\(^{383}\) Violent opposition to colonial oppression resulted in strengthening coercive institutions and the law.\(^{384}\) This also implies that Tanganyika inherited weak institutions because it had very few incidences of civil disobedience or large-scale tribal violence\(^{385}\) and attained her independence through peaceful means. Moreover, Tanganyika was not a settler colony but a mandate territory (later a trustee). As a mandate territory, Tanganyika attracted a small number of settlers, thus little institutional development. This was so because European settlements “affected early institutions; and early institutions persisted and formed the basis of current institution”.\(^{386}\) The British did not need to develop and invest heavily in a colony, which they were mere custodians, i.e. they governed Tanganyika on behalf of the League of Nations (later the United Nations)


\(^{384}\) Eck (2018), *Ibid.* See also, the Public Order Ordinance (1951) and Societies Ordinance (1954).


and expected to surrender power to the local people at some point. Therefore, the British did not establish a proper functioning bureaucracy but relied on chiefly authority and elders.

Further, the regime invested less in strong institutions because several British colonies surrounded Tanganyika. It was possible to deploy troops from other colonies, such as Kenya, Uganda, Zanzibar, Malawi, and Zambia to respond to any public disorder in Tanganyika. The British had few police officers and invested less in public security because of cross-border policing and the need to protect the regime rather than the populace.\textsuperscript{387} As such, it was impossible to sustain cross-border policing after the country attained her independence earlier than other British colonies in the region. Post-independence, the government did not immediately adopt a proper national security policy to control the armed forces and ensure public safety.\textsuperscript{388} The first political move of the single-party autocrats was to abolish native authorities as they felt that the government enjoyed popular support and the army will always remain loyal to the state.\textsuperscript{389} They believed that the state of Tanganyika had no enemies and that the international community supported the country’s development agendas.\textsuperscript{390} Some government officials even called for the disbandment of the armed forces and place the defence of the country in the hands of the United Nations to show that Tanganyika was indeed a peaceful nation.\textsuperscript{391}

Tanganyika had the smallest police force in the world in the 1960s compared to its population and size. In 1964, for instance, very few police officers were available to resist the mutineers and looting that broke out in Dar es Salaam and Tabora.\textsuperscript{392} About 300 police were in Zanzibar to help the revolutionary government to restore order.\textsuperscript{393} Bienen\textsuperscript{394} suggests that there was no opposition from the state or other organised groups to suppress one thousand riflemen. The government had to rely on British and

\textsuperscript{387} Cf. CHRI (2006), \textit{Ibid.}
\textsuperscript{389} Bienen (1965), \textit{Ibid.} p. 41.
\textsuperscript{390} Luanda (2005), \textit{Ibid.} p. 299.
\textsuperscript{391} \textit{Ibid.} p. 300.
\textsuperscript{392} Bienen (1965), \textit{Ibid.} pp. 41 and 45.
\textsuperscript{393} \textit{Ibid.} p. 41.
\textsuperscript{394} \textit{Ibid.} pp. 42-44.
Nigerian troops to suppress mutineers, restore order, and maintain law.\textsuperscript{395} The army mutiny changed how the government perceived defence and security policies.\textsuperscript{396} It invested more in rebuilding the military rather than the police partly because of the geopolitics, \textit{i.e.} Cold War tension and imminent danger of external aggression.\textsuperscript{397} The government partly left the delivery of basic security services of the rural population to the party, which endorsed and indoctrinated policing groups and organised security independently or alongside state machinery to counterbalance the power of the armed forces.\textsuperscript{398} One of the political strategies the government used to control violence in both the ‘colony’ and ‘post-colony’ was to adopt and reform security policies in a path-dependent way as discussed below.

3.6 The Paradox of Policy Reforms and Legacies

The colonial government was the supreme body within the colony in defining and conferring legality. The colonial policy on private policing focused on spurring the colonial agents (settlers, missionaries and state officials) in the colony to create formidable security groups to serve the regime in case of emergency.\textsuperscript{399} The rifle clubs, for example, were capable of repelling or holding off civil disorder in production or white settlement areas until the government is ready to send reinforcements.\textsuperscript{400} This was especially true in the first decade of colonial rule and during and immediately after World War I and II. Shaidi suggests,\textsuperscript{401} “…colonial brutality was not only exercised by the state itself but by all its agents from the settlers to the missionaries”. The state was not concerned with policing by colonial agents because the public force was overstretched, and the agents belonged to the ruling class, which had much to lose in case of civil disorder.

To ensure that politics drove security, the British regime, for example, attempted to concentrate coercive powers in public hands, impose strict control over security and private capabilities and restrict its direct connection to the local people. In short, the

\textsuperscript{395} Ibid.
\textsuperscript{396} Luanda (2005), \textit{Ibid}.
\textsuperscript{397} See, Chapter 4.
\textsuperscript{398} Ibid.
\textsuperscript{399} Shaidi (1985), \textit{Ibid}, p. 121.
\textsuperscript{401} Shaidi (1985), \textit{Ibid}, p. 121.
government was not in favour of security groups run by the local people, other than chiefs, because of the threat they posed to the survival of the colonial order.\textsuperscript{402} Further, for political reasons, the regime prohibited the local people, who were at all-time seen as a potential threat to the colonial order and economy, from not only forming armed and unarmed groups but also usurping police powers. The enactment of the Public Order Ordinance (POO) and the Societies Ordinance (SO) intensified the crackdown of ‘non-white’ armed and unarmed groups, especially the pro-independence groups that picked up in the 1950s.\textsuperscript{403} The POO aimed at banning organisations capable of usurping the functions of the armed forces.\textsuperscript{404} It allowed the Governor to prohibit members of any organisation from wearing uniforms, distinctive dress or emblem in public places to usurp powers of the armed forces or employ them for the use or display of physical force.\textsuperscript{405} It also made it illegal to possess weapons in public places and to give or receive training to usurp police functions or related activities.\textsuperscript{406}

Apart from the POO, the SO empowered the Governor to declare any society or association unlawful, if used for any purpose prejudicial to the maintenance of peace and order.\textsuperscript{407} Among other things, the SO adopted a very strict interpretation of the word ‘society’ to include an association or group of ten or more persons regardless of whether it is registered or not.\textsuperscript{408} Before the enactment of the POO and SO, the regime used the Penal Code\textsuperscript{409} and the Emergency Powers Order in Council (1937-1961)\textsuperscript{410} to control social groups likely to create disorder. These laws empowered the Governor to make regulations for securing the public safety, the defence of the territory and maintenance of public order.\textsuperscript{411} As a political necessity, the British reversed to a more centralised policy that outlawed ‘non-white’ security groups. In some instances, however, the government tolerated ‘non-white’ actors if they shared common

\textsuperscript{402} Non-state actors - as defined in the previous chapters.
\textsuperscript{404} Section 3(1)
\textsuperscript{405} Section 6 of the POO.
\textsuperscript{406} Sections 3 & 6.
\textsuperscript{407} Section 6.
\textsuperscript{408} Section 2.
\textsuperscript{409} Infra.
\textsuperscript{410} Replaced by Section 29 of the Emergency Powers Act, 1986.
\textsuperscript{411} Cf. Articles 4, 5(c), 10 and 13 of the Tanganyika Text of Trusteeship Agreement as Approved by the General Assembly of the United Nations, New York, December 13, 1946.
interests with the rulers or operated in areas that the government had no political and economic interests. The aim was to ensure that the government retained a maximum political control of the means of violence in a colony.

Despite the above stringent measures against the native groups, the local people could legitimately wield coercive powers through three avenues controlled by politicians and political appointees. The first avenue was through the deputising process whereby the Inspector-General or the Superintendent in charge of police or the Provisional and District Commissioners could extend policing powers to any civilian to become a special police officer for specific time and locality. The President, District and the Regional Commissioners can exercise the power to deputise civilians. The second avenue was by serving the local chiefs as tribal messengers (native authority police) under customary law. The government abolished the chiefly authority and customary criminal law immediately after independence. The third avenue was through penal laws such as the Penal Code (1945), the Code of Criminal Procedure (1945) and the Stock Theft Ordinance (1960) that recognised the right to self-defence and defence of property. These statutes are still intact today with similar effect. An individual exercising police power under the first two options above became a quasi-police officer. The same goes for colonial agents, shooting clubs, and in-house security departments. The last option creates a universal and inalienable right for one to protect his life and property or that of his neighbour, thus does not need any common law or statutory recognition. Nonetheless, civilians could only exercise coercive powers in their ‘individual’ capacity rather than as a ‘joint’ force.

The state in the postcolonial period inherited a delicate form of power relations between the government and the civil society. The change of security policy intended

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412 Sections 78-87 of the Police Ordinance (RE: 1962).
413 Sections 81-90 of the Police Force and Auxiliary Services Act (RE: 2002).
414 Native Authority Ordinance (1926) and the African Chiefs Ordinance (1953). See, Pratt (1976), Ibid.
417 Under these laws, civilians could as well conduct a search, arrest people, or seize property.
418 See, sections 11 and 15 of the Stock Theft (Prevention) Act (Cap. 265), sections 16, 19 and 31 of the Criminal Procedure Act (Cap. 20), and sections 18, 18A, 18B, 18C and 178 of the Penal Code (Cap. 16).
to address emergent security challenges in the post-colony. The policies adopted against security service providers revolved around past reforms (POO and SO), even though prior events (anti-colonial movements) could not fit the prevailing circumstances (the Cold War and geopolitics). The endemic problem of public policing in Tanzania today is partly associated with the tendency of the government retaining or copying colonial policies and looking for solutions from Britain without due regard to the local context. The practice of importing policies began in the colonial period after the adoption of the Tanganyika Order in Council in 1920, which at the time was equivalent to the modern state Constitution.\textsuperscript{419} The Order in Council allowed the regime to use statutes of general application in England,\textsuperscript{420} hence the laws of the colony comprised the enactments of the colonial government and received English laws (received laws). Such law must be in force in England before the 22\textsuperscript{nd} of July 1920 and must fit the local circumstances for it to apply in the colony.\textsuperscript{421} For political motives, the regime did not meet the two conditions in importing the POO and SO. The POO was \textit{in pari materia} with the English Public Order Act of 1936,\textsuperscript{422} thus very much influenced by the events and policy changes in England after 22 of July 1920.\textsuperscript{423} While the UK government adopted the 1936 Act to control fascist political organisations such as the British Union of Fascists,\textsuperscript{424} the POO targeted nationalist movements and non-state actors. On the other hand, the regime modelled the SO on British Hong Kong’s Societies Ordinance of 1890, which presumed all social organisations to be unlawful until registered by the government.\textsuperscript{425} The POO and SO are in force today supported by Article 147 of the 1977 Constitution and section 8E of the Political Parties (Amendment) Act of 2019.\textsuperscript{426}

\textsuperscript{419} S.R. & O. 1920, No. 1583.
\textsuperscript{420} See, Section 17(2) [the reception clause].
\textsuperscript{421} Retained by section 2 of the Judicature and Application of Laws Ordinance/Act (Chapter 358).
\textsuperscript{422} Chapter 6 (Regnal. 1, Edw. 8 and 1 Geo. 6).
\textsuperscript{423} The 1951 Ordinance banned individuals and quasi-military organisations that usurped functions of the police force and the military.
\textsuperscript{425} See, sections 2 and 8 (formerly section 6).
\textsuperscript{426} The 2019 Act prohibits political parties to establish militias or security groups to prevent them from disrupting peace and order.
Moreover, the English Bill of Rights of 1688 inspired the drafters of Article 64 of the Republic Constitution (1962) and Article 80 of the Interim Constitution (1965).\textsuperscript{427} The English Bill of Rights provided, “the raising or keeping a standing army within the Kingdom in time of peace \textit{unless it be with consent of Parliament is against law}”. Under the 1962 and 1965 Constitutions, the government could maintain a standing army while private individuals would need the approval of the parliament to do so. On the other hand, the 1977 Constitution adopts the position taken by the English Militia Act of 1661\textsuperscript{428} whereby the King of England had a sole right to raise and command a standing army to defend the kingdom and its dominions. The drafters of the 1977 Constitution might as well have borrowed a leaf from the POO and SO that prohibit individuals, organizations, and group of persons from controlling violence. In either case, the government resuscitated both legislative and political measures that nationalist parties opposed in the 1950s, even though the police could not uphold law and order without enlisting the support of non-state actors.

\textbf{3.7 Conclusion}

This chapter described key historical trends in precolonial and colonial policing structure and policies and related continuities and changes. It showed that Tanzania has had plural security landscape before and during the colonial rule. In the precolonial era, it was hard to draw a line between public and private actors because there was no state, as we know it today. The security arrangements took the form of armed retainers, personal bodyguards, royal guards, and standing armies. The chapter showed further that the Germans maintained order through a chartered company, the army, mercenaries, and local agents. The chartered company had access to the means of violence just like a sovereign state, thus becoming a predecessor to modern-day PSCs. The Germans are the only rulers in Tanzanian history who have tried to establish a ‘monopoly of violence’ both in theory and practice because they launched a series of military campaigns against, and coercively co-opted all privately organised security groups in the country. The British established the police force and auxiliary police, among other institutions, and allowed Europeans to form rifle clubs and in-

\textsuperscript{427} Chap. 2, Regnal. 1 Will & Mar Sess. 2.
\textsuperscript{428} Also known as the King’s Sole Right over the Militia Act (Statutes of the Realm, V. 308 f.: 13 Charles II, St. 1, c. 6).
house security units, which had political leanings. The native population created party militias and neighbourhood watch groups parallel to the state and chiefly policing. Therefore, the government was part of, and controlled violence through native chiefs, chartered companies, private shooting clubs (rifle associations), army, police force and local agents (jumbe, akidas, and liwali). All the above security arrangements and policies were mechanisms used to achieve political manipulation that continue to haunt Tanzania today. The next chapter explains the ban imposed on non-state actors in the 1977 Constitution as a precursor to the consolidation of state powers along political interests.
Chapter 4: Explanation of the 1977 Ban on Non-State Actors

4.1 Introduction

Drawing on archival records and secondary sources, and legislation and policies, this chapter seeks to explain why the government banned non-state actors in the 1977 Constitution (also known as the Permanent Constitution) and not in the 1962 and 1965 Constitutions, also known as the Republic and Interim Constitutions, respectively. The first part looks at the state-specific factors for the adoption of a less strict stand towards non-state actors in the Republic and Interim Constitutions. The second part lays down a foundation for understanding the role of the union of the formerly sovereign states of Tanganyika and Zanzibar and the single-party autocrats in formulating security policies. It also looks at the party’s control of law and order through, and sometimes outside, the government machinery. The third part builds on the first two parts to explain the government statement in the constituent assembly for the 1977 ban (hereinafter the ban) and related socio-political context. The last part of the chapter shows the implication of and connects the context for the ban of non-state actors to the question of plural policing. I argue in this chapter that the Tanzanian government’s security policy was as much about political necessities such as counterinsurgency, decolonisation and secession movements. Therefore, the contexts for the ban have had a multifaced effect on the national security and created what I call ‘state-controlled’ plural policing.

4.2 A Glimpse of Plural Policing in the Republic and Interim Constitutions

The political necessity for the new government was to be seen as different from the colonialists and to harness the support of local actors to assist the weak police service. As such, at independence (1961), it was not sensible for the ‘new’ government to enforce the Public Order Ordinance (POO) and the Societies Ordinance (SO) against non-state actors because most of them operated under the party (TANU), which had relied on them before in demanding for political freedom. Also, the government had no alternative policy on privately and communally organised security groups. The main challenge that faced the government was how to maintain the state authority

429 Article 147 (formerly Article 89).
430 Article 64 of the Republic Constitution and Article 80 of the Interim Constitution.
without mirroring the colonial regime and awakening anti-government sentiments.\textsuperscript{431} The party, in the 1971 Guidelines,\textsuperscript{432} admitted, “…the truth is that we have not only inherited a colonial government structure but have also adopted colonial working habits and leadership methods”.\textsuperscript{433}

At independence, people commanded more coercive power through non-state actors and highly united behind the party, thus expected the ‘new’ government to distance itself from colonial practices and give more autonomy to privately and communally organised groups.\textsuperscript{434} As such, the party trained, indoctrinated and controlled militias and used them to check upon activities of the regular public armed forces.\textsuperscript{435} Thus, the debates in the national assembly in the 1960s focused on how best the government could manipulate and use non-state actors in complementing the police force.\textsuperscript{436} This was so because the inherited colonial police force was highly disorganised, overstretched, ineffective, unprofessional, mistrusted and despised by the people.\textsuperscript{437} Also, towards the end of colonial rule, nationalist parties had parallel coercive institutions that rivalled the public police, thus it was politically impossible to ban them immediately after independence.\textsuperscript{438} Similarly, the ‘new’ government was expected to act differently from its colonial predecessor towards non-state actors and finding solutions for the jobless and uneducated young population deployed as vanguards of the party during the struggle for independence.\textsuperscript{439}

The government needed time to work on a feasible plan to disband, discipline, or train and recruit them into existing armed forces without causing public disorder.\textsuperscript{440} Pending the completion of the security sector reform task, the state was compelled to recognise and use the services of non-state actors. Therefore, as opposed to the

\textsuperscript{431} See, Brennan (2006), \textit{Ibid}.  
\textsuperscript{432} Guidelines issued under the Party Constitution.  
\textsuperscript{434} Ibid.  
\textsuperscript{435} Ibid. p. 8.  
\textsuperscript{437} Ibid.  
\textsuperscript{438} TYL, YOU, and ASPYL (Chapter 2).  
\textsuperscript{439} Brennan (2006), \textit{Ibid}.  
\textsuperscript{440} Tanganyika National Assembly, Hansards, 2\textsuperscript{nd} July 1962, pp. 1201 and 1202 and Tanganyika National Assembly, Hansards, 13\textsuperscript{th} February 1962, p. 23.
Independence Constitution (1961)\footnote{The first constitution following the international recognition of independence.} that did not address the role and limitation of non-state actors in policing, Article 64 of the Republic Constitution\footnote{Cf. Great Britain. English Bill of Rights. 1688, Regnal. 1 Will and Mar Sess. 2, c. 2. London: HMSO and the Declaration of the Rights of Man and of the Citizen (1793) states, “to guarantee the rights of man and of the citizen a public force is necessary...”} made one concession. It allowed the Parliament to make laws that enabled private individuals, companies, and communities to establish non-state actors. This clause also provided an avenue for the government to make laws,\footnote{See, Acts Nos. 27 of 1973, 4 of 1975 and 25 of 1975.} train and engage privately and communally organised groups in the provision of security.\footnote{People’s militia, reserve forces, and National Service, etc.} With the requirement of the parliamentary approval through legislation, the government retained substantial control over security groups that might have planned to work with internal or external threats. This was so because to establish a security group one needed an Act of the Parliament to that effect. Apart from moving Article 64 of the Republic Constitution to Article 80 of the Interim Constitution, its content remained intact. Consequently, the constituent assembly did not discuss Article 80 of the Interim Constitution because it was virtually a copy of Article 64 of the Republic Constitution. The constituent assembly focused on more pressing issues brought about by the union of Tanganyika and Zanzibar and the introduction of a party-state system, which came to define national security policies.\footnote{The party’s NEC and Annual General Meeting discussed the proposals for the draft constitution, then tabled before the National Assembly. See, Hansard of the National Assembly, 5th July 1965, pp. 1658-9.}

4.3 The Union, Party and Security

Since its inception, the Union and its structure have been the main source of political debates and dissidence in the country.\footnote{Personal Experience (as a Tanzanian). See also, Haule, R.R. (2006) Torturing the union? An examination of the union of Tanzania and its constitutionality. ZaoRV, 66, pp. 215-233.} The main point of contention was whether the Articles of the Union\footnote{The Articles of Union between the Republic of Tanganyika and the People’s Republic of Zanzibar (1964).} creates a unitary or a federal state. In a strict sense, Tanzania is not a unitary territory because Zanzibar\footnote{Consists of several Islands in the Indian Ocean including Unguja and Pemba.} is a semi-autonomous state within the Union. The fact that Tanzania is a union of two former sovereign countries...
and the Constitution labels it as such does not in itself make it a unitary territory.\textsuperscript{449} The unitary element (centralisation of power) can, however, be seen in the respective governments of Zanzibar and Mainland Tanzania rather than in the Union government. The current structure of the Union exhibits quasi-federal traditions, that is to say, it is not a full-fledged federation because it does not comprise three or more states.\textsuperscript{450} In De Smith’s words,\textsuperscript{451} “Tanzania is a part-federation, since Zanzibar has exclusive fields of competence both in theory and in practice; but, for political reasons the term ‘federal’ does not appear in the Constitution inasmuch as it implies a degree of disunity as well as diversity”.

The essence of this arrangement was to avoid Mainland Tanzania ‘swallowing up’ Zanzibar or shouldering the burden of running three governments.\textsuperscript{452} Consequently, the union government has a double role, that is, it oversees union matters of the two states and non-union matters for Mainland Tanzania.\textsuperscript{453} This is so because Mainland Tanzania is not a semi-autonomous territory in the two-government structure, thus the Union Government also operates as a \textit{de jure} government for Mainland Tanzania.\textsuperscript{454} The effect of this arrangement is that the laws and institutions of Tanganyika, which had existed before the creation of the state of Tanzania, became laws and institutions of the Union.\textsuperscript{455} Similarly, the union Constitutions (Interim and Permanent) have been supreme laws of Mainland Tanzania while Zanzibar continues to have a separate Constitution.

\textsuperscript{449} Articles 1 and 2 of the 1965 Interim Constitution and Articles 1 and 2 of the 1977 Constitution.
\textsuperscript{450} Cf. Article 4(1)(2) of the 1977 Constitution (R.E. 2010).
\textsuperscript{453} Articles 12, 53, 81 and 85(1) of the 1965 Interim Constitution and Articles 11, 55, 89-90, 94(1) and the 2\textsuperscript{nd} Schedule to the 1977 Constitution. Cf. Articles 34(1), 64(1), 116(1) and 117(1) of the 1977 Constitution. Cf. Articles 34(1), 64(1), 116(1) and 117(1) of the 1977 Constitution (R.E. 2010). See also, Srivastava, B.P. (1983) \textit{The constitution of the united republic of Tanzania 1977: some salient features - some riddles}. UDSM Professorial Inaugural Lecture. Dar es Salaam, Dar es Salaam University Press, pp. 1 and 4-7, and Shivji (1990b), \textit{Ibid}. pp. 32-40.
\textsuperscript{455} See, the Interim Constitution Decree (G.N. No. 246/01/05/1964), Section 8(2) of the Union of Tanganyika and Zanzibar Act (1964) and Clause V(b) of the Articles of Union between the Republic of Tanganyika and the Peoples’ Republic of Zanzibar (1964). Cf. Section 12 [Article 64(4)] of the 5\textsuperscript{th} Constitutional Amendment (Act No. 15/1984), and the case of \textit{Jina Khatibu Haji v. Juma Salemani Nungu and Another}, Court of Appeal of Tanzania, 27/09/1986.
Regarding security issues, the Articles of the Union vested security matters in the Union Government.\footnote{Clause IV (c), (d) and (e) of the Articles of Union between the Republic of Tanganyika and the Peoples’ Republic of Zanzibar (1964). Cf. Section 5 of the Union of Tanganyika and Zanzibar Act (1964); Articles 12, 53, 81 and 85(1) of the 1965 Interim Constitution and Articles 11, 55, 89-90, 94(1) and the 2nd Schedule to the 1977 Constitution.} This means that Mainland Tanzania (union government) need to approve any form of security arrangement and policy in Zanzibar.\footnote{Report of the Shelukindo committee on union problems (1994), para 5.0 to 5.3, and Report of the Kisanga commission/white paper (1999). Cf. the Constitution of Zanzibar, 1984 (Chapter 10: Sections 121-123.).} For political reasons, in the first two decades of the Union, Zanzibar had more police officers from Mainland Tanzania than Zanzibar itself.\footnote{Cf. Bienen (1965), Ibid. p. 41.} As a result, people in Zanzibar felt that the union had turned their state into a ‘colony’ of Mainland Tanzania.\footnote{See, Ghassany, H. (2010) Kwaheri ukoloni, kwaheri uhuru! Zanzibar na mapinduzi ya Afrabia. Raleigh, Lulu.} People who were against the Union faulted Karume,\footnote{Karume and Nyerere agreed to unite Tanganyika and Zanzibar on 26 April 1964. The post-revolution era corresponds to the post-unification epoch because there were only three months between the revolution and the union.} the President of the post-revolution Zanzibar, for the forfeiture of sovereignty and making Zanzibar a police state.\footnote{Chase, H. (1976) The Zanzibar treason trial. Review of African Political Economy, 6 (May-August), pp. 19-20, and Ahearne, R. (2017) Why hostilities between Tanganyika and Zanzibar still challenge Tanzanian unity. The Conversation [online]. 02 May 2017. [Accessed on 26 June 2017]. Available from: <https://theconversation.com/why-hostilities-between-tanganyika-and-zanzibar-still-challenge-tanzanian-unity-76713>. Cf. Shivji, G. (2008) Pan-Africanism or pragmatism: lessons of the Tanganyika-Zanzibar Union. Dar es Salaam, Mkuki na Nyota Publishers, pp. 104-121. The 1992 constitutional amendments detached the party from the state machinery and reintroduced multiparty system in the country, thus marking the end of a party-state (see, sections 5, 8 and 36 of the 8th Constitutional Amendment, Act No. 4/1992).} As we shall see in the next part, the Zanzibar question and other geopolitical issues shaped the debate about security policies in Tanzania.

Apart from the semi-federal structure of the union, Tanzania was a \textit{de jure} ‘party-state’ between 1965 and 1992,\footnote{Tanzania was neither an intra-legal state nor an extra-legal state but a combination of the two. See, Shivji (1994), Ibid. pp. 79 and 88; Shivji (1998), Ibid. pp. 28 and 45 (Endnote No. 11).} thereby blurring state and the party functions.\footnote{TANU (Tanganyika) and ASP (Zanzibar). See, Section 2 of the Constitutional Assembly Act (No. 66 of 1962), the Constituent Assembly, Hansard, 22nd November 1962, p. 68, the Constituent Assembly, Hansard, 17th Meeting, 8th June – 5th July 1965, pp. 214, 1658-1690, the Interim Constitution Decree (G.N. No. 246 of 1964), and the Constituent Assembly, Hansard, 25th April 1977. Cf. Shivji (1998), Ibid. pp. 26-31, De Smith (1977), Ibid. p. 23 and Shivji (1990), Ibid. pp. 58-62.} As the sole state-party or with an overwhelming majority in the national assembly, the party engineered 1962, 1965 and 1977 constitutional changes.\footnote{The 1992 constitutional amendments detached the party from the state machinery and reintroduced multiparty system in the country, thus marking the end of a party-state (see, sections 5, 8 and 36 of the 8th Constitutional Amendment, Act No. 4/1992).} While a constitution
of the party formed part of the Interim Constitution as the first schedule, the Permanent Constitution subjected the government to the party as the superior guiding force of the society. This phenomenon was known as ‘chama kushika hatamu’ (party supremacy), whereby the party was “declared supreme to the government which is reduced to being an administrative wing of the Party”. President Nyerere stressed:

It is not the Party which is the instrument of the Government. It is the Government which is the instrument through which the Party tries to implement the wishes of the people and serves their interests. And the Party has therefore to determine the basic principles on which the Government should act; it has to determine the policies its Government will follow.

The President of the union was not only the Head of the State, Government and Commander-in-Chief of all Armed Forces but also part of the Parliament and party leader by default. The parliament consisted of the President who assented bills into law on one hand, and the National Assembly, which debated on and endorsed government proposals, on the other. Members of the National Assembly were also ex officio members of National Conference (NC) of the party. The party convened NC once every five years and it was responsible for endorsing the decisions


470 Article 3 of the Republic Constitution, Article 6 of the Interim Constitution, and Article 5 of the 1977 Constitution.


472 See, TANU (first schedule to the Union Constitution) and CCM Constitutions.


474 The 1979 amendments to both the state and the party’s constitutions declared members of the National Assembly as members of NC of the party. See also, TANU Constitution 1965 (as amended from time to time).
of the National Executive Committee (NEC) and Central Committee (CC) of the party.\textsuperscript{475} The NEC\textsuperscript{476} and CC dealt with matters of national importance and issued directives to the government and party machinery for implementation.\textsuperscript{477} Political appointees such as the Regional and District Commissioners, who are party cadres, headed all government functions in their respective localities including the Regional and District Defence and Security Committees.\textsuperscript{478}

To ensure maximum political control of the security sector, police stations or posts and army barracks became party branches, polling stations, and had representations in decision-making organs (national assembly) and party forums.\textsuperscript{479} The public officials automatically became party members and politicised\textsuperscript{480} while top security officers became executive and administrative personnel of the party. The Inspector-General of Police (IGP) and the Chief of Defence Forces, for example, became principal political commissars responsible for the ideological vigour of the armed forces.\textsuperscript{481} Therefore, both government and party institutions, as well as private individuals linked to the party with or without the sanction of the government, enforced law and order along political interests.\textsuperscript{482} The government enforced the law through formal institutions, such as the police force and auxiliary police while the party organised and co-opted informal security arrangements (militias\textsuperscript{483} and vigilantes). The party adopted a ‘co-option policy’, in the sense that, it recognised and

\begin{itemize}
\item \textsuperscript{476} The NEC enjoyed the same powers and privileges as the National Assembly, e.g. call witnesses and papers.
\item \textsuperscript{477} \textit{Cf.} Article IV of TANU Constitution (Annexed to the Interim Constitution); and paras 8 and 40-42 of the Report of the presidential commission on the establishment of a democratic one-party state (1965), pp. 2, 16-17, 27.
\item \textsuperscript{478} The Regions and Regional Commissioners Act, No. 2/1962 and the Area Commissioners Act, No. 18/1962 (repealed and replaced by the Regional Administration Act, No. 19/1997, see, sections 5, 14-15). \textit{Cf.} Constitutions of TANU and CCM.
\item \textsuperscript{482} See a detailed discussion in Shivji (1990), \textit{Ibid.}
\item \textsuperscript{483} Though in party documents were referred to as militias, these were essentially informal and unregulated security arrangements \textit{i.e.} paramilitaries or night watchmen and neighbourhood security groups.
\end{itemize}
embraced any grassroots initiatives that aimed at supporting the government’s efforts in addressing security concerns.\footnote{484}{See detailed discussion in Cross (2014), \textit{ibid.}} An organisation was considered private not because it was established and run by private individuals but because it was outside of the government and party control. Paragraph 27 of the 1971 Guidelines provided that:

The registration of the militia and the army must be scrutinised very carefully and supervised by the party. Ensuring co-operation between the army and militia, and providing for political education to both, must be a prime responsibility of the party.

To ensure a ‘state or party’ controlled security sector, the 1971 Guidelines called upon the party “to establish a sub-committee of the Central Committee to look into defence and security,”\footnote{485}{Paragraph 27 of the TANU Guidelines (1971), p. 8.} thus the party established a specific organ known as the National Defence and Security Commission (NDSC). The main task of NDSC was to provide guidance to the government and the people and to strategize and supervise all activities relating to national defence and security.\footnote{486}{TANU and CCM Constitutions (as amended from time to time).} The NDSC comprised members from the state armed forces, political leaders, civil society, and party officials. At a grassroots level, the party was represented by the ten-cell leaders (\textit{wajumbe wa nyumba kumi}) who worked with law enforcers to identify security threats and organise defence and security in their areas.\footnote{487}{Ingle, C.R. (1972) “The Ten-House Cell System in Tanzania: A Consideration of an Emerging Village Institution”, \textit{Journal of Developing Areas}, Vol. 6:2, pp. 215. Cross (2014), \textit{Ibid}. pp. 522 and 534.} Accordingly, the party-state system affected not only the armed forces but also the existence of civic organisations. Shivji concludes, “…politics were monopolised as the civil society was statised… extreme concentration and centralisation of power were formally consecrated in the permanent constitution”.\footnote{488}{Shivji, I.G. (2012) Nationalism and pan-Africanism: decisive moments in Nyerere’s intellectual and political thought. \textit{Review of African Political Economy}, 39(131), p. 110.} The Permanent Constitution and the merger of TANU and ASP in 1977 to form \textit{Chama Cha Mapinduzi} (Revolutionary Party or CCM) cemented a ‘state-controlled plural policing’ and reduced further the autonomy of Zanzibar in the matters of security.\footnote{489}{Ahearne (2017), \textit{Ibid.}} As discussed below, the party-state system, political ideology
and geopolitics gave birth to a total ban of privately and communally organised security groups in the 1977 Constitution - at least in theory.

4.4 Geopolitics and Security - The 1977 Ban on Non-state Actors

The 1977 Constitutional change altered the 1965 position by imposing a total ban on individuals and institutions to establish security groups. To meet political necessity, the Constitution gave the union government an exclusive power to establish armed organisations and control of violence. This was achieved by removing an exception to the general rule that appeared under Article 80 of the 1965 Constitution (formerly Article 64 of the 1962 Constitution). The constituent assembly and party meetings did not discuss Article 89 (now Article 147) of the Constitution 1977. The justification for imposing a total ban on private security service providers is found in the then Prime Minister’s (Edward Moringe Sokoine) address to the constituent assembly on 25th April 1977. Sokoine observed:

_Nd. Spika, Ibara ya 89 nayo imeandikwa kwa uafanuzi zaidi kuliko ilivyokawa katika Katiba ya Muda. Ibara hii sasa inaeleza wazi kwamba ni Serikali peke yake ilivy na madaraka ya kuunda ama kuweka aina yoyote ya majeshi nthini. Maelezo ya Katiba ya Muda yangeweza kueleweka kwamba mtu binafsi naye ana haki ya kuunda ama kuweka Jeshi iwapo Bunge lilepita sheria kama hiiyo. Hivyo sivyo ilivyo._

[Comrade/Hon. Speaker, Article 89 has also been more elaborative compared to the way it appeared in the Interim Constitution. The provision now states clearly that only the government can establish or introduce armed forces of any kind. The impression given in the Interim Constitution was that even a private individual has the right to establish or introduce an armed force if the Parliament makes a law to that effect. That is not the case].

To understand the socio-legal context of the ban, we need to examine the party’s publications in the late 1960s and early 1970s and the ‘security politics’ behind it. The ‘Azimio la Arusha’ (Arusha Declaration) of 1967, ‘Mwongozo wa TANU’

490 Maybe because of the secretive nature of the socialist state at the time, there were no discussions regarding defence and security matters.
(Party’s Guidelines) of 1971 and 1981\(^493\) and speeches of party leaders are the most important political documents with explanatory force and upon which the justification for the ban on non-state policing could be discerned. The party issued the 1971 Guidelines in response to the military coup in the Republic of Uganda\(^494\) and Portugal’s invasion of the Republic of Guinea in 1971.\(^495\) In preparing the nation for external threats, the Guidelines approvingly quoted and expanded on the Arusha Declaration:

\begin{quote}
*Katika upande wa ulinzi wa Taifa, wananchi wawe macho na vibaraka waliomo nchini ambao wanaweza kutumiwa na maadui wa nje wenyе nia mbaya ya kuliangamiza Taifa inapolazimika kufanya hivyo.*\(^496\) [Regarding national defence, it is necessary for the people to be on guard against internal stooges who could be used by external enemies who aim to destroy us. The people should always be ready to defend their nation when they are called upon to do so].
\end{quote}

The security strategies set out in the Arusha Declaration imply that the government knew that it required grassroots support in organising security, but it also knew that the ban could enable it to bring such local endeavours under political control. Since homeland security was a political necessity of the time, the Guidelines called for combating internal and external reactionaries and went on to set out the party’s policies and strategies on defence and security. One of the security issues stipulated in the Guidelines that required urgent and decisive measures was the frequent attempts made by the former colonial powers to invade their former colonies in Africa or interfere in their internal affairs.\(^497\) It added that Tanzania was in a constant confrontation with the British and Portuguese colonialists and minority regimes in Southern Rhodesia (now Zimbabwe), Mozambique, and South Africa. The Guidelines warned further that for historical, geographical and political reasons, imperialist countries might be ready either to attack the country directly or use local counter-

\(^{495}\) The Guidelines claimed, “…since that year (1960) many legitimate African governments have been forcefully toppled and new governments established”.
\(^{496}\) Arusha Declaration, p. 30. See also, TANU Guidelines (1971), para 24, pp. 7 and 8.
\(^{497}\) Tanzania was implicated in the liberation struggles against Britain and Portugal
revolutionaries to overthrow the legitimate government and replace it with internal stooges like Idi Amin in the Republic of Uganda and supported by local bourgeoisie.\textsuperscript{498} The party had a duty:

\begin{quote}
\ldots to spell out the aims of the Tanzanian and the African revolution, and to identify the enemies of this revolution, in order to set out policies and strategies which will enable us to safeguard, consolidate and further our revolution.\textsuperscript{499}
\end{quote}

Therefore, even the act of policing had to be politicised to defend the Zanzibar revolution and the union against reactionaries. In the context of the 1971 Guidelines, the government introduced the ban to curb internal stooges likely to manipulate and use security groups as springboards in destabilising the country. Indeed, the security threat referred to in the 1977 Guidelines was not an empty shell. Tanzania was a hotbed for decolonisation movements and a home to millions of political refugees fleeing persecution, colonial oppression, and civil wars in Sub-Saharan Africa.\textsuperscript{500} Tanzania hosted the Organisation of African Unity (OAU)’s African Liberation Committee (ALC)\textsuperscript{501} in Dar es Salaam between 1963 and 1994.\textsuperscript{502} The ALC provided training, logistic support, funding, publicity, funding, and diplomatic and media campaigns to all anti-colonial groups recognised by OAU.\textsuperscript{503} Tanzania’s involvements in OAU and ALC activities rendered the country in diplomatic rows with Portugal and Britain.\textsuperscript{504} In 1965, for example, Tanzania broke diplomatic ties

\textsuperscript{498} TANU Guidelines (1971), pp. 1 and 3 (paras 3-9).
\textsuperscript{499} Ibid, p. 1 (para 1).
\textsuperscript{501} OAU was replaced by the African Union (AU) on 26 May 2001.
with Britain and supported the OAU’s resolution that opposed a unilateral declaration of independence by a minority white government in Zimbabwe. In retaliation, Britain decided to freeze financial aids, loans and withdrew all British experts from Tanzania. On this issue, Gitelson comments:

Tanzania was also the only country within geographic proximity to Southern Rhodesia which broke relations [with Britain]. All the others which severed ties were far enough away not to fear military or economic reprisals.

As ALC’s headquarters, Tanzania harboured, trained and armed freedom fighters from South Africa (PAC and ANC), Mozambique (FRELIMO), Angola (MPLA), Zimbabwe (ZAPU and ZAPU), Guinea and Cape Verde (PAIGC) and Namibia (SWAPO). For similar anti-colonial activities in Portuguese Guinea (now Guinea-Bissau), Portugal attacked the Republic of Guinea in 1971. Tanzania feared its involvement in Portugal colonies of Mozambique, Guinea-Bissau, Cape Verde and Angola could bring her in trouble as well. The 1977 Guidelines claimed:

Kwasababu hizo hizo mabeberu hawa wanaweza siku moja wakathubutu kuishambulia Tanzania. [For similar reasons, the imperialists may attempt to attack Tanzania one day].

Therefore, the decision to ban non-state actors was part of wider political and security reforms that included compulsory national service for the youth, the introduction of people’s militia and provision of civic education and military training to civilians. This move would have been important because the minority governments in Zimbabwe and South Africa tended to infiltrate and fund insurgencies and using


506 Ibid.
509 1971 Guidelines, para 1-10, pp. 1-3.
510 Ibid. Para 8, p. 3.
511 Paramilitary.
mercenaries in neighbouring countries as a way of weakening them. Further, Tanzania had an uphill task of protecting its borders from insurgencies in neighbouring countries likely to have a negative spill over effect on internal security. On this issue matter, Mbughuni maintains:

There were also security concerns at the borders with Congo and Mozambique; there was looming violence in the Congo that threatened to destabilize the region and there were concerns in the border between Tanganyika and Mozambique because FRELIMO had just launched their first military campaign against the Portuguese.

Apart from the danger posed by the decolonisation movement, the political situation in the African Great Lakes Region in the 1960s and 1970s was volatile. Signs of insecurities in the region included the overthrow of Patrice Lumumba and the ensuing Congo crisis (1960-1965), a potential coup (1965) and failed coups (1971) in Kenya, political turmoil in Uganda (1964-1979) and Burundi coup attempt in 1965 and 1972 Genocide. Tanzania became home to millions of refugees and asylum-seekers fleeing persecution, colonial oppression and civil wars. This added more security concerns due to the illicit proliferation of small arms and light weapons.

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514 Mbughuni, A.C. (2015) Did Malcolm X have passion for Tanzania? [Accessed on 10 May 2018]. Available from: <http://azariambughuni.blogspot.co.uk/2015/05/did-malcolm-x-have-passion-for-tanzania.html>. (Mbughuni is a Professor in History at the Spelman College, USA).
515 Congo DR, Burundi, Rwanda, Uganda, Tanzania, and Kenya.
516 First leader of independent Congo DR (Zaire).
and an increase in unlawful military and political activities in refugee camps.\textsuperscript{522} Also, Tanzania had territorial disputes with Malawi (over Lake Nyasa)\textsuperscript{523} and Uganda (over Kagera region). The latter dispute culminated into the Uganda–Tanzania War in 1978-1979.\textsuperscript{524} These few examples offer to prove how the political situation in the region was volatile and how this situation contributed to the banning of non-state actors.

Within Tanzania herself, there were several signs of insecurities posed by political dissidents (including a series of foiled coup attempts) and the Cold War. The foiled coup attempts in 1969 involved army officers, senior politicians and civilians.\textsuperscript{525} The 1964 Zanzibar revolution and the 1964 Tanganyika Rifle (army) mutiny, leading to the disbandment of the army and establishment of the new one, preceded the 1969 coup attempt.\textsuperscript{526} The 1969 coup plotters sought to enlist the support of soldiers disbanded in 1964 and South African ANC and PAC guerrilla fighters hosted in Tanzania.\textsuperscript{527} Sellström claims that:

\begin{quote}
...the PAC leader Potlako Leballo accused the ANC leadership of involvement in a coup attempt by the former Tanzanian Foreign Minister Oscar Kambona.
This resulted in 1970 in a surprise closure of the ANC camps in the country and in the expulsion of the ANC cadres...
\end{quote}

It follows, therefore, the government might have imposed a ban on private security service providers as a political necessity to effectively neutralise and control guerrilla fighters and refugee groups from war-torn countries. This is so because it was easy to transform foreign armed and unarmed groups into mercenaries. Paralleling the pan-


\textsuperscript{524} Nyerere, J.K. (1979) \textit{Mapambano yanaendelea}. Hotuba aliyoitoo siku ya mashujaa, Dar es Salaam. 01 September1979. (President Nyerere’s Speech entitled “The Struggle Continues” delivered during the National Heroes’ Day Celebration). See also, Nyerere, J.K. (1980) \textit{Ujamaa ni imani - 4: uwezo tunao}. Dar es Salaam, CCM/EAPH.


African liberation movement and regional politics was the Cold War. The Union of Tanganyika and Zanzibar came with more pressing issues, i.e. diplomatic and security challenges. It is widely believed that the Americans were behind the union between the two countries\(^{529}\) because they feared that an untamed Zanzibar might become another Cuba in Africa or East Africa’s Guinea.\(^{530}\) Because of the political turmoil and extremism in Zanzibar,\(^{531}\) the Americans were not the only one who harboured such fear. President Nyerere once claimed, “If I could tow that Island [Zanzibar] out in the middle of the Indian Ocean, I’d do it….it is very vulnerable to outside influence. I fear it will be a big headache to me”\(^{532}\) The union also brought secession sentiments in Zanzibar and diplomatic tension between Tanzania and West Germany. West Germany was not in favour of the union due to the state of Zanzibar’s recognition of East Germany that had an embassy in the Isles.\(^{533}\) After the union, Tanzania succeeded to the diplomatic recognition of East Germany originally extended by Zanzibar but demoted it to a consulate (trade mission) based in Zanzibar.\(^{534}\) The Hallstein Doctrine prevented West Germany from maintaining diplomatic relations with any country that

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associated with East Germany. Msekwa sums up the cause and outcome of this diplomatic tension as follows:

…West Germany asked President Nyerere to close the East German Embassy in Zanzibar and threatened that failure to do so would force West Germany to withdraw its military aid to Tanzania. President Nyerere refused to succumb to such threats; and West German’s military aid was accordingly withdrawn. Whereupon President Nyerere summoned the West German Ambassador and told him to “take the rest of your aid as well. Tanzania will not accept aid with strings attached”.

Since Tanzania was emerging from the 1964 army munity, the withdrawal of West Germany’s aids affected the country’s effort in rebuilding the army, thus leaving the country susceptible to internal and external aggression. This was so because West Germany suspended her aids a few months after Nyerere had cut diplomatic and economic ties with Britain in 1965, the country’s main foreign donor. In the same year (1965), the US-Tanzania relations declined after Tanzania accused the US of plotting to assassinate President Nyerere and subverting the government. Tanzania made two important policy shifts due to her strained relations with the West and the looming danger of internal strife or external aggression. First, the government sought military and economic aids from the Eastern Bloc (USSR, China, Cuba, and East Germany, see Photo 1 below) to compensate for her budget deficit. Second, Nyerere introduced Ujamaa policy (socialism and self-reliance) as a de jure political and economic ideology in 1967. The country’s close ties with the Eastern Bloc did not go well with the Western Bloc (West Germany, Britain, and the USA) who wanted to keep the African Great Lake Region free from the influence of socialism. It is widely documented that the Western powers were behind the military coup in Uganda (1971) as a way of stopping Dr Milton Obote from emulating Nyerere’s ujamaa policy.

The coup in Uganda prompted TANU to come up with the 1971 Guidelines that laid

536 See, Footnote 3.
537 Msekwa (2017), Ibid.
539 Arusha Declaration.
down political strategies for combating internal reactionaries. Undoubtedly, the banning of non-state actors in the 1977 Constitution is one of those strategies.

Photo 1: Third from left (arrow), Putin, Samora and Mnangagwa at Kaole, Bagamoyo - Tanzania during the freedom fighters training in 1973

Source: CCM Archive, Dodoma.

Apart from diplomatic challenges, there were also worrying signs of disorders (separatist movements) and ethnic tensions (Arabs and Africans) in Zanzibar. There were sixteen attempts between 1964 and 1972 to overthrow the government of Zanzibar, the main two coup attempts made in 1967 and 1971. However, the political climate became tenser after a foiled coup plot and the assassination of President Karume in 1972. The official report labelled the incident as an attempt to overthrow the semi-autonomous government of Zanzibar and pinned the murder of Karume on reactionaries within and outside the country who were against the Zanzibar revolution, the union with Tanganyika and the government’s effort to decolonise Africa. Given this backdrop, it makes sense that by banning non-state actors, the government ensured that the security sector remained under political control and no separatist group could use violence against the union government.

(Tanzania) or the semi-autonomous state of Zanzibar. This is so because the government and state of Tanganyika ceased to exist in April 1964. Hence, the ban on non-state policing could have allowed the government and the party to manoeuvre both state and non-state actors for political gains. Further, before the 1964 revolution, the Arab minority (sultanate) controlled armed forces and vital sectors of the economy. Hence, the ban prevented them from regrouping and creating armed organisations and regaining control of Zanzibar. On this issue, Ramadhani claims: …Karume never felt secure and feared retaliation from the overthrown forces that could easily regroup. Pemba, for instance, remained lukewarm to the Revolution. Being geographically isolated from Unguja with the largest Arab population in the Islands, it posed a genuine political threat. There were also within the ASP intragroup squabbles and radical elements that Karume needed to neutralize.

I will now turn my attention to the role played by the political ideology (socialism alias ‘ujamaa and party-state system) and charismatic leaders in engraining the ban in the Constitution. Socialism and self-reliance policy (Arusha Declaration) was the cornerstone in shaping the government policies in all spheres of life from 1967 to 1991. The Arusha Declaration was the most important political and policy document in the history of Tanzania. It provided a guiding ideology and programmes in detaching the state from capitalistic path of development to socialism. Regarding security, the banning of non-state actors might have intended to give more voice to the Arusha Declaration that stressed on collective rather than individual efforts in addressing defence and security problems facing the nation.

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547 See, chapter 3 about Arab migration.
549 Arabs are Tanzanian citizens by birth.
550 Ramadhani. Ibid. On radical elements in Zanzibar, see, Sanders (2018), Ibid.
551 According to Nyerere, Socialism means African Socialism (i.e. family-hood or brotherhood) as opposed to European Socialism. Tanzania was also a state party to the ‘Non-Alignment Movement’ (NAM) since 1964 as a way of avoiding tensions (maintaining neutrality) with both East (Socialists) and West (Capitalists) blocks.
Carrying out successful nation-building, it required the existence of powerful and
dynamic coercive institutions to spearhead and coordinate the revolutionary ideas and
actions of the working class.\footnote{One of the principles of the Arusha Declaration was ‘consolidating state power and independence.’} From 1967 to 1977, the government embarked on
centralisation of power and massive government takeover of private businesses and
organisations.\footnote{Nyerere (1977), } The nationalisation policy angered not only the British who had left
behind some of their investments and nationals in 1961 but also some local leaders
for example, is partly associated with the implementation of socialist policies and
‘economic sufferings’ of the people of Zanzibar.\footnote{Ahearne, R. (2017), } Therefore, the ban served two
purposes, that is, to explicitly declare that the ‘executive branch’ of government had
unfettered control of the means of violence, and to deny bourgeoises and counter-
revolutionaries access to legitimate means of violence via the parliament.

In a socialist country, public officials tend to associate the notion of sharing coercive
powers between the government and private individuals with a capitalistic idea and
does not go well with the party-state policy. Further, the recognition of TANU and
ASP (later CCM) as the only political parties on either side of the union had the effect
of limiting the role of private organisations in state affairs. Every institution and
organisation in the country became ‘state-owned’ or ‘controlled by the party’. As
such, the ban on private security service providers was another face of party
supremacy\footnote{Cf. Pratt (1976) Ibid. pp. 184-8. In 1971-1982, the government abolished the local government authorities.} that denied private individuals’ access to the means of violence outside
the party and government. On the other hand, charismatic leaders within the party
played a big role in banning non-state actors. History has proven that political
reasoning in constructing security policies and restructuring of a state depend much
on the exposure, personal belief and conviction of a few individuals who assume
leadership positions.\footnote{E.g. Lenin (Russia), Mao (China), Hitler (German), etc.} This is true regarding Tanzania under Nyerere, who was
known as ‘Baba wa Taifa’ (the father of the nation).⁵⁶² Nyerere used his charismatic authority to influence people’s opinion on matters of national importance such as national security policy and constitutional change.⁵⁶³ People respected and obeyed his views and actions and gave him a special status. The slogan ‘zidumu fikra za mwenyekiti’ (long live ideas of the chairperson) transformed him into some sort of ‘African Mao.’⁵⁶⁴ Nyerere was a political thinker who believed in powerful government and public institutions as accelerators of development and subduing resistance. Shivji posits:

Nyerere perceived the state as the agency both for nation-building and economic development as well as a unifier and organiser of society…such conceptualisation of the state logically led to the suppression of any independent initiative of the people to organise themselves, independent of, and opposed to the state…The result was that Nyerere’s politics became typically authoritarian on the one hand, and destructive of people’s organisational capacity, on the other.⁵⁶⁵

This conception of the state appeared as one of the basic principles of the Proposals of the Tanganyika Government for the Republic (1962), “the executive must have the necessary powers to carry out the functions of a modern state”.⁵⁶⁶ The 1981 CCM Guidelines explained the above view of the government in the following words:

_Serikali kwa maumbile yake ni chombo cha madaraka ya mabavu, serikali ni sheria, ni majeshi, ni Mahakama, ni jela._⁵⁶⁷ [The government by its nature is an institution that possesses authoritative/coercive power, the government is the law, is the armed forces, is the Court, and is the prison].

Indeed, Nyerere influenced this kind of state-centric view of coercive institutions. Besides Nyerere, the party had other Marxist leaders,⁵⁶⁸ namely Kingunge

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⁵⁶³ _Ibid._
⁵⁶⁴ Mao Zedong (Former leader of China).
⁵⁶⁶ GN. No. 1 of 1962, p. 3.
⁵⁶⁷ P. 47. This conception of the state follows Weber’s notion that the government of the state is the one that effectively and completely controls the instruments of physical force.
Ngombale–Mwiru and Abdulrahman Mohamed Babu who authored several policy documents including the 1971 TANU Guidelines. Kingunge, for example, went on a study tour in the Republic of Guinea to learn how the country succeeded to ward off the Portuguese invasion in 1971. Therefore, it is no surprise that the government banned non-state actors to push for political control of security and unified leadership, the notion that occupied an upper hand in both writings and speeches of statesmen in the 1960s and 1970s.

The 1977 ban on non-state actors was a formal declaration of the government and party policy that was discreetly enforced since the adoption of a party-state system in 1965. This was so because one-party and ujamaa policy had the effect of co-opting and absorbing every social group and institution into the state machinery. Indeed, there was a de facto ban on non-state actors in 1965 when Tanzania became a party-state, whereby the party and the government ‘ruthlessly suppressed or coercively co-opted’ all civil and political organisations to create a ‘state-controlled plural policing’. Hence, the government, through the ban attempted to abolish institutions and individuals who could not be controlled and scrutinised by the party through political means or failed to operate under the auspices or aegis of the party. The intention of the government was not to outlaw private institutions formed or endorsed by the party or surrendered themselves to the party’s control and direction, even when it became clear that such private groups operated outside the framework of the law. Indeed, the government and the party continued to train and involve people in state policing. Paragraphs 26 of the 1971 Guidelines made it clear that:

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571 Kingunge came back with the idea of turning civilians into militias of the party.

572 Undoubtedly, Max Weber’s definition of the state inspired the wording of Article 89 (now 147) of the 1977 constitution. Weber claims, “a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory”. See, Weber (1946), Ibid. p. 78.


In order that they are able to oppose our enemies, the people must know that it is they who are the nation’s shield. This means that defence and security matters must be placed in the hands of the people themselves. We do not have the means to establish large permanent armies to guard the whole country. Our army must be the peoples’ army, used in teaching the people how to defend themselves in their localities and to enable them to report on matters of national security. Therefore, it is imperative to start training a militia for the whole country. Since the militia will spread through the country, in co-operation with the regular army, they will have the duty to defend our territorial borders, our airspace and to expose traitors and enemies, all in co-operation with our regular Army.

In summary, the context and factors that might have been considered by the government to tighten its grip on coercive powers relate to political ideology, the Union between Tanganyika and Zanzibar, cold war politics and anti-colonial movements in Sub-Saharan Africa. The next part explains and connects the above discussion and factors to the questions of hybrid policing and politics of security.

4.5 What was the Implication of the Ban on Plural Policing and Politics of National Security?

The idea that the governance of security should be transferred from the people to the state institutions has never worked in Tanzania. Despite the ban, the government has always appreciated its own limitations in providing security for the whole country without the involvement of the local communities. The practice of engaging the grassroots in defence and security prove the fact that the power to maintain law and order has never been removed from the people and entrusted exclusively to the police. Neither the presence of the public police nor the ban did take away the capacity of the ordinary people to participate in the governance of security, but under the state control. Nonetheless, the same factors that laid the groundwork for the ban also drove plural policing in a reverse direction. This is so because the act of policing drifted even further towards the state, with very minimal police accountability and civilian oversight. The dominant view being that only the government should be responsible for public security because of historical roots, traditions, continuities, and legality. As such, the implementers of the national security policy have always believed in a strict distinction between private and public, with limited efforts to civilise and localise the police system because of the special trust attributed to state police with their positions of general interest. It was also pointless in the 1960s and 1970s to define the public and the private domains as fundamentally different in terms of responsibilities and
client-base because the private sector was somewhat non-existence. The act of policing became ‘state-controlled’ in such a way that the local authorities had no power to conduct any democratic oversight in the operation of the state policing or to have a say in the appointment of police officers in their localities. This form of centralised control of civic order prevented not only the development of local autonomy of the police but also a democratic governance of security.\(^{575}\)

Any form of ‘hybridisation’ whereby the police force could be responsible for ‘steering’ while the private ones take care of ‘rowing’ was prohibited. The role of the state was not only that of a regulator and facilitator of the governing activities of others but also the competitor, producer, supplier, and consumer of the public good of security to create a ‘state-controlled plural’ policing.\(^{576}\) In this setting, it was almost impossible to separate individuals and agencies that authorise policing from those, which ‘actually’ perform policing. This also translated into the increased budget for the state security actors while weakening the private sector and the bond of attachment between the government and community. Therefore, the police force, one in a broad family of state and party sponsored security providers, retained a special position in the maintenance of civic order. This was so due to the political ideology of the state (\textit{ujamaa}) and counterinsurgency operations, which limited the participation of the private sector and non-governmental institutions in policing. Through the \textit{ujamaa} ideology and related political manoeuvres, the government advocated for social organisations based on self-governing communities that emphasised the responsibility of the individual to the state, party, and community rather than private interests. This implies that large interest groups and corporations did not control and run the government but the masses of workers and peasants. Following the ban, the state experienced a partial pluralisation of policing, with fragments of voluntary groups (youth league and people’s militias) and night watchmen that operated through the state and along political interests. The national service trained these voluntary groups of workers and peasants to serve the interests of the party and the government while a small fraction of well-off households and businesses relied on night watchmen as opposed to professional security officers.

\(^{575}\) The government abolished local authorities between 1972 and 1982.
At its inception, the ban enabled volunteers in the local communities to control policing while disabling commercial ones. The lack of participation of the market actors in the policing activity may be linked to the fact that in a socialist state, whether by accident or design, official crime statistics were very low.\(^{577}\) According to Modic and others,\(^{578}\) “state socialist ideology held that crime was by definition a capitalist phenomenon that was supposed to disappear with the achievement of communism, a lower ‘recorded’ crime rate confirmed the superiority of the communist system over the capitalist system”. As political necessities, voluntary groups counterbalanced the state security agencies and provided security under state patronage, a policing model developed in the Soviet Union.\(^{579}\) Therefore, plural policing was characterised by the interactions between state and party actors and the blurring of distinctions between defence and security functions as opposed to private and public actors, or state and non-state policing.\(^{580}\) On the other hand, the need to control external and internal counterrevolutionaries forced the government and the party to train and turn civilians into militias who performed both defence and security functions. As a result, the police force lost part (not all) of its predominant position to civilian groups, which were not the automatic creation of private interests and local communities but the state and the party along political interests. Another partial pluralisation of policing could be seen in Zanzibar in the late 1970s. The semi-autonomous government of Zanzibar rebuilt its armed organisations to authorise policing and control secession movements in the Isles.\(^{581}\) By forming security groups, the government of Zanzibar


\(^{580}\) *Ibid*, p. 611.

\(^{581}\) Zanzibar has several pieces of legislation, which establish and regulate armed organisations namely the Constitution of Zanzibar, 1984 (Chapter 10: Sections 121-123); JKU Security Guard Agency Act, No. 2 of 2015; Fire Brigade and Rescue Act, No. 7 of 1999; *Jeshi la Kujenga Uchumi* (Economic Development Force) Act, No. 6 of 2003; *Kikosi cha Valantia* (Volunteers Force) Act, No. 5 of 2004 (formerly, Voluntary Special Brigade Act, No. 8 of 1982); *Kikosi Maalum cha Kuzuia Magendo* (Special Force for Prevention of Smuggling) Act, No. 1 of 2003 (formerly, *Kikosi Maalum cha Kuzuia Magendo Decree*, No. 13 of 1979); Special Departments Service Commission Act, No. 7 of 1986; and the Offenders Education Act, No. 3 of 2007 (formerly, the Offenders Education Act, No. 1 of 1980).
acted in defiance of the Union Constitution and Articles of the Union that placed defence and security matters in the union government.\footnote{See, items 3 and 4 of the First Schedule (Union Matters) to the 1977 Constitution.} Nonetheless, this form of plural policing, whether in Mainland Tanzania or Zanzibar, was taking place within the state, not outside or beyond it and working alongside state actors.

Therefore, neither did the state privatise the public spaces nor did it allow an open market for the provision of policing services in which various security providers compete for businesses. Also, the state policy did not promote flexibility and consumer choice whereby security networks would comprise state, civil society, and market actors. Consequently, policing laws could only be enforced against state police whose governance and accountability structures stood inside the existing political structures. The act of governing security did not link service providers with the institutional structures of the democratic polity and ensure coordination across actors. The government did not conceive policing as a business-like activity or a marketable product. Neither did it outsource policing services nor depart from the traditional hierarchical public service structures. It was the government that established, co-opted, shaped, and sponsored a wide range of civilian volunteers (militiamen) who acted as state informers or produced and distributed the public good of security. As a result, the government eradicated or forcefully co-opted or brought back community-led security groups into the state and mainstream policing. Hence, the conditions that led to the ban of non-state actors in the 1977 Constitution, have had an adverse effect on the national security and created what I call ‘state-controlled’ plural policing, a theme to which I will develop further in the next chapter.

\textbf{4.6 Conclusion}

The chapter examined the country’s specific factors for the adoption of a laxer stance towards non-state actors in the 1962 and 1965 Constitutions, respectively. It also discussed how the union of Tanganyika and Zanzibar and single-party autocrats have influenced the government policies on security, especially tightening the control on coercive powers. Further, the chapter analysed the official statement given by the government in the constituent assembly and the historical context for the 1977 ban. Lastly, the chapter showed the implication of and connected the context for the ban of non-state actors to the question of plural policing. Therefore, there is more to the
government’s claim that it revised Article 80 of the 1965 Constitution in 1977 to remove the impression that even individuals could raise and maintain security groups. A study of socio-political conditions points us to a different direction including political ideology, the structure of the union, fear of external aggression and internal counterrevolutionaries and subsiding secession movements in Zanzibar. The government adopted a reactive policy towards actual experiences and future projections, as such, the ban was an indication of ideology consolidation rather than a turning point in real security policies. This is so because non-state actors (broadly defined) neither emerged as a formidable force and independent of the government supervision in the developments leading up to the 1977 ban nor did they disappear after 1977. The contexts for the ban have had a multifaced effect on the national security and created a ‘state-controlled’ plural policing. As such, the Tanzanian government’s security policy was as much about political necessities. The next chapter look at the transformation of policing vis-à-vis politics of security and the lessons learnt from the Tanzanian plural policing case in the post-ban period.
Chapter 5: Transformation of the Plural Policing Landscape or Transition and Continuity?

5.1 Introduction

The government has never formally reversed the constitutional ban since its inception in 1977. However, hardly, three years after the ban, both commercial and community-led security groups that were organised independent of the state, emerged as adjuncts to the state police and people’s militia. Prior literature identifies cutback programmes (downsizing of public sector or slimming the state), the rise in police budgets, and the high demands in security services as key drivers of a shift in public policy to embrace plural policing. This chapter builds on the existing studies by looking at the transformation of policing vis-à-vis politics of security and the lessons learnt from the Tanzanian plural policing case in the post-ban period. It identifies three complex and overlapping reasons linked to the politics of security in the post-ban period, namely legacy issues (rural-urban divide and regime policing), internal agency or risk factors (ujamaa ideology and Kagera war) and external contingency aspects (neoliberal reforms). As Hills and Potholm suggest, variables, such as the nature and control of the force, crime trends, zoning law, political orientation, people’s perception and police-population ratio are included in looking at the capabilities and dynamics of the public policing vis-à-vis political interests. This chapter shows that the proximate cause for the departure from the state-centric policy to plural policing lies completely within the TANU guidelines and daily politics and the Constitution itself, framed in the socialist path of development. The government has interpreted the two political documents loosely to accommodate and engage the very actors it sought to ban in policing the public or to repel insurgences and steer nation-building efforts. I argue in this chapter that to every public policy, there is generally a moral duty to obey it. By forming private security groups, people obeyed the party policies and ethos, thus any attempt to restrict non-state actors, not only contradicted party policy but also undermined the collective interests or ujamaa way of life and the underlying commitments of citizens to perform their public duty. In other words, it would be

583 Tanzania-Uganda war.
politically risky for the government not to accommodate the grassroots into state policing. I argue further that even though the state made a political move to transfer some responsibilities to enforce law and order to the local communities, the new providers did not generate a ‘privately defined orders’ in conflict with the state. This is so because these civic organisations were ‘state-controlled’ but stood between the public and private divide to create partial sovereignties.

5.2 Factors for Hybrid Forms of Security Arrangements

Private armed and security organisations blossom in a setting where the government is dysfunctional and cannot deliver public goods. In a weak state, the government may lack the will or the demand for public security may exceed its capacity to provide for it. The Tanzanian case adds five overlapping political dimensions to the pluralisation of policing activity in a postcolonial state context, namely rural-urban divide, regime policing, ujamaa ideology and party guidelines, Kagera war and neoliberal policy.

5.2.1 Rural-Urban Divide

The division of a population into rural and urban was a basic tenet of governance in the colonial period. As a political necessity, the regime ruled the rural area indirectly through local chiefs and agents while it placed the urban population under proper colonial institutions and administrators. It is from this classification of the population that the key security arrangements associated with each group have developed to date in the forms of formal and informal providers. Whether historical or contemporary, the governmental settlements, mostly urban areas, determine the police structure and their presence. At independence (1961), the population of Tanganyika stood at 10,373,380, policed by 6,143 police officers. The then state capital, Dar es Salaam, with an area of 1,393 km², had about 633 police officers. Each police officer was in-charge of 1,689 people countrywide, thus about 5,510

587 Ibid. p. 332.
588 See, chapter 3.
591 Bulamile (2009), Ibid. p. 25.
592 Ibid.
officers policed an area of about 879,207 km², outside Dar es Salaam. Today, commercial and administrative cities and towns (e.g. Dar es Salaam, Dodoma, Tanga, Mbeya, Mwanza, Unguja, Morogoro and Arusha) have a high concentration of police officers. In 2016, for example, there were more than 673 police officers in every 100 square kilometres in Dar es Salaam, almost three times higher than semi-urban areas, e.g. Shinyanga, Simiyu, Tabora, Manyara, Kagera, Geita, Rukwa, Ruvuma, Mtwara, Kigoma, Iringa, Singida, Lindi, and Katavi. This means that the country has more police presence in urban areas and administrative centres than in peri-urban areas and villages. The population in the former areas tends to be politically conscious, thus higher police presence is deemed necessary to contain grievances and protect the regime.

Moreover, politically motivated and 'state-controlled' programmes such as villagisation pursued between 1968 and 1983 deepened the police-population ratio and resentment towards state policing. Villagisation programme was the largest-ever resettlement program in independent Africa that relocated people throughout the country into villages. It created centralised planned settlements where people would live and work together for the good of all known as ujamaa villages (also development villages or permanent villages). Each registered ujamaa village was a replica of a communal village in the precolonial period that had a minimum of 250 families. On average, there were about 360 to 1,260 families per village by 1975.

599 Ibid.
601 See, the Villages and Ujamaa Villages (Registration, Designation and Administration) Act, 1975.
Between 1973 and 1975, about 5,628 ujamaa villages with 2.5 million people were registered\(^{603}\) and over 9 million people moved in ujamaa villages.\(^{604}\) Over 14.9 people, about 87% to 95% of the population lived in 8,299 ujamaa villages by 1979\(^{605}\) and an additional of 470,000 people relocated to the villages under the Human Resources Deployment Act of 1983.\(^{606}\) Since the policy was resisted by the local population, law enforcers were central to the implementation of the ujamaa village scheme.\(^{607}\) The government deployed the police, army, national service corps, youth league and paramilitaries to move people into villages and enforce the party’s political agenda in the newly-established villages.\(^{608}\) The use of force became a constant feature of the implementation, as typified by ‘operations’ Dodoma, Chunya, Kigoma, and Rufiji (1969-73) and operation Tanzania (1973-76),\(^{609}\) thus deepening hostility between the state security agencies and the people.\(^{610}\) The murder of Wilbert Klerruu (the then Iringa Regional Commissioner) by Saudi Abdallah Mwamwindi (a farmer whose land was confiscated for ujamaa village) is one of the notable incidents of such opposition.\(^{611}\)

By the mid-1980s, part of the repatriated population abandoned their villages and returned to urban areas to establish informal settlements.\(^{612}\) This is partly due to the failure of ujamaa policy and the emergence of the petty bourgeoisie class (mabepari/makabaila) and transnational companies that not only attracted labourers (vibarua) from the villages but also pushed for the free movement of people.\(^{613}\) Moreover, there were no meaningful activities in ujamaa villages for the resettled

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\(^{604}\) Ibid.

\(^{605}\) Ibid.


\(^{611}\) The case of Saidi Mwamwindi v. R. (1972) HCD 212. See also, Ergas (1980), Ibid. p. 401 and Jennings (2017), Ibid.

\(^{612}\) CHRI (2006), Ibid. p. 12.

population to undertake.\textsuperscript{614} The government presence in terms of social services like state policing was negligible, thus the people found it hard to settle in villages.\textsuperscript{615} Today, about 70\% of the population live in rural areas, that is, townships and village centres because of the political decisions taken between 1967 and 1983.\textsuperscript{616} The proportion of urban dwellers has grown from 5.7\% in 1967 to 29.1\% in 2012 and expected to increase by 50\% in 2050 because of rural-urban migration,\textsuperscript{617} thus stretching more the capacity of the police to meet both political and security needs. Despite accounting for 70\% of the population, it is not common to find a police station in rural areas, save for sparsely located police posts with fragment number of police officers.\textsuperscript{618} The survey conducted by Twaweza (NGO) in 2017\textsuperscript{619} reveals that:

One out of five citizens (17\%) in urban areas would spend 30 minutes or more to get to their nearest police post while one out of four (27\%) have no police post at all in their ward. The situation is worse in rural areas where half of citizens (50\%) report having no police post in their ward and 27\% spend more than 30 minutes getting to the nearest post.

By December 2016, the TPF had 47,806 police officers while the population of Tanzania stood at 50,142,938.\textsuperscript{620} On average, five police officers policed an area of 100 square kilometres.\textsuperscript{621} This implies that one police officer served about 1,049.67 persons, covering an area of 20 square kilometres and investigate 13 cases per year.\textsuperscript{622} In a developing country like Tanzania, the recommended standard is one police officer to serve between 400 and 700 people.\textsuperscript{623} To have the required standard for the police-population ratio, the TPF needs to employ twice as much as the currently employed officers.\textsuperscript{624} As Neild suggests,\textsuperscript{625} the police suffer the most in a nation-building and

\begin{thebibliography}{99}
\bibitem{615} \textit{Ibid}.
\bibitem{617} NBS (2012) Population and housing census. Dar es Salaam, NBS.
\bibitem{618} See, TPF Annual Crime and Statistics' Reports (2010-2016).
\bibitem{620} TPF (2017), \textit{Ibid}. p. 56.
\bibitem{621} Tanzania has 945,087 km\textsuperscript{2}.
\bibitem{622} TPF (2017), \textit{Ibid}. pp. 56-58.
\bibitem{624} \textit{Ibid}.
\bibitem{625} Neild, R. (1999) From national security to citizen security civil society and the evolution of public order debates (mimeo). Montreal, ICHRDD, p. 5.
\end{thebibliography}
counterinsurgency operations context because they are marginalised in terms of budget and status and become mere complement to the military. This situation leads to unacceptable police to civilian ratio as the police force fails to recruit more officers to match the yearly population growth.626 Consequently, non-state actors become statised and counterparts to the police and fill a policing gap created by weak service delivery capacity of the public security agencies whose main mission is to protect the government in the capital and administrative centres. As revealed by the victim survey in Dar es Salaam region in 2000, where about 36% of participants said that they never saw a police officer on duty, and 17% only saw an officer in their neighbourhood once a month. In new and established suburbs, the police presence stood at 62% and 48% respectively.627 In Mwanza region, for example, the police patrols tend to focus on the main roads and richest suburbs rather than areas where most crimes are committed such as narrow footpaths (vichochoro) and residences of ordinary people.628 Other common complaints from the people in semi-urban and rural areas include: the police do not respond to crime alerts on time,629 the police are ignorant of their task and use more force than tact,630 and the police stations and posts are far away from where many people live or work.631

The absence of police officers in human settlements is partly because they are more socially isolated from the public.632 Like the military personnel, the police and their families reside in special houses and barracks (kota/kambi).633 Because of partial police presence in rural areas, any sight of police officers usually sparks fear, tension and some villagers even go into hiding.634 This makes it harder for people to report

626 Dupont (2003), Ibid. p. 337.
628 Cross (2013), Ibid. p. 131.
629 Ibid.
633 Ibid.
crimes or even the police to involve villagers in crime control programmes.\footnote{Safer Cities: Dar es Salaam (2000) Crime and policing issues in Dar es Salaam Tanzania focusing on: community neighbourhood watch groups - "sungusungu". Paper Presented at the 1\textsuperscript{st} Sub Saharan Executive Policing Conference International Association of Chiefs of Police (IACP) Durban, South Africa: 27-30 August. Available from: <http://mirror.unhabitat.org/downloads/docs/1632_19286_Sungusungu.pdf>}. The sentiment among the rural population is that a police officer cannot be trusted or befriended. Like in the colonial period, we may need to teach children in informal settlements and villages about what a police officer looks like.\footnote{Cf. Burton, A. (2003) Brothers by day’: colonial policing in Dar es Salaam under British rule, 1919–61. Urban History, 30(1), p. 81.} As a result, the contribution of the state policing is “minimal compared with informal and traditional sanctioning processes (the hue and cry after the thief) or personal attempts to recover property (finding one's stolen goods in the "thieves' corner" of the local market)”\footnote{Marenin (1982), Ibid. p. 390.}. This is so because the police are highly politicised and “they are not very visible, even in cities, and far less so in rural areas, which tend not to be policed”\footnote{Ibid.} and mostly preoccupied with ‘regime policing’, hence drifting the population away from public police.

\subsection*{5.2.2 Regime Policing – remnant of autocracy}

To the ordinary people, the police force is the most visible arm of government, which is expected in any democratic society to protect and serve the people by combating crimes and abuse of power, among others.\footnote{Abrahamsen, R. and Williams, M.C. (2008) Public/private, global/local: the changing contours of Africa’s security governance. Review of African Political Economy, 35:118, pp. 545-6, CHRI (2006), \textit{Ibid.} p. 24 and Hills (1996), \textit{Ibid.} p. 271, and Mukhopadhyay (1997), \textit{Ibid.} pp. 186 and 193.} In an autocratic state, the mission of the police force is fundamentally different, it intimidate and suppress opposition to protect the regime\footnote{Hills (1996), \textit{Ibid.} pp. 276 and 280, and Marenin (1982), \textit{Ibid.} p. 379.} and the police manage the political process and the government’s relations with its populace.\footnote{\textit{Ibid.} p. 88.} In a regime policing context, the act of policing is ‘state-controlled’ and the police force is primarily concerned with regime survival. As such, it undermines its relevance and the capacity of the government to control violence and take away the distinctive nature of the state as an organisation.\footnote{Wiatrowski, M.D. and Goldstone, J.A. (2010) The ballot and the badge: democratic policing. \textit{Journal of Democracy}, 21(2), p. 84.} Given the conservative nature of the police, even the reforms undertaken by the postcolonial
governments have not been able to transform them into something distinctly different from their colonial manifestation.\textsuperscript{643} To quote Mukhopadhyay:\textsuperscript{644}

The colonial legacy is an ideological baggage as well as a structural reality for the independent states. Certain aspects of the colonial rule, especially the bureaucracy, the police and the army have survived intact, as de-colonisation has failed to transform them into something distinctly different from their colonial manifestation. It may be argued that the police as a force tend to be conservative rather than revolutionary, and therefore the effects of de-colonisation felt in other areas of the newly independent state would not be reflected equally well.

Regarding the TPF, Scher\textsuperscript{645} adds:

The police service suffered from decades of financial neglect and a poor reputation. Its initial mandate emphasized regime policing, which oriented the police toward maintaining law and order for the protection of the state rather than the protection of the citizenry.

Political influence in the police manifested itself in terms of interference with the daily operations, recruitment, promotion, and dismissal practices to suit political purposes.\textsuperscript{646} It also involves the control of the TPF by the ruling party that uses it to serve political agenda, \textit{i.e.} to restrict the rights of individuals to participate in the civil and political life of society and the state.\textsuperscript{647} In Tanzania, politicians (President, the Minister for Home Affairs and their appointees) have the power to appoint, discipline, promote and confirm, transfer and removal of police officers.\textsuperscript{648} For instance, the President appoints the Inspector-General of Police (IGP) who, in turn, controls the junior officers, that is, all officers below the rank of Assistant Inspector, subject to the directions of the minister.\textsuperscript{649} Further, the District and Regional Commissioners, who are party cadres (as \textbf{photo} \textit{2} below illustrates) and appointees of the President, direct and control the police in their jurisdiction through the District and Regional Security Committees.\textsuperscript{650} State law places the command of the TPF under the party cadres, without a clear line that separates party control from civilian control. This implies that

\begin{footnotesize}
\textsuperscript{643} Mukhopadhyay (1997), \textit{Ibid.} pp. 194-5.
\textsuperscript{644} \textit{Ibid.}
\textsuperscript{647} \textit{Ibid.}
\textsuperscript{649} \textit{Ibid.}
\textsuperscript{650} \textit{Ibid.}
\end{footnotesize}
although the TPF is part of the civil service, the government and the ruling party, which are two sides of the same coin, continue to impose their political priorities on the police.\(^\text{651}\) It also suggests that the ruling elites have direct control over the police in terms of operations and distribution of security services, thus prioritise political repression and enforcement of the order on behalf of a regime over crime prevention.\(^\text{652}\) By retaining the colonial ethos, structures, and political interests, the police force has saliently reproduced similar problems of maintenance of order in the postcolonial period.\(^\text{653}\)

**Photo 2:** Regional Commissioner and police officers celebrating after the ruling party’s contestant won a by-election

![Photo 2](Image)

**Source:** IPP Media, Dar es Salaam

Since its inception in 1919, the TPF has had a paramilitary character while the government has failed in its effort to remodel it along the lines of a civic force.\(^\text{654}\) The TPF has a centralised command and central political structure, with specialised units, police zones, police special zones, police regions and police districts while the police officers are armed and have the capability of a military unit.\(^\text{655}\) As politically run organisation, the police are more often than not deployed by politicians to arrest, detain, harass and torture civilians and disperse political rallies.\(^\text{656}\) They issue public


\(^{655}\) Ibid.

warnings, conduct countrywide public parades and physical exercises (drilling and marching), display of security equipment on public roads and organise intensive street patrols to intimidate or discourage public protests and demonstrations. As the next paragraph shows, the TPF operates as a civil law-enforcement agency, secret service and a quasi-military organisation supporting those in power and suppressing civil disorder.

Within the police structure, there is a Field Force Unit (FFU), a paramilitary unit and the most notorious and highly politicised and indoctrinated police unit dubbed ‘Fanya Fujo Uone’ (cause trouble and you will pay dearly). It is responsible for controlling and subsiding civil riots, handling security at police stations and sometimes protecting the borders. FFU has also been used to suppress workers and students’ protests and to crackdown tax defaulters. FFU officers are located in strategic areas, mainly district and region capitals and some of their operations have ended in a loss of lives and serious injuries. The Criminal Investigation Department (CID) complements the FFU activities. The CID is a quasi-secret organisation policing political opinion and responsible for collecting information on citizens’ behaviour and attitudes.

The police force has not adapted to mirror the change from party-state to multiparty politics as the opposition accuses the police of manipulating political processes and rigging election results in favour of the party in power. This is possible because the


659 The British established the FFU, formerly known as Motorised Company (MotCo), in 1950 to suppress popular unrest and nationalist opposition.
660 Shivji (1990), Ibid. p. 19.
663 In August 1971, the FFU repelled the Ugandan tanks after crossing the border. See, Kaplan (1978), Ibid. p. 257.
664 Cross (2013), Ibid. p. 44.
665 Ibid.
667 Ibid.
police have discretion over arrest and detention and regulate public meetings and demonstrations, thus they can automatically determine who participate in politics. For instance, they have restricted political rallies and protests, and arrested and prosecuted over 13 outspoken opposition legislators between 2016 and 2018. As a result, the opposition parties have coined the word ‘Poli-CCM’ to refer to the special relations between the police and the ruling party (CCM). Presence and dominance of the party in all spheres of life worked under a slogan ‘chama kushika hatamu’ (party supremacy), where the party ‘accumulated almost unchecked status’. Therefore, during the three decades of a party-state, some police officers became executive and administrative personnel while the IGP was the chief party commissar of the force. Besides, most officers who joined the police in the late 1980s and early 1990s are now the senior and commanding officers. In recent years, senior state and party officials have openly influenced the police’s decision and mode of operating.

In one case, the then Prime Minister, Mizengo Pinda remarked that:

*Sasa kama wewe umekaidi, hutaki unaona kwamba ni imara zaidi... wewe ndiyo jeuri zaidi watatupiga tu,... Mimi nasema muwapige tu, kwa sababu hakuna namna nyingine... maana tumechoka* (All those who are breaking the law will be beaten, and I insist that they should be beaten, there is no other way out... we are tired).

At some point, President Nyerere claimed that the Constitution had given him enormous powers to make him a dictator. Those were not empty words, among other things, they reflect how the government and party officials deployed the police to enforce the Deportation Ordinance (1921), Preventive Detention Act (1962) and

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677 President of Tanzania from 1962 to 1985.
Resettlement of Offenders Act (1969) to stifle dissent and protect the interests of the elites.\(^{679}\) In 1977, for example, multiple sources from Kenya and the US estimated the number of politically motivated dissidents in Tanzania to be 1000-4000.\(^{680}\) The LHRC has recorded over 1000 politically motivated disappearances, extortions, killings, and detentions from 1995 to 2018.\(^{681}\) Further, LHRC reported about 38 incidents perpetrated by unknown assailants (\textit{watu wasiojulikana}) in 2017 alone.\(^{682}\) The report suggests that both civilians and law enforcers from special departments and the police are involved in such incidents, thus drawing people away from state policing.\(^{683}\)

The victimization surveys and safety audits reveal that 60% to 70% of victims and witnesses of crime do not report them (dark figure crime) to the police.\(^{684}\) Furthermore, the Twaweza Survey shows that only 26% of poor people in rural and urban areas are likely to seek help first from the police if they were victims of a crime, compared to 66% who prefer the village and street leaders.\(^{685}\) Twaweza survey concludes that people do not consider the police as the best option even when the police post is a few yards from a crime scene.\(^{686}\) It is also widely documented that the police officers solicit bribes and collude with criminals, leading to a vicious circle of crimes.\(^{687}\) Among the government departments, the police continue to occupy the first spot in the corruption perception index.\(^{688}\) This reflects the common saying in Tanzania that ‘\textit{kuingia polisi ni bure ila kutoka ni pesa}’ (it is free to enter a police station, but you must pay on/to exit).\(^{689}\) This may take the form of an accused person bribing his or her way out of police custody (police bail and evidence tempering) and facilitating the police to make an arrest.\(^{690}\)

\(^{679}\) See, Kapinga (1990), \textit{Ibid.}  
\(^{681}\) See, LHRC’s Tanzania Human Rights Reports between 2001 and 2019. Some of the LHRC reports and publications are Available from: <https://www.humanrights.or.tz/reports>.  
\(^{683}\) \textit{Ibid.}  
\(^{685}\) Twaweza (2017), \textit{Ibid.} p. 11.  
\(^{686}\) \textit{Ibid.}  
\(^{690}\) \textit{Ibid.}
In 2003, the Prevention and Combating of Corruption Bureau (PCCB) placed the TPF at the top of the table for the number of corruption allegations against it. About 25% of the surveyed local traders admitted that the police asked them for bribes in 2004. The 2006 Afrobarometer survey showed that about 72% of respondents believed that some, most or all police are corrupt. The BMI Research (2016) reports that the police accumulate the largest number of bribes and that ‘an estimated 87% of respondents in a recent Transparency International survey deemed the Tanzanian police force to be either 'corrupt' or 'very corrupt', only slightly above the judiciary.’ On average, the TI rate the value of police bribes at USD 36. The corrupt practices within the police are associated with a meagre salary and poor working and living conditions. CHRI (2006) report, for example, reveals that a police constable who joined the TPF in 2003 earned Tshs. 1,087,440 (about USD 820) annually, while some of the police quarters are in poor conditions with no access to toilets or water. In BMI Research index (2016), the country scored 35.6% for crime and security risk and occupied 22nd position out of 48 surveyed states in Africa. BMI Research (2016) concludes that:

The competence of the TPF is limited due to its inadequate human and physical resources, which translates into restrictions in the efficacy of policing and low pay, incentivising corrupt practices among many segments of the police force.

Other indicators of the public dissatisfaction with the police and avoiding state policing includes an increase in incidents of mob and gang violence, angry civilians attacking or killing police officers and burning police posts. In 2015 and 2016, for example, the TPF recorded 18 incidents of civilians attacking police stations and 1909 cases of mob violence. Apart from mob injustice (jungle justice), criminal gangs that terrorise and rob people are on the increase since 2000, they are involved in extra-

694 BMI Research (2016), Ibid. p. 5.
695 Ibid. p. 20.
judicial killings, burglary, abductions, maiming and inter and intra-clan conflicts.\textsuperscript{698} Other than declaring troubled areas as special ‘police zones’, ‘police districts’ and ‘police regions’, the TPF’s response to violence has been highly ineffective.

According to Baker,\textsuperscript{699} inefficiency and regime policing provoke alienation from the official law and the development of informal legal orders that bypass and neutralise it. Thus, the marginalised population lives on the margins of illegality that is characterised by unlawful security arrangements, among other things.\textsuperscript{700} In justifying party militias, for example, CHADEMA’s chairperson, Mr. Freeman Mbowe\textsuperscript{701} cited ‘wapigwe tu’ directive and claimed that:

\begin{quote}
\textit{Ni wajibu wa chama kutafuta njia za kujilinda, hatulindwi na Jeshi la Polisi, Jeshi la Wananchi wa Tanzania (JWTZ) wala Usalama wa Taifa, watu wetu wanapigwa na wanauawa hata tukienda polisi hatupati haki yetu. Ni bora tuanzishe mafunzo na tujilinde wenyewe kwani tukiendelea kupiga magoti na kulia tutakwa wa wajinga.} (It is the responsibility of the party to find ways to protect ourselves. The Police Force, the Army (TPDF) and Intelligence and Security Service neither protect us. Our people are being beaten and killed, even when we seek police’s assistance, we do not get our rights. It is better to train and protect ourselves. We will be stupid if we keep on kneeling and crying).
\end{quote}

Several policing surveys conducted in Tanzania suggest that many people prefer informal security arrangements to the TPF.\textsuperscript{702} The Household Survey (1996) concluded that people were more satisfied with non-state policing than with the TPF.\textsuperscript{703} Safer Cities survey revealed that non-state actors are “recognised by most of the residents as the only system workable and affordable to the marginalised people who are most affected by the consequences of crime and violence (or the fear thereof)”.\textsuperscript{704} In the UN-Habitat’s City Victim Survey (2000), about 53% of the participants in Dar es Salaam, supported community initiatives such as security

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\textsuperscript{699} Baker (2004), \textit{Ibid}. p. 166. \\
\textsuperscript{701} Mwananchi Reporter (2013) CHADEMA kuanzisha kambi za mafunzo ya ulinzi nchi nzima. Mwananchi Newspaper. 10 July 2013. \\
\end{flushright}
guards and neighbourhood watch groups to improve safety. In a more recent survey by Twaweza (2017), 47% of people proposed contracting more local militia to reduce crime that happens at night compared to 44% who preferred police patrols. As discussed in the third chapter, the next part adds that the lack of trust in the police force and overreliance on non-state policing is not something new in Tanzania, it is a phenomenon that dates to the colonial period but became more pronounced in the *ujamaa* politics and one-party state era.

### 5.2.3 Legacy of *Ujamaa* Ideology and Party Guidelines

The *ujamaa* policy underpins the way non-state policing developed and justified as a political necessity by the state and party officials and the local communities post-1977 ban. As noted earlier, villagisation programme is one of the by-products of *ujamaa* politics. The newly formed villages created alternative security arrangements because the state police were absent and highly mistrusted, partly due to their involvement in ‘*operationi vijiji*’ and inability to protect the people. As such, the dynamics of security in Tanzania corresponds with the existence of one-party system of politics and *ujamaa* ideology implemented under a strategy of self-reliance. Village socialism pushed people into communal way of life, self-organisation and encouraged them to develop parallel security institutions that ‘somehow’ replaced the formal police in rural areas. The discussion below looks into the role played by *ujamaa* and party-state policies to the pluralisation of policing at the village and national levels.

The Constitution of Tanzania declares *ujamaa na kujitegemea* (socialism and self-reliance) as the state political ideology. Under the *ujamaa* politics, the government introduced a communal mode of life and ‘forced’ people to live in the *ujamaa*
villages. The ujamaa way of life insists on state control and collective or group obligation (brotherhood/unity) in discharging public functions. The involvement in national defence and security is the most sacred or supreme duty and the greatest honour of every citizen in a socialist state. This is so because people at the grassroots organise security collectively as a public good that is freely available and enjoyed by everyone. Therefore, the use of alternative security arrangements to combat crimes became more pronounced at the height of ujamaa politics and one-party rule that advocated for social solidarity, community service/volunteering, national unity, and self-reliance. The TANU Guidelines (1971) provides that:

Para 11
The responsibility of the party is to lead the masses, and their various institutions, in the effort to safeguard national independence and to advance the liberation of the African.

Para 21
Tanzania's defence and security depend on Tanzanians themselves - every Tanzanian, in particular, each patriot, each socialist.

Para 26
Our army must be the people's army, used in teaching the people how to defend themselves in their localities and to enable them to report on matters of national security.

The CCM Guidelines (1981) agreed with the 1971 Guidelines on national defence and security and added that:

… chimbuko la majeshi ni Umma wa wakulima na wafanyakazi ambao pia wanashiriki katika ulinzi na usalama wa nchi yao kwa kupitia ulinzi wa mgambo na kwa kuwa macho katika sehenu zao za kazi na za kuishi, viwandani na maofisini, vijijini na mijini. (The foundation of our armed forces is the farmers/peasants and workers who are involved in defence and national security through the people's militia and by being vigilant at their workplaces and houses, factories and offices, in the rural and urban areas).

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712 Lorgen (1999), Ibid.
715 CCM (1981) CCM guidelines. Dodoma, CCM.
716 Para 96.
The then Prime Minister, Mizengo Pinda, echoed the same words in his 2016 speech to the National Assembly:

\[ \text{Nitimie fursa hii kuwakumbusha wananchi wote kwamba msingi wa usalama wa Raia na Mali zao nchini Tanzania ni wa Watanzania wenyewe. (Let me use this opportunity to remind all citizens that the duty to secure people and their properties in Tanzania rests on Tanzanian themselves).} \]

Policing groups such as mgambo and sungusungu are justified under the ujamaa politics because they represent both revolutionary movement and frontline force in implementing state policy on defence and security.\(^{718}\) Therefore, alternative security arrangements are not only tools of the people in carrying out the state’s directives on security, but also, they are people’s initiatives envisaged by the party policies and directive principles of the state\(^{719}\) that insist on self-reliance. I argue in this study that to every public policy, there is generally a moral duty to obey. By forming private security groups, people obeyed the party policies and ethos, thus any attempt to restrict non-state actors, not only contradicted party policy but also undermined the party’s political interests, ujamaa way of life, and the underlying commitments of citizens to perform their public duty.\(^{720}\) This has somehow pushed the government to reform the law to accommodate some aspects of community participation in the governance of security.

Initially, the 1977 Constitution and its predecessors (1961, 1962 and 1965 Constitutions), did not have the Bill of Rights. The introduction of the Bill of Rights in 1984 under Part II of the Constitution somehow watered-down the 1977 ban on private security service providers.\(^{721}\) This is so because the Bill of Rights, among other things, guarantees the security of person and property that includes the right to be free

\(^{717}\) Hotuba ya Waziri Mkuu, Mheshimiwa Mizengo Peter Pinda, kuhusu mapitio na mwelekeo wa kazi za Serikali na makadirio ya matumizi ya fedha ya Ofisi ya Waziri Mkuu na Ofisi ya Bunge kwa mwaka 2015/2016, para 10.


\(^{719}\) These are guiding principles that the government and its officials must consider when legislating or framing policies. Policies as opposed to laws are not enforceable but remain a moral force or provide a yardstick to the people to judge the government and its various measures.


from all forms of violence from either public or private sources. Articles 27 and 28 of the Constitution impose a duty to every citizen to defend the nation against external aggression and maintain civic order. An individual has a civic duty (political obligation) to safeguard public property and natural resources, and defend the independence, sovereignty, territory and unity of the nation (territorial integrity).

Like the 1962 and 1965 Constitutions, the 1984 constitutional amendments empower the parliament to make laws to facilitate and regulate the defence of the nation by the people. The National Ethic of 1965 partly inspired the constitutional clauses on collective security that require individuals to assist those responsible for law enforcement. Hence, the most viable way to realise collective security and to protect state sovereignty is for the citizens to form civic groups and equip themselves with the necessary self-defence abilities.

By forming security groups, the people are enjoying their organisational right as provided to them by the Bill of Rights. Collective security can as well be achieved through political programmes of the party, such as compulsory national service (military training and service), conscription during a war, and allowing citizens to bear arms. During the Kagera war of 1978-9, for example, some civilian groups volunteered (and others forced) to fight on the frontline and some groups were in charge of the civic order. Therefore, the 1977 ban curtails people’s freedom to enjoy or uphold their constitutional rights and duties, considering that the maintenance of internal security is both the basic right and moral duty of every citizen. It is highly inconceivable that the Constitution could impose a civic duty to

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722 Articles 14, 15 and 16.
723 Cf. Article 29(5) of the African Charter on Human and Peoples' Rights, 1981: “the individual shall also have the duty...to preserve and strengthen the national independence and the territorial integrity of his country and to contribute to his defence in accordance with the law”.
726 The African Charter on Human and Peoples' Rights (1981) also calls upon member states to retain the African tradition of giving everyone in the society some rights and duties.
727 Article 20(1) of the 1977 Constitution.
728 Article 25(3)(b)-(d)(i) and (ii) of the 1977 Constitution.
729 See, the Arms and Ammunition Act, Cap. 223.
maintain law and order at the same time restricting the available means (non-state actors) to fulfil such obligation.

Apart from the Bill of Rights, the devolution of power to local government authorities (LGAs) in 1982 allowed them to govern security at the grassroots levels. The district and urban authorities’ laws\textsuperscript{732} radically modified the nature of state power by ceding much of the central government’s functions to local communities.\textsuperscript{733} The 1982 political reforms revived the indirect rule in more unified local structures,\textsuperscript{734} with an additional duty of facilitating the maintenance of peace and order in their localities.\textsuperscript{735} The laws empower LGAs to take all necessary measures for the suppression of crime, the maintenance of peace and good order and the protection of public and private property lawfully acquired.\textsuperscript{736} The Fourth Constitutional Amendment of 1984\textsuperscript{737} cemented the LGAs’ role by obligating them to ensure the enforcement of law and public safety of the people.\textsuperscript{738} The government officials cite LGAs’ laws to justify and integrate non-state actors in administrative or political structures of LGAs, thus compelling security groups to work with LGAs and allowing LGAs to make and enforce their laws to govern security matters.\textsuperscript{739} Non-state actors become entrenched in local structures of governance as the most viable solution to crimes.

Another tactic used to create a plural security landscape is to incorporate community-led security groups like *sungusungu* into existing policing structures such as *mgambo* (people’s militia).\textsuperscript{740} Like the 1973 and 1975 militia laws, the People’s Militia Laws (Miscellaneous Amendment) Act (1989)\textsuperscript{741} do not establish non-state actors as

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\textsuperscript{734} Apart from the central government, other administrative units include regions, districts, divisions, wards, villages or street in urban areas and hamlets. See, Killian and Pastory (2018), *Ibid* p. 8.

\textsuperscript{735} See, section 111(1)(2) of Act No. 7 of 1982, and sections 16(c)-(e) and 54(1)(2) of Act No. 8 of 1982.

\textsuperscript{736} *Ibid*.


\textsuperscript{738} Article 146(2)(b) of the 1977 Constitution.


\textsuperscript{740} The People’s Militia Laws (Miscellaneous Amendment) Act, No. 9 of 1989.

\textsuperscript{741} It partly amends the provisions of the 1973 and 1975 militia laws, respectively.
distinct law enforcement agencies but it extends the policing power of a police constable to members of these security groups. Heald claims, “by amending the People's Militia laws, in both 1989 and 1997, the government did find an instrument to give some official recognition to these groups, bestowing upon them a quasi-legal status”. Like mgambo, sungusungu can arrest, conduct search and seize stolen property or instruments used in committing crimes, turning them into some sort of auxiliary police officers. Further, the militia law also requires the government to compensate mgambo and sungusungu for death or injuries sustained in a course of discharging their duties. The Ministry of Home Affairs is empowered under the 1989 amendments to make rules for the regulation of non-state actors’ activities in the country.

As shown in chapter three, LGAs and the practice of deputising civilians were key to the enforcement of law at the grassroots during the British colonial rule. By reviving LGAs in 1982, the government restored the earlier model of state-society relations, in which, the LGAs rather than being competitors or enemies to the central government’s authority, serve as its agents, carrying out acts on the state's behalf. By assimilating non-state actors in administrative structure, the LGAs and traditions (jadi) have successfully co-opted and regained political powers that they had previously possessed before the abolishment of traditional chieftainships and customary criminal law in 1963. This is so because of a thin line that separates the LGAs and non-state actors, thus ordinary people (through community-led security groups) can enforce customary criminal law and adapt norms and sanctions to meet their local needs. Despite the 1989 amendments placing non-state actors under the Minister of Home Affairs, the ruling party has occasionally and out of political interest issued regulations to supervise them. The party in Mara Region in the mid-1980s, for example, issued the ‘Code for the Operation of the Traditional Army’ that

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744 Section 3 of the People’s Militia Laws (Miscellaneous Amendment) Act (1989).
745 Section 2, Ibid. see also, Act Nos. 27 and 25 of 1973 and 1975, respectively.
746 The minister has never made/issued any rule under the 1989 law.
748 Ahram (2006), Ibid. p. 65.
established non-state security groups in the region and gave them police and judicial powers.\textsuperscript{750} As a result, members of non-state security groups worked under the wrong assumption that the legal base for undertaking policing activity is the Party Guidelines.\textsuperscript{751} The ruling party has had a strong link with the communities, making it harder for the government to succeed in excluding non-state actors in organising security. Equally, the government has relied on community-led institutions such as ten-cell leaders, mgambo, national service corps and the youth league to teach the people about politics, patriotism, self-defence, and mobilise them against external aggressions like the Uganda invasion of Tanzania in 1978 (Kagera War).\textsuperscript{752}

\subsection*{5.2.4 Kagera war}

The Tanzania-Uganda war (Kagera war)\textsuperscript{753} left the country’s economy in crisis and turned the law defenders into lawbreakers, that is to say, the disbanded soldiers and militias, with war weapons and military training, became career criminals. In Heald’s words, they had “learned of the value of arms in banditry and raiding. Rather than returning to a life of toil and poverty in their home areas, many, it now appears, took to the freebooting life of the gangster”.\textsuperscript{754} The country faced an unprecedented wave of violence including extra-judicial killings, banditry, burglary, and armed raiding.\textsuperscript{755} This was a time when the thieves ruled,\textsuperscript{756} targeting shops, bars, banks, and residential buildings in towns while it took the form of cattle theft in rural areas,\textsuperscript{757} which is still a common problem even today.\textsuperscript{758} Campbell\textsuperscript{759} reports:

\footnotesize
\begin{enumerate}
\item Shivji (1990), \textit{Ibid}. p. 16.
\item The Party Guidelines have no legal force. See, \textit{Amon Magigi Nyamugonda and Another v. Boniface Kilingo and 15 Others}, Civil Case No. 22 of 1988, High Court of Tanzania, reported in Maina (1997), \textit{Ibid}.
\item See, Brennan (2006), \textit{Ibid}.
\item Heald (2009), \textit{Ibid}. p. 59.
\item Heald (2009), \textit{Ibid}. p. 57.
\item Cross (2014), \textit{Ibid}. p. 520.
\item TPF Reports (2002-2018) show that incidents of stock theft range from 4,879 to 7,430 annually.
\end{enumerate}
…there were over 11,453 cattle thefts and 15 murders, in Shinyanga, Maswa, Kahama and Bariadi districts in 1981. In 1982, there were 21,922 cattle thefts and 8 murders related to cattle thefts in the same districts. A total of 52,876 cattle were [was] reported stolen from the country in 1982. This meant that at 1982 prices the state was losing over US $66 million from cattle thefts.

Other illegal activities that contributed to insecurities included trades in contraband goods, gold mining, and smuggling in Mwanza, Tabora, and Shinyanga regions. The amount of gold smuggled out of Tanzania or sold in a black market every week was worth over half a billion shillings. The press reported an alarming death figure of up to 11 persons per week in Geita district alone. The population, mostly affected by the increase in crimes, lost confidence in the ability of the police to combat crimes. The police officers, largely regarded as citizens in uniforms and who took part in the Kagera war, were very few and largely absent in villages and informal settlements. In an interview with the BBC in 2006, the former Minister for Home Affairs, Augustine Mrema explained:

The crime rate had reached alarming levels. We did not have enough police officers to cover the whole country, and the few we had were posted in urban areas. People were being robbed at gunpoint and living under constant fear.

In 1978, the army had about 51,700 officers while the TPF had between 10,000 to 14,000 personnel, both augmented by around 35,000 volunteers (paramilitary). Therefore, because of the geopolitics, the country had more army officers than the police and paramilitary combined. With a population of around 17.5 million people, one police officer served around 1,250 to 1,750 people. The police were increasingly dealing with state matters and ‘wait[ed for] people to bring their problems to them through the few police posts which [were] ill-equipped and sparsely

760 Ibid.
761 Ibid.
763 Barany (2014), Ibid. p. 611.
765 Safer Cities: Dar es Salaam (2000), Ibid. pp. 43 and 44.
767 Marenin (1982), Ibid. p. 386.
769 Ibid.
located. This provided an opportunity for police officers to accept bribes or collude with suspects. The public ethics in the civil service degenerated and accelerated the general loss of respect for authority, law and order, therefore, came under attack. Due to financial constraints and politicisation, the people's militias ‘mgambo’, youth groups (CCM Youth League) and national service corps who were responsible for rural defence and security went into a general decline. The rural population was also tired of daily interferences and tactless policing by the youth groups. The youth groups that once represented community effort was at that time a de facto state police, thus losing their initial purpose of serving the poor villagers.

The government did not respond immediately to the ensuing violence partly because the TPF’s Stock Theft Prevention Regiment was highly ineffectual, thus the constant loss of lives and properties. Van Rouveroy van Nieuwaal claims that ‘the state monopoly of violence’ collapsed completely or existed only on paper. Due to an upsurge in crimes or perceived fear of crimes and the absence of adequate police protection, the people saw a solution in the tribal security system that had existed in the precolonial village (nzengo/kijiji) in the form of traditional army ‘sungusungu’ (also ruga ruga and wasalama). According to Campbell:

Sungusungu initially emerged as a response by the middle and poor peasants who had been harassed by increasing armed cattle rustling, highway brigand (known as Kodi ya Milembe or Masanja) and housebreaking. In Kahama, they considered themselves as Jeshi la Ukombozi against the much richer peasants, who had created their own organisation known as Chama cha kumi.

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774 Ibid. pp. 233-238.
775 Van Rouveroy van Nieuwaal (1996), Ibid. p. 66.
778 Campbell (1989), Ibid. p. 44.
The sungusungu developed not as an imposition from the top, but as part of the culture and social organisations dating back to the pre-colonial period.\(^{779}\) As Van Rouveroy van Nieuwaal\(^{780}\) concludes, “they show a connection to the modern state as they are 'neo-traditional' services, but on the other hand, they are also founded on 'tradition'.” As discussed in the next chapter, Sungusungu became a political necessity and a common form of self-organisation and self-mobilisation that bypassed the court and the police structures of governance.\(^{781}\) The existence of sungusungu also implies that the people were not satisfied with the fundamental aspects of the supply side of their relationship with the state.\(^{782}\) While low-income neighbourhoods relied and continue to rely on community efforts to protect themselves, the affluent areas have had a wide range of choices, that is, police protection, salaried guards and commercial security services brought about by neoliberal policy.\(^{783}\)

5.2.5 Neoliberal Reforms – Recession and Political Ideological Shift

The emergence of commercial security services in Tanzania is associated with the economic recession in the late 1970s and the ensuing period of free-market reforms in the early 1980s. The economic stagnation was a result of recurring droughts, oil crisis, and a decline in trade between 1973 and 1980 at the rate of 1.7 percent per annum.\(^{784}\) The world market prices for the country’s largest export commodities dropped by 36 percent between 1977 and 1978 respectively.\(^{785}\) Within this period, the trade deficit reached $599 million in 1981 and increased to $682 million in 1982.\(^{786}\) By 1986, the deficit was 167.6% of the exported merchandise compared to 93.3% margin in 1981.\(^{787}\) It is the same period that the country was recovering from the Kagera war that costed it around $500 million.\(^{788}\) In addition, the dissolution of the

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\(^{787}\) *Ibid*.

East African Community in 1977 meant that the country had to use its limited foreign-exchange reserves to replace formerly shared services such as aviation and telecommunication.\textsuperscript{789}

The budget shortfalls were common throughout the government during this period, reflecting the country’s weak economy.\textsuperscript{790} The government’s budget deficit jumped from 10 percent of the gross domestic product (GDP) in 1976–1977 to 20 percent in 1978–1979.\textsuperscript{791} Half of the USD 4,000 million development budget for 1977 to 1982 had to come from outside.\textsuperscript{792} The foreign aids averaged around USD 100 million in 1973 but increased to USD 800 million in 1978. The external public debt increased substantially from USD 248 million (19.4% of the GDP) in 1970 to USD 1,646 million (32.7% of the GDP) in 1982 and about USD 3,181 million (67.0% of the GDP) in 1985.\textsuperscript{793} The country also became dependent on expatriates while the aid schemes alone brought in over 8,000 expatriates by 1980.\textsuperscript{794} In 1977, the UN listed Tanzania as one of 29 least developed countries in the world with a per capita gross national domestic product (GNP) estimated at USD 180.\textsuperscript{795} It dropped from the 14\textsuperscript{th} poorest country in 1982, with a gross GNP per capita of USD 280, to the second poorest in 1990, with a GNP per capita of USD 110.\textsuperscript{796} It was during this period that the government negotiated with the International Monetary Fund and the World Bank, thus adopted and implemented the structural adjustment and economic recovery programmes.\textsuperscript{797}

The effort to save the economy ranged from the revival of the private sector by denationalising the major means of production to the introduction of national development programmes. The government started to modify its socialist policies, that is, slowed down its \textit{ujamaa} village’s campaign, supported small-scale private enterprises, created regional industrial estates, and invited local and foreign-based

\textsuperscript{790} Scher (2010), \textit{Ibid}.
\textsuperscript{791} Tripp (1997), \textit{Ibid}. p. 64.
\textsuperscript{792} Ergas (1980), \textit{Ibid}. p. 394.
\textsuperscript{793} Bierrmann and Wagao (1986), \textit{Ibid}. p. 91.
\textsuperscript{794} Ergas (1980), \textit{Ibid}. p. 394.
\textsuperscript{795} Kaplan (1978), \textit{Ibid}. p. xii.
\textsuperscript{797} Messkoub (1996), \textit{Ibid}.
investors. The political ideological shift allowed the government to initiate neoliberal programmes, namely the National Economic Survival Programme (1980); the Structural Adjustment Programme (1982), Economic Recovery Program (1986), the Economic and Social Action Programme (1988), and the Presidential Parastatal Sector Reform Commission (1992). The Structural Adjustment Programme (SAPs), which coincided with the end of Cold War have been implemented in three phases namely liberalization (1982–95), foreign direct investments and structural reform (1996–2006) and consolidation of reforms and policy support (2006 to date). Among other things, the neoliberal reforms pushed the government to downsize its workforce, cut its expenditure on social services, and abandon the command economy. Therefore, the expansion of the private security industry in Tanzania, especially for-profit policing firms is a by-product of neoliberal policies.

The SAPs, as a political necessity, opened the Tanzanian economy to private investments in the form of private properties and transnational entities. Today, the private sector includes profit-making entities, non-profit making institutions and co-operative unions that altogether account for over 80% of all formal establishments. Before 2000, Mainland Tanzania had nearly 21,637 establishments, increased to around 69,142 in 2012 and grew to 154,618 in 2015. Mining and quarrying

806 NBS (2012), Ibid. p. 4.
807 NBS (2016), Ibid. p. 27.
sector, which is the key driver of commercial security actors, had 551 establishments in 2015.\textsuperscript{808} After the revival of the private sector, the capital flows tripled from USD 50 billion in 1987 to about USD 150 billion in 1997 while the foreign direct investment (FDI) shoot from USD 12 million in 1992 to USD 183 million in 1999.\textsuperscript{809} In 2009, the FDI inflows stood at USD 953.1 million and doubled to 2,130.9 in 2013.\textsuperscript{810} As a result, the private formal sector employed over 1,748,695 people compared to only 850,616 workers in the public sector in 2016.\textsuperscript{811}

The expansion of the commercial security sector, in particular, had a direct link with FDI inflows and the increased awareness of security risks and crimes in the private sector in general.\textsuperscript{812} The private investors internalised the value of security and perception of risk as an important aspect of service delivery, thus organised own security in the form of in-house security departments and hired traditional night watchmen or professional security guards.\textsuperscript{813} The underlying assumption is that it is feasible to hire a private security firm than to depend on the police officers who are few and ineffective.\textsuperscript{814} The SAPs also involved cutting government expenditure in the provision of social services,\textsuperscript{815} thus an acute shortage of funds, equipment and personnel in respective state departments.\textsuperscript{816} By 1985, the public sector laid off more than 25,000 workers, almost 10\% of the entire workforce at the time.\textsuperscript{817} The public workforce, in general, shrank from 355,000 in 1992 to 264,000 in 1998.\textsuperscript{818} There is no evidence to suggest the retrenchment of police officers in the TPF but rather a lack of new or enough recruitments in the force, as such, the ratio of police officers to the population in May 1989 stood at 1:10,000.\textsuperscript{819} Regarding funding, the TPF received less than 50\% on average of its financial requirements from 1993 to 2003. By 2001,

\begin{itemize}
  \item \textsuperscript{808} Ibid. pp. 21, 23, 30, and 49. Cf. Mkutu (2017), Ibid. p. 124, and Abrahamsen and Williams (2008), Ibid. p. 549.
  \item \textsuperscript{810} Bank of Tanzania and NBS Report, 2014.
  \item \textsuperscript{811} NBS (2016), Ibid. p. 12.
  \item \textsuperscript{812} Abrahamsen and Williams (2008), Ibid. p. 549.
  \item \textsuperscript{813} Mkutu (2017), Ibid. p. 128.
  \item \textsuperscript{814} Cf. Mkutu (2017), Ibid. p. 124.
  \item \textsuperscript{815} Messkoub (1996), Ibid.
  \item \textsuperscript{816} Scher (2010), Ibid.
  \item \textsuperscript{817} Biermann and Wagao (1986), Ibid. p. 97.
  \item \textsuperscript{819} Cross (2013), Ibid. p. 53. See, the government newspaper (Daily News) of 30\textsuperscript{th} May 1989.
\end{itemize}
the TPF had an outstanding debt of more than 20 billion Tanzanian shillings (USD 30 million). The state’s capacity to fund the TPF decreased and the country endured a brunt of deficient public security mechanism, thus the private sector expanded as a political necessity to become an alternative forms of security provision, which complement the state policing. In Lwaitama’s words:

...as funding for government agencies that traditionally provided security services, such as the police, were severely cut, as part of so-called government austerity measures, one has witnessed the phenomenal rise in the establishment of private security agencies, including traditional defence groups called sungusungu.

Tanzania joined the World Trade Organisation (WTO) and its General Agreement on Trade in Services (GATS) in 1995. Since the GATS include commercial security, Tanzania is required to allow free and fair competition in the provision of security services. By 2015, there were over 1939 foreign-owned investments in Mainland Tanzania. Therefore, the GATs enable countries with the largest investments in the country, such as South Africa, Kenya, China, and the UK to attract and hire PSCs from their own countries. South Africa has the biggest private security industry in the region allowing it to export security services to other African countries. South African leading role in the sector was “reinforced by the fall of apartheid when large numbers of ex-military and ex-police personnel entered the private security sector”.

Further, the SAPs opened the market to both formal and informal private sector through measures such as privatisation, public-private partnerships, downsizing the armed forces, outsourcing, deregulation, delegating some administrative powers to LGAs and political parties. Neoliberal policies have not only attracted local and global private security companies, but also they have partly contributed to the revival of party militias, ten-cell leaders, and Sungusungu as key political players. As discussed in the next chapter, the transnational institutions (corporations, aid agencies and NGOs) take over the role of organising security from the government to protect

820 Scher (2010), Ibid.
821 Abrahamsen and Williams (2008), Ibid. p. 544.
823 Abrahamsen and Williams (2008), Ibid. p. 548.
824 NBS (2016), Ibid. p. 21.
825 Abrahamsen and Williams (2008), Ibid. p. 544.
826 Muganda (2004), Ibid. pp. 3-8, and Abrahamsen and Williams (2008), Ibid. p. 545.
their interests, employees and the integrity of their operations. The availability of private security to the rich also signal an increase in insecurity to the low-income communities, thus informal security actors became the only practical choices for low earners in the villages and peri-urban areas. In the foregoing discussion, I identified three complex and overlapping reasons for pluralisation linked to the politics of security in the post-ban period, namely legacy issues (rural-urban divide and regime policing), internal agency or risk factors (ujamaa ideology and Kagera war) and external contingency aspects (neoliberal reforms). Each socio-political factor is associated with the main four non-state actors namely youth league, militia, sungusungu, and PSCs. The next part focuses on the implication of the socio-political factors discussed above on hybrid policing.

5.3 The Lessons Learnt from the Tanzanian Plural Policing Case

The Tanzanian case proves that plural policing is context-specific that needs to be examined in the light of historical circumstances and political choices made. Simply put, the pluralisation process in the country and its opposite are interconnected and have developed more suited to the socio-political context. As opposed to some western literature that sees colonial legacies and socialist ideology as ‘counterincentive’ to pluralisation, these aspects have played a vital role in ‘populating’ the policing landscape in Tanzania. As a direct descendant of the colonial forces, the police force retains traditions and elements of regime policing as part of institutional culture. This creates a close bond between the police and the ruling class whereby the public police are more apt to focus on the threats to the government and a few elites rather than ordinary citizens. The marginalised population is forced to ‘club’ together and depend on non-state and illegal security arrangements as the best alternative to the public police. As opposed to liberal societies where these diverse social and economic groups are organised independently of the state and politics but operate within the law, the Tanzanian government has always found a way to politicise them and take a ‘centre stage’ by annexing itself to and mobilise such groups further without even changing the law. This creates a ‘state-controlled’ hybrid forms of security arrangements whereby social groups and private individuals are not only immersed in politics but also become quasi-police organisations and act as auspices

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827 Dupont (2003), Ibid. p. 337.
of policing in their localities. Nonetheless, security remained a free public good in a socialist state because market actors in the form of privately-owned and commercial-driven security firms were virtually inexistence. The most prominent security networks were the police force, auxiliary police, and volunteers – youth league, national service corps, militiamen, and community-led groups, all of which served the political interests of a single-party state.

Like other socialist states in the 1970s, the party or political influence in the police force, which is a key instrument in protecting the status quo, securing access to resources, and linking the government with the people, remained pervasive. In this sense, the police are no different from politicians who articulate political interests. In addition to the police force and auxiliary police, the government relied heavily on the armed forces and party proxies such as mgambo, youth league, and national service corps to deliver security services. The emergent civil groups were closely monitored and slowly tied to the party that used them to maintain law and order in the local communities where the police were relatively absent and mistrusted because of their corrupt practices and impunities. The volunteer groups were preferred in enforcing law and orders because they were relatively cheap to maintain, largely unaccountable, aligned with the prevailing political interests, and operated outside the framework of the law. According to Favarel-Garrigues and Le Huérou,\(^\text{829}\) the mixture of state, party, and social groups in policing, underlines how difficult it is to draw a line between public and private spheres in a socialist state. This is so because the government controls property rights and political powers are gained and maintained through overlapping public, private and community interests.\(^\text{830}\) Consequently, the government and the party adopt an instrumental use of these social groups in furtherance of political or social objectives and executing illegal orders.

On the other hand, the devolution of power to LGAs (including the ujamaa villages) has been the major driver in shaping policing as one aspect of state-society relations. LGAs have the mandate to design and implement local security strategies and mobilise civilians to participate in policing, thus opening a new window for


\(^{830}\) *Ibid.*
pluralisation and increased community participation in policing. The main challenge was that security networks in local environments whether state or community-led operated through security committees. Political appointees like the District and Regional Commissioners, who are party cadres and loyalists, represent the President and interior minister in their jurisdictions, oversee security committees and policing activity at the district or regional levels. This setup exists even today and renders the role of LGAs in organising security a façade as local authorities are neither autonomous nor in-charge of the public police. Besides, LGAs need the approval of the District and Regional Commissioners as well as the police to mobilise and establish security groups in villages, towns, and cities. The implication of the above setup is that security committees and state policing are brought under the party’s control to create ‘a parallel power-structure to the Constitution’ that avoid public accountability and allows those in power to advance their own political agenda. In other instances, the central government takes initiatives of transforming militias from army reserves to quasi-police (mgambo/askari wa jiji) operating under respective LGAs. As a result, the relationship between the political structure and security networks remain much closer, allowing the party to close the gap and politicise them.

Therefore, the plural policing landscape in the post-1977 period was not a product of the government’s deliberate efforts to deregulate the security sector but incidental to the socio-political context and local needs. Often, a plurality of sponsors and providers of security emerged independent of the state, but the state almost always have found a way to adapt to, control and justify them under the political ideology and local needs. The Tanzanian case presented a situation where the continuum of plural policing providers met development needs, reflected state ideology, and did not transform the nature and functions of policing without the involvement of the government. The state security actors interacted and found a way to work with social groups who became state agents and served party-state interests. The Tanzanian case also presents a ‘hybrid sector’ where state police and judicial bodies withdraw in rural areas and delegate the role of administering the criminal justice system to community-based groups. These groups are not legal and “break state laws to achieve their goals

831 See, CCM Constitution, Revised 2020.
of protection and investigation (or even trials and sentencing) but survive because they operate under the patronage of the party-state. Even though the government tend to transfer some responsibilities to enforce law and order to the local communities, the new providers do not generate a ‘privately defined orders’ in conflict with the state. This is so because these civic organisations stand between the public and private divide to create partial sovereignties.

The post-ban era proves that the emphasis on a ‘proper’ plural policing landscape arises from interests of foreign donors, which makes it even harder to adopt a fully-fledged private security industry. In a party-state context, the commercial security arrangements that emerges are not the result of market forces but part of how politics, power and resources are contested. As such, the country’s transition from state socialism to neoliberal policy added new economic actors (mainly PSCs) to the plural policing landscape but did not trigger important structural changes in the provision of security. Like other non-state actors, these profit-driven firms have sprung from, maintain links with and absorbed mentality and traditions of state security agencies.

The Tanzanian private security sector is institutionally linked to the party-state, politics, public police and other security agencies. Not only PSCs absorbed low-ranked former army, police and intelligence and security service officers but also high-profile public officials and powerful figures in the field of civilian security and military intelligence. With party-state resources and information at their disposal, the ruling elites and foreign business partners became the main beneficiaries of the drive to deregulate the security sector. Here the public resources are channelled into the emerging PSCs managed and staffed by serving or retired state officials, who gain a share of a very competitive market, not on merit but because they are politically connected to those in power. For instance, they own a larger stake in government’s outsourced security services and have earned lucrative contract deals with foreign interests, resource extraction sites and burgeoning private properties. It is because of this intimate relationship between the government and market actors that any effort to introduce a legal and regulatory framework to govern hybrid policing has failed.

833 Cf. Baker (2004), Ibid. p. 34.
835 See, Shadrack (2011), Ibid.
836 Cf. Ndedi and Kok (2017), Ibid.
Therefore, the ban was imposed while the state and policing were transforming. As such, three years after the ban, Tanzania moved from all-state policing to a period of transition where society-driven policing practices, and later PSCs gained a more proactive role in policing. The hybrid sector emerged to produce and distribute security services in both public and privately-owned spaces after the police failed to guarantee security to all. The plural policing landscape was partly prompted by the lack of human and financial resources to support state policing, low rate of public confidence in the police due to corrupt practices and excessive use of force, the lack of civilian police oversight, and growth in public fear of crime. As such, the auspices of policing grew exponentially to include the police force, auxiliary police, community policing, mgambo and sungusungu, youth league, national security corps, ten-cell leaders, PSCs, and in-house security units. These multiple actors form security networks that relate to the state, the market, the voluntary sector to constitute a complex realm of ‘state-controlled’ regulation, prevention, and enforcement of security. In the whole security setup, the state police retained a central role of ‘rowing’ and ‘steering’ within the plural policing landscape as depicted under the idea of anchored pluralism. This is to say, the state police not only took part in policing but also partnered with, sponsored, coordinated, and supervised other policing actors - a theme to which I will return to later in the next chapter.

Therefore, even though economic crisis in the 1980s and attendant changes did not end instrumental alliances between the government cum the party and policing groups, it generated important legal and institutional changes that devolved power and resources to LGAs and market actors, thus broadening the space for socio-political contestation and plural policing. Despite these changes, the act of policing has been largely a ‘state-driven’ project and not a network of independent but interconnected public, private and voluntary security groups. The ban has been merely symbolic and the tool for controlling non-state actors as it did not rationalise and transform the maintenance of order into the responsibility of the government alone. On the part of the people, there have been no real struggle to return policing power to them as they never lost the right and power to self-preservation. The country has had several informal and formal institutions that accommodate the will of the people to police themselves. Some of these institutions are neither professional law enforcers nor envisioned by state laws but have been controlling a larger share of everyday
policing for decades. The popular participation in law enforcement did not replace the statutory agencies as these formal agencies have been instrumental in setting up informal institutions or encouraging communities to do so to create a ‘state-controlled’ plural policing. This also makes policing a shared activity between the public and private sectors while the former sector entrenching itself in the latter sector. This proves that communities have always sought to maintain order and the government has never withdrawn from its privileged position in the provision of security. It has added and assumed more role of working and competing with and co-ordinating activities of commercial and community-led security providers.

5.4 Conclusion

In this chapter, I have discussed how the historical drivers for the ‘state-controlled’ pluralisation created conditions for contestation of power, resources, and specific forms of policing at both local and national levels. The factors that contributed to such hybrid forms of security arrangements in Tanzania range from the country’s colonial past to the present socio-political and economic context. I have shown that the traditional ways of life, colonial legacies, *ujamaa* ideology, Kagera war, and neoliberal reforms are key factors in understanding the politics behind the plural security landscape despite the 1977 ban. I have shown further that the police force mediates the broader policing system to fulfil a political role and protects the current order. In addition, the TANU guidelines and the Constitution of Tanzania not only advocated for the bans of non-state to control insurgencies but also called upon the people to form armed bands to protect territorial sovereignty and restore law and orders in their areas. In uncertain times, the government and the people did take a familiar path and accommodate security groups and policies that guarantee basic security services to all. Some of the chosen security groups, although unlawful, gained popular acceptance because of their ability to supplement state institutions. People embrace non-state actors for lack of better alternatives, that is, non-state actors continue to provide effective security services compared with the public institutions. This is so because police officers are perceived as partisan, brutal, and unaccountable and lacking investigative skills to combat simple crimes. As such, the government has allowed and presided over commercial and community-led security groups. The next chapter looks at how security networks made up of statutory, voluntary, private and semi-private agencies maintain order, interests served and the meanings these commercialisation and multi-agency crime control partnerships generate to the
governance of security and state sovereignty and how these developments inform the plural policing literature.
Chapter 6: The State of Plural Policing in Tanzania Today

6.1 Introduction

This chapter draws on different theoretical and empirical aspects together to answer the research question. As such, I look at the current typology of policing groups and the meanings they generate to security. The first part of this chapter classifies and analyses policing groups both state and non-state in terms of their composition, functions, interactions, and client base. The last two parts examine the interactions and linkages between the state and non-state actors in the domestic space as well as how these developments inform the plural policing literature. The chapter concludes that in Tanzania, policing is sponsored by civilians, government agencies, political parties and international agencies that reflect different paradigms of plural policing. Although organisations that sponsor and perform the act of policing may emerge independent of the state, they are ultimately ‘statised’ through a wide range of politically motivated mechanisms such as co-optation, replication, sponsorship, patronage, and presidential pardons to create a ‘state-controlled’ plural policing.

6.2 Typology of Policing Groups

6.2.1 The Tanzania Police Force ‘Polisi’

The Ministry of Home Affairs (MHA) has the ultimate responsibility to ensure public safety and security. The MHA implements this responsibility through the TPF that forms part of the MHA’s departments. The TPF, a politically run organisation, is a nation-wide unified and vertical body, controlled and coordinated from the top. Its divisional and administrative units are divided into national, regional, district, station and substation or post.\footnote{Cf. Igbinovia (1981), \textit{Ibid}. p. 134.} The TPF units include Airports, air wing, anti-drug, anti-robbery, anti-terrorism, central railway, Tanzania-Zambia Railway, criminal investigation, the traffic control, cybercrime, dogs and horses, FFU, marine, stock theft prevention and CP department.\footnote{CHRI (2006), \textit{Ibid}. p. 12.} It has recently introduced a special police station for tourists and diplomats (Diplomatic and Tourism Unit).\footnote{Kamagi, D. (2018) Magufuli opens police station to promote secure tourism. The Citizen Newspaper. 07 April 2018.}
The TPF is a ‘state-controlled’ body that has a group of full-time employed officers who have the right to use necessary force to maintain civil order. As the regular and traditional policing body, the TPF receives and handle arrests and seizures made by other policing groups both state and non-state alike. Like non-state actors, the TPF provides both free and commercial security services to the public namely maintenance of law and order, paramilitary operations, regulatory activities and regime representation. In enforcing civil order, the TPF is responsible for peacekeeping, protecting public leaders, ordinary citizens, and their properties, detecting crime before being committed, investigating and arresting criminals and bringing them to court and overseeing the implementation of laws and regulations. The police also prevent crimes, manage traffic congestion, maintain criminal and identification records, protect life and property and recover lost or stolen property and missing persons.

In protecting the ruling class and upholding the political agenda, the TPF handles a variety of paramilitary duties and intelligence operations such as intelligence gathering, riot control, containment and eradication of local hostile groups. The police also handles tasks that are ‘traditionally’ assigned to specialised agencies, such as licensing of commercial enterprises, supervision of trade, currency and exchange controls as well as immigration and passport inspection, border patrol, and refugee settlement. Before 2007, the TPF also prosecuted cases and transported criminals to and from prisons. Currently, the Prisons Service is responsible for transportation of offenders while the National Prosecution Service and the Office of the Attorney General are in-charge of prosecution of criminal, civil and arbitration matters. The Police work closely with other governmental organizations like customs, immigration, food and drug body, copyright, social welfare, anti-graft body, and the army in crime prevention and control. In representing the regime, the TPF acts as

842 Ibid.
843 Ibid.
844 Ibid.
845 Ibid.
846 Ibid.
both a political and socialising agent that links the government and its people, for example, the government deployed the police to help in village development.\footnote{Ibid.} Within the geopolitical dynamics, the TPF participates in Interpol operations and in six UN peacekeeping operations (UNAMID, UNMISS, UNIFSA, MONUSCO, MINUSCA, and UNIFIL) who help in maintaining peace and order in warring countries.\footnote{Hotuba ya waziri wa mambo ya ndani ya nchi Mhe. Dkt. Mwigulu Lameck Nchemba (MB.), akiwasilisha bungeni makadirio ya mapato na matumizi kwa mwaka 2018/19, para 33 and 34.}

The TPF has added business objective to its core functions. The commercial role of the TPF became official via the Government Notice No. 66 of 29\textsuperscript{th} March 2013 issued by the President. TPF today is partly a corporate sole per the Corporations Sole (Establishment) Act of 1974.\footnote{Section 3(1)} Through the Police Force Corporate Sole Board,\footnote{Section 4(1)(a)} the TPF can “carry on the commercial or industrial enterprise” and “enter into any transaction which in its opinion is calculated to facilitate the proper and efficient carrying on of its activities and the proper exercise of its functions.”\footnote{Para 5 and 6 of the Schedule to G.N. 66 of 2003 allows the TPF to engage in the “business of public security services” and “training and provision of range grounds for public and private security for purposes of safety and legitimate handling of firearms.”} Therefore, the TPF provides consultancy services on security issues and personal defence.\footnote{CRDB, NMB, and NBC.} In its mandate as a corporation sole or ‘state-controlled’ PSC, the TPF sells security services, such as escorts, night patrols and guarding services to private businesses, especially financial institutions\footnote{Acacia Mining Plc.} and extractive industry.\footnote{See, the Memorandum of Understanding between RPC (Tarime-Rorya Special Zone) and Successors Tanzania Police Force, Community Policing Unit (PHQ), and North Mara Gold Mine Limited, signed on 08 July 2010 [online]. [Accessed on 04 January 2019]. Available from: <https://miningwatch.ca/sites/default/files/nmgml-tarime_police_mou_2010.pdf>. Cf. Abrahamsen and Williams (2017), Ibid. pp. 22-24.} For example, there are security arrangements between the TPF and African Barrick Gold (Acacia Mining) at Buzwagi and North Mara Gold Mine Ltd.\footnote{See, the Memorandum of Understanding between RPC (Tarime-Rorya Special Zone) and Successors Tanzania Police Force, Community Policing Unit (PHQ), and North Mara Gold Mine Limited, signed on 08 July 2010 [online]. [Accessed on 04 January 2019]. Available from: <https://miningwatch.ca/sites/default/files/nmgml-tarime_police_mou_2010.pdf>. Cf. Abrahamsen and Williams (2017), Ibid. pp. 22-24.} I argue in this study that the TPF is ‘state-controlled’ but part of the neoliberal order that protects political interests and large foreign investments just like in the colonial period. The TPF has not only redefined its traditional role in producing and delivering security as a public good but also is increasingly redirecting the public resources in policing private corporations.
6.2.2 Auxiliary Police ‘Polisi Wasaidizi’

The Auxiliary Police Unit (APU) is a supplementary force to the TPF, thus ‘state-controlled.’ As special police, APU offers non-profit services to the public and operates under the general command and supervision of the IGP, a political appointee.\textsuperscript{856} There are at least one police post and one APU post in areas where the APU operates\textsuperscript{857} under a commissioner of police.\textsuperscript{858} The APUs use insignia and rank system like the TPF, namely corporal, sergeant, staff sergeant, assistant inspector, inspector, assistant superintendent, superintendent and senior superintendent.\textsuperscript{859} Auxiliary police qualify as semi-public security actors because of their restricted areas of operation. In protecting the regime’s interests, the APU primarily guards state business or parastatal properties and other sensitive public properties.\textsuperscript{860} It also enforces the by-laws of respective institutions and works in cooperation with the TPF in investigating crimes, patrolling, traffic and parking control and enforcing state laws.\textsuperscript{861} They make search and arrest and prevent crimes through visible policing and targeted or visible patrols.\textsuperscript{862} For political reasons, they have also been teaming up with the police to suppress workers and students’ unrests in declared areas.\textsuperscript{863}

In short, the APU maintains order in declared or specialised areas (such as harbour, industry, port, public universities, municipal councils and mines) where development activities like trade, manufacturing, agriculture, construction and mining are taking place.\textsuperscript{864} Currently, Auxiliary police are stationed at the University of Dar es Salaam, Ardhi University, Muhimbili University of Health and Allied Sciences (National Hospital), Tanzania Harbours Authority, Tanzania National Parks, Tanzania Petroleum Development Corporation, Mtera and Kidatu Dams, Kilombero Sugar

\textsuperscript{856} Police Force and Auxiliary Services Act
\textsuperscript{858} See, the Citizen Newspaper (2015) Crime rate high at TZ’s oldest varsity. The Citizen Newspaper. 14 March 2015.
\textsuperscript{860} Van der Spuy and Röntsch (2008), Ibid. pp. 63 and 64.
\textsuperscript{861} Ibid. See also, Kazoka, L. (2015) UDSM allays terror attack fears, beefs up campus security. Daily News/TSN. 12 April 2015.
\textsuperscript{862} CHRI (2006), Ibid. p. 18.
\textsuperscript{864} Mkutu (2017), Ibid. p. 127
Company, Williamson Diamonds Ltd. (Shinyanga), the Bank of Tanzania, Tanganyika Wattle Company, Polyester Company (Morogoro), and Grammack (T) Gemstones Company. The undertaking that requests the declaration of that special area pay the APU officers appointed to that area, for example, the University of Dar es Salaam pays the APU stationed at the university.

6.2.3 The Tanzania People’s Defence Forces ‘Jeshi’

The Tanzania People’s Defence Forces (TPDF) is the regular ‘state-controlled’ army under the Ministry of Defence. The TPDF is primarily responsible for external security, *i.e.* defending national borders. Unlike the TPF, the TPDF enjoys a very limited role in enforcing a civil order, mainly through the Military Police Unit (MPU). The MPU controls criminal activities by army officers, police officers and civilian population accessing military areas. Although the MPU’s jurisdiction is limited to the TPDF’s property and camps, these police soldiers have the same powers as the TPF officers, *i.e.* enforce laws, protect property, conduct search, arrest, patrols, and regulate traffic. As opposed to the police, the MPU has extensive paramilitary capabilities, thus used as a ready-reactive force in any national crisis. In serving political interests, the army tends to intervene directly or indirectly as a supplementary repressive force in the last instance, when the events overrun the police and its specialised auxiliary corps. In several occasions, the government has involved the TPDF in policing duties outside of their barracks, thus blurring the distinction between security/civilian and defence functions. For instance, several army officers since 2016 have been appointed to head key government departments such as medical stores, prisons service, and anti-graft agency. The army cooperates with the TPF in

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security operations (operesheni). The Minister of Defence and National Service, Hussein Mwinyi, has stressed that:

Hakuna wakati au mazingira yatakayolifanya Jeshi la Ulinzi la Wananchi wa Tanzania kufanya kazi za ndani badala ya Jeshi la Polisi isipokuwa Jeshi la Ulinzi la Wananchi wa Tanzania linaweza kusaidia pale Jeshi la Polisi linapoelemewa na kuooomba kufanya hivyo. (There is no fixed time or circumstances that compel the TPDF to enforce internal order instead of the police. The TPDF can assist the police if the police are overwhelmed or the relevant authority ask them to do so).

In its ‘political’ or ‘operesheni’ mandate, the TPDF soldiers have been deployed to move civilians to ujamaa villages (operesheni vijiji), clampdown poachers (operesheni tokomeza) and illegal immigrants (operesheni kimbunga), suppressing Mtwaras gas riots, Amboni Caves’ terrorist acts, and Pwani violence (Kibiti, Rufiji and Mkuranga), money launderer and buying cashew nuts from farmers (operesheni korosho). The army continues to work with local and international civilian agencies to combat emerging security threats, such as terrorism, piracy, drug trafficking, illegal fishing and human trafficking. The army officers have worked with sungusungu to enforce immigration laws, thus round-up and

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873 LHRC (2015), Ibid.
apprehend foreigners in villages that surround refugee camps. The army officers also acted as police backups and reinforcements in patrolling Dar es Salaam and Zanzibar streets during the 2000-2002 and 2012 political and religious violence. Currently, some soldiers guard and patrol Mererani Tanzanite mines in Manyara Region.

The provision of commercial security services to the public is another area that the TPDF is heavily involved in. Like the TPF, the TPDF has taken advantage of the booming private security business and registered SUMA JKT Guard LTD (SGL) on 20th October 2008 as a ‘state-controlled’ PSC. SGL is a subsidiary firm of the National Service Corporation Sole (SUMA JKT) under the TPDF. The government issued an order to establish SUMA JKT in 1982 under the Corporation Sole (Establishment) Act of 1974. The order requires it to nurture the national youth and engage in economic activities. The SGL provides security and guard services for residential houses, and public and private institutions, such as power generation plants at Kihansi and Mtera, University of Dodoma, Ministry of Finance, Banks (UBA, TPB and CRDB), mining sites (STAMIGOLD), Tanzania Revenue Authority, Medical Store Department and Kigamboni and Busisi ferry terminals. The main services provided by the SGL include home and office guard, patrol and cash transit, escort and bodyguard services, surveillance, and electronic security. It is estimated that the SGL has more than 15,000 workforces most of them recruited in 2015 (3,576 people), 2016 (4,150 people) and 2017 (5,063 people). The company is also investing in fire and rescue services, paramedics (ambulance service), riot control and cash transit.

884 SUMA JKT (2015) Shughuli za shirika la uzalishaji mali la jeshi la kujenga taifa. Ijue SUMA JKT, 1, pp. 7 and 8
886 Ibid.
Some citizens have expressed their anger about the involvement of SGL in security services:

Suma JKT uses taxpayers’ money to buy uniforms, receive food rations or eat at the barracks and use JKT vehicles which are run by taxpayers’ money ... It doesn't make sense when public institutions and especially sensitive ones like JKT, engage in competition with struggling small private companies.887

6.2.4 People’s Militia ‘Jeshi la Mgambo’

The people’s militia ‘mgambo’ is informally structured, but a ‘state-approved and -controlled’ civil guarding and paramilitary reserve force that provides security voluntarily.888 TANU and ASP (now CCM) introduced mgambo all over the country in 1965 to end the army’s monopoly on military training and to ensure that the party was on an equal security footing with the government in controlling the political space.889 The day-to-day management of the mgambo is under the mgambo Advisors in the Regional and District Commissioners’ offices, thus ‘state-controlled’. The mgambo are answerable to the TPF in their daily activities and to the TPDF in wartime.890 Every year, the TPDF officers in their localities train volunteers in warfare and the use of weapons for local defence for 30 days to six months.891 The mgambo training mainly attracts the uneducated or unemployed youths with the motive of securing a job with LGAs, APUs and PSCs.892 Mgambo receive civic education, among other trainings, to inculcate a sense of nationalism and patriotism in defending political independence and restoring order.

Under the National Defence Act (1966), mgambo train and work with civil authorities in maintaining security, law and order in their respective areas, to aid the civil power in national emergencies, to work as volunteers or army reserves of the TPDF and to guard sensitive installations in their respective areas. For political reasons, mgambo became de facto law enforcers in urban areas aiding the police officers in their

889 Cross (2013), Ibid. p. 46.
892 Cross (2013), Ibid. p. 47.
operations in the late 1970s. It was common for a police patrol group to comprise one police officer assisted by two National Service recruits and two heavily armed mgambo. Like the TPF and TPDF, the mgambo enforced participation in community development efforts, implementation of villagisation campaigns and policing of ujamaa villages and schools.

Today, the mgambo fall largely under the mandate of, and are managed by LGAs who use them to protect property and enforce by-laws. For example, in 2015 alone, the local authorities deployed about 580 mgambo countrywide. Like the police Mgambo have the power to conduct searches and arrest suspected criminals. As ‘state-controlled’ security groups, mgambo can carry and use firearms when they are under the supervision of the police. Mgambo cooperate with the police on the case-to-case basis and are used as auxiliary and deputised officers in police operations that include guarding voting centres during elections and political rallies and suppressing violence. Like in the 1970s and 1980s, today almost every police post has one or two mgambo who assist police officers on a part-time basis. Mgambo assume the status of special police constable when the police co-opt them or LGAs employ them.

6.2.5 Sungusungu

Sungusungu groups are community-led but ‘state-approved and -controlled’ security groups that are involved in crime prevention and solving local conflicts and preventing them from escalating. They are, in a way, voluntary neighbourhood civil defence forces that exist in hamlets as political necessities. Some parts of the country equate sungusungu groups to mgambo whereas similar security groups to

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894 Cross (2013), Ibid. p. 47.
896 Van der Spuy and Röntsch (2008), Ibid. p. 64.
897 TPF (2016), Ibid. p. 65.
900 Kamuni za uchaguzi wa mwenyekiti wa kijiji, wajumbe wa halmashauri ya kijiji na mwenyekiti wa kitongoji katika mamalaka za mijji (2014), and Mkutu (2017), Ibid. p. 127.
901 Also known as “people’s militia” or “traditional armies” in various Government and Party documents, e.g. Sections 2 and 3 of the People’s Militia Laws (Miscellaneous Amendments) Act, No. 9 of 1989.
902 Felix Da Costa, D. (2017) “You may think he is not a human being”: refugee and host community relations in and around Nduta and Mtendeli refugee camps, Western Tanzania. Danish Refugee Council Tanzania, p. 42.
903 Ibid. p. 41
sungusungu (such as basumba batale, mchapi movements, ndemwa, mshitu, and tata kabweralfoolu union) existed in the past. A sungusungu regiment is usually a group of ten to thirty persons carrying traditional weapons (wooden clubs, bows and arrows, and short swords) and homemade guns (gobore). All men between the ages of 18 and 50 are required to perform sungusungu duties. Unlike other policing groups, the community at a village or neighbourhood meeting elect sungusungu officers who normally receive no formal training from the TPF or TPDF. A resident may choose to donate a small sum or membership fee to the group’s cause or provide one person from their household to participate in patrols.

According to Walwa, sungusungu have ceased to operate since 2006 in many areas and communities have moved from sungusungu groups as the most prominent forms of local security organisations to the CP scheme. However, in the survey conducted by Twaweza in 2017, four out of ten people (41%) reported having sungusungu groups in their neighbourhood. The groups were more common in rural (42%) than in urban areas (32%). They are still popular among poor people because they represent an alternative to commercial security guards, which are comparatively more expensive. Sungusungu groups are also common in regions with high levels of Sukuma and Nyamwezi people, particularly in the Lake Zone (Tabora, Shinyanga, Simiyu, Geita, Mara, and Mwanza regions) and other regions like Dar es Salaam where local and global organisations sponsor them. The TPF Annual report shows that regions that had many sungusungu groups also had low police presence as follows: Tabora (1:2,124), Simiyu (1:2,090), Geita (1:1,909), Kagera (1:1,860) and Kigoma (1:1,817).

Concerning organisation of sungusungu groups, they have a clear chain of command from a village to a regional level. The key posts include neighbourhood commander

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907 Ibid. p. 214.
908 Human Rights Watch (1999), Ibid.
912 Cross (2013), Ibid. p. 132.
914 TPF (2017), Ibid. p. 56.
(kamanda wa mtaa), a village (kijiji) commander, a ward (kata) commander, a divisional (tarafa) commander, a district (wilaya) commander, and regional (mkoa) commander. To ensure political control, the District and Regional Commissioners act as sungusungu’s patrons in their areas. Because of multiparty politics, the sungusungu monitoring officers now include the village chairpersons, and ward and divisional secretaries who have a dual role, that is, they represent the government and their respective political parties and interests at the grassroots. The village sungusungu assembly or council (baraza) is another important component of the group. The baraza hold ad hoc trials that include instant interrogation, extraction of confession and execution of sentences in the form of fines, corporal punishment, and banishment from the village.

The government tends to hijack and politicise popular movements and turn them into instruments of state coercion enforced from the top. It then urges the police to work with sungusungu groups as a political capital and temporary solution to low police presence in some part of the country. However, the police have to a certain extent used sungusungu groups as an excuse not to engage actively in public policing. According to Omar Mapuri, the then Minister for Home Affairs:

Katika maeneno ambapo kuna Vituo Vidogo vya Polisi huko Vijijini, tumetoa maelkezo ya kwamba Sungusungu wanapokwenda katika ulinzi wao basi waungane na polisi wenye silaha katika kufanya doria. (We have instructed all villages that have police posts to ensure that the Sungusungu on guard accompany armed police officers in organising patrols).

Although the TPF is responsible for overseeing sungusungu groups, they mostly work with LGAs and sometimes accountable to the party, municipal solicitor, ward tribunal and village or street authorities. In my view, sungusungu groups are not ‘vigilante’ because they have quasi-legal status and enjoy the same powers as

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920 Bunge la Tanzania, Majadiliano ya Bunge, Mkutano wa 12, Kikao cha 10, tarehe 24/06/2003, Maswali na Majibu Na. 90, Jibu Na. 97, p. 17.
mgambo, a police constable and auxiliary police. The jurisdiction of sungusungu groups has expanded from combating cattle thefts to combating highway robbery, hunting out individuals suspected to engage in witchcraft, and violent crimes, theft, desertion, illegal possession of arms, management of natural resources (water and forest), night patrols, and community surveillance. Sungusungu members have the authority to arrest persons and conduct searches, but they do not have the authority to carry firearms. Usually, they conduct their operations and patrols separately from the TPF but hand over criminals to the police or alert the police before a crime is committed. In the past, sungusungu groups were deputised and deployed as political necessit...
the surrounding villages who take turns in organising *sungusungu* groups while the company organise security training and compensate them.\(^934\) Despite noticeable success in restoring law and order, the involvement of *sungusungu* groups in policing has raised some concerns linked to human rights violations, false accusations and usurpation of police and court powers.\(^935\) It is widely reported that *sungusungu* commanders extort money from fellow villagers who seek justice and collude with criminals by ‘capitalising on the knowledge of people's sleeping habits and sentry routines acquired in the course of their nightly patrols.’\(^936\) Sometimes, the *baraza* collect fines from family members or close relatives instead of the actual culprit to discharge the penalty.\(^937\) There are also reports of *sungusungu* members shielding fellow villagers and criminals against police arrest and criminal prosecution.\(^938\) Nonetheless, as a bottom-up initiative that evokes traditions and use local knowledge to produce security,\(^939\) *sungusungu* groups have been preferred for decades and deployed to suppress vigilantes, such as *ubaya-ubaya, panya-road* and *watoto wa mbwa.*\(^940\) They are widespread and effective security groups to the extent that whenever people face insecurities, they revive or call for the revival of *sungusungu* and ten-cell system as discussed below.\(^941\) This is so because they are familiar groups that assume familiar roles, are cheap to maintain, require minimal training, work with local authorities and have somehow succeeded to address criminal element in the *sungusungu* structure and hierarchy.\(^942\) To sum up, the leading politicians have heavily ‘statised’ *sungusungu* groups to become a politically salient symbol and promoted to the status of quasi-police and replicated all over the country.

### 6.2.6 Ten/Fifty-cell system *'Mabalozi’*

The ten-cell system originates in ancient China whereby residents were clustered in a group of ten people or houses under an elected leader (*balozi/mjumbe wa nyumba*...
kumi), thus responsible for peacekeeping and security and good behaviour of their members. The government and the party introduced and statised the ten-cell system in Tanzania in 1964. The mabalozi have been heavily politicised to become the ‘eyes’ of the nation and the party, that is, they perform security, intelligence, and dispute resolution functions. They liaise with the TPF and the judiciary, thus it is common for a resident to first report a crime to a ten-cell leader before reporting it to the police. In the past, the party’s ten-cell leaders provided information about residents eligible to participate in sungusungu groups. They organised and maintained patrol roasters and reported slackers to the police. As a political necessity, the ten-cell leaders collected taxes, summoned people to work on development projects, gathered intelligence information about suspicious characters or activities, crimes, residents, guests, births, marriages, and deaths.

Further, they aided the government to control hooliganism, idleness, lawlessness, and delinquency, and explain and defend the party and government’s political agenda to the residents of the ten houses. Today, the ten-cell leaders (now fifty-cell system) still stand at the middle of security networks and navigates between the state and non-state policing groups. They keep registers of residents in the ten/fifty-house radius, issue introduction letters to job applicants in the armed forces, PSCs and mgambo, mobilise people for local meetings and cleanliness, identify volunteers, and collect monthly contributions for the CP schemes. In addition, as members of security committees in their areas, they help the state security agencies in apprehending criminals, serving summonses and reporting suspicious activities.

944 Cross (2013), Ibid. p. 45.
946 Ibid.
947 Ibid.
948 Ibid.
949 Ibid.
950 Ibid.
951 Ibid.
952 Ibid.
953 Ibid. pp. 17, 18 and 24.
954 Ibid. pp. 17, 18 and 24.
like Arusha and Mwanza, the TPF uses the ten/fifty-cell system to organise and structure neighbourhood watch groups.  

6.2.7 Private Security Companies ‘Kampuni za Ulinzi’

PSCs are formal commercial security firms registered like other business entities under the Companies Act of 2002. Before the issuance of a certificate of incorporation, the registrar of companies is required to consult the TPF to provide a permit as to the suitability of the firm to provide security services. This consultation and approval process ensures that PSCs are ‘state-controlled’, i.e. they accept the role of the state police in organising and directing security networks. The PSCs came with SAPs in the early 1980s protecting private investments that allowed mine owners and their managers to exercise total control over their migrant workers. Today, there are more than 350 PSCs with around five new companies registered every month and have a workforce of over one million security guards, thus outnumbering the police by twenty to one. The role and mandate of PSCs in policing, as political necessities of the neoliberal era, have changed from guarding mining sites, individuals and their premises to operations that are more sophisticated like surveillance. In particular, PSCs are involved in private investigation, patrols, escorts, cash transit, use of sniffer dogs, armed guards, fire and rescue services, CCTV surveillance, paramedic services and radio alarm services. Other services provided by PSCs include front desk management, risk control, security training for staff, the transport and protection of resources and emergency aid and keeping the elite safe from crimes.

PSCs have expanded their client base to include government institutions, embassies and consulates, aid agencies, civil society organisations (CSOs), construction sites and refugee camps. They also offer services to private citizens and commercial corporations such as real estate businesses, gated communities or security

954 Shadrack (2011), Ibid.
960 The leading real estate developers are public social security funds and property developers such as PPF, NSSF, NHC, LAPF, NHIF, WHC, GEPF, and PSPF.
villages, amusement parks and playgrounds, animal parks, beach resort and hotels, nightclubs, modern sports facilities and large shopping complexes.

In the gated communities and richest neighbourhoods, PSCs are exclusively responsible for the security of those living within the confines of the protected premises. In these communities, there is a combination of walls, gates, security devices, PSC guards and police officers. The aim is to prevent outsiders from gaining entrance. This culture of exclusion is a result of fear and perceptions of crime, the desire for comfort and legacy of colonial zoning laws.

Unlike the colonial period, today’s exclusion is based on the ‘ability to pay’ for the service rather than race, thus creating two classes of ‘the have’ residing in low density areas (geti-kali) and the ‘have not’ living in high density zones and informal settlements (uswazi/uswahilini). The Msasani peninsula in Dar es Salaam, for example, is an expatriate enclave inhabited by individuals who work with embassies, private companies, international organizations, NGOs, and the social service sector. According to Smiley’s survey at Msasani suburb:

All fifty expatriates surveyed employed security guards; forty-five of these households have guards stationed every hour of the day and night. This rate of guard usage is much higher than that of the city’s population as a whole. Only 7 percent of Africans use a security guard; other forms of protection, such as walls and dogs, are utilized more frequently.

The wide use of PSCs shows that the business community and expatriates have internalised the value of security and perception of risk as an important aspect of

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961 E.g. Tanzania Petroleum Development Corporation Estates in Mikocheni, National Insurance Corporation Housing Estates in Mikocheni B, Bank of Tanzania Housing Quarters in Mbezi Beach, NASACO Housing Estates in Moni Kijichi and the Mlimani City Business Park at the University of Dar es Salaam. Gated houses and gated housing schemes are found in Masaki, Mbezi beach, Kunduchi, Osterbay, Posta, and Kigamboni. See, Bulamile (2009), Ibid. pp. 63-67.

962 Water world, Totoville, Fun-city Kigamboni and Kunduchi Water Park.

963 Dar es Salaam Zoo and Bahari Zoo.

964 Mbalamwezi Beach Club, Royal Palm/Serena Hotel and Kunduchi Beach Hotel and Resort.

965 New Maisha Club, San Siro, and Club Bilicanas.

966 National Stadium and Gymkhana club.

967 Mlimani City, Quality Centre, Tanzanite Dream, and City Mall.


970 Smiley (2010), Ibid. p. 38.

971 Ibid. p. 30.

972 Ibid. p. 37.
doing business and working in Tanzania. For political reasons, many PSCs found in Tanzania are local, owned by the state (i.e. corporations sole) and ex-TPF and TPDF officers and operate mainly in a single or several towns and cities, with work base in very few villages where extractive activities are undertaken. The largest PSCs in the country are also part of global companies headquartered in South Africa, Kenya and the UK. However, since 2018, the local content laws require investors in the extractive sector to engage local security service providers or hire Tanzanians in their in-house security departments. A mining firm can avoid the local content requirements by asking a foreign security company to incorporate its business in, or register a branch in Tanzania, and then hire them. In another dimension, the local content law violates the GATS that require state parties to allow free and fair competition in the provision of security services.

To ensure political influence in the private security sector, the TPF is mandated to regulates activities of PSCs and has published sectoral guidelines from time to time on issues such as weapons, training, and uniforms. For example, the TPF set a January 2019 deadline for all PSCs to dress their security guards in ‘dark blue’ and ‘black’ uniform and an option of a ‘white’ shirt. PSCs employ full-time trained guards who carry and use small arms like any other civilians and cooperate with the police informally and on ad hoc basis. According to Mussa Alli Mussa (Commissioner of CP Department), PSCs’ guards discharge police functions in their contracted areas, seek assistance from the police and handle suspects, or report all crimes, to the TPF like other civilians. Reisman observes that:

There is a lack of clarity regarding their communication with the police and responsibilities of each sector. For example, sometimes both the police and

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973 Shadrack (2011), Ibid.
974 See, Mkutu (2017), Ibid; and Shadrack (2011), Ibid.
975 See, the First Schedule to the Mining (Local Content) Regulations, GN. No. 3 of 2018 and the Mining Commission (Guideline for Submission of Local Content Plan), GN. No. 305 of 2018.
978 Mkutu (2017), Ibid. pp. 127-130
980 Wambura (2018), Ibid.
private security guards are guarding the same premises, but receive command from different authorities, which do not communicate.

The oldest industry of night watchmen, who are hired and salaried by private individuals and organisations to provide protection, supplement PSCs in respective localities. In extraction sites and financial institutions, the TPF, in-house security departments and, sometimes, sungusungu support PSCs in policing the area. PSCs are like the colonial chartered companies and in-house security units that had both coercive and administrative powers. They also relate to private armed bands and personal bodyguards maintained by traders and commoners in feudal Tanzania aimed at protecting trade caravans and commercial interests.

6.2.8 Party Militias and Radicalised Groups

The party militia and radicalised groups (PMRGs) are well-trained bodies of unemployed people who are loyal to a political ideology. These groups are active during the general elections, LGAs’ elections and other national campaigns like constitutional reform processes but become dormant afterwards. PMRGs, in their current form, are a product of the 1992 political reforms (mageuzi) that became vibrant in the early 2000s as ‘politicised’ youth groups. The ruling party (CCM) was the first to revive its youth league, now ‘green guards’ after it went into a general decline in the 1990s.

The green guards owe their origin to the TANU (now CCM) youth wing that dates to 1956. During the one-party rule, the government and the party sponsored and politicised the youth division of the party (youth league), ten-cell leaders and national

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983 E.g. Maasai, Ngoni, Makonde, Digo and Gogo people.
985 Abrahamsen and Williams (2017), Ibid. p. 23.
986 Cf. Ortiz (2007), Ibid.
987 Chapter 2, infra.
989 Tanzania has a general election in every five years with the most recent one taking place in 2015. The LGAs’ elections take place one year before the general elections.
service corps to augment the TPF.\textsuperscript{994} Apart from policing party rallies, members of the youth association organised night patrols, conducted searches, made arrests for petty crimes, enforced an order to boycott foreign goods, harassed political opposition, gathered intelligence, collected taxes, guarded borders, manned roadblocks and were ‘statised’ and recruited by all armed forces or deputised as special constables.\textsuperscript{995} Like the state police, the youth league was involved in suppressing radical students’ clandestine group such as ‘punch’ at the University of Dar es Salaam in 1990.\textsuperscript{996} Aside from CCM, other parties also have militias modelled on the green guards namely CHADEMA’s red brigade and CUF’s blue guards.\textsuperscript{997}

According to Mr. Mbowe,\textsuperscript{998} CHADEMA established its youth wing:

\begin{quote}
Ili kukabiliana na fujo zinazofanywa na vijana wa CCM ‘Green Guards’, sisi tuna kikosi cha ‘Red Brigade’ ambacho ni kikosi kilichoundwa kwa mjiyibu wa katiba ya chama kwa ajili ya kulinda mali z a chama… Tutafanya mafunzo maalumu ya vijana wetu nchi nzima, tutawafundisha namna ya kujilinda, tutaweka kambi kama CCM wanavyoweka kambi kufundisha vijana wao namna ya kushambulia. Hatawezi kuendelea kuwa mjiyibu wa kafara. (We have the ‘Red Brigade’ squad recognised under the party Constitution to deal with violence caused by CCM youths’ ‘Green Guards’ and to guard the party’s property… We will conduct special training for our youth all over the country, we will teach them how to protect themselves, we will set camps as CCM is camping to teach their young people how to attack others. We cannot continue to be sacrificial goats).
\end{quote}

The unhealthy competition between the youth wings is not new in Tanzania. Before the party-state Constitution of 1965, the alliance of TANU and the ASP Youth Leagues faced a similar standoff with those of ANC and ZNP.\textsuperscript{999}

PMRGs have been widely involved in all national elections from 2000 to 2015 and the 2012-2014 constitutional reform processes.\textsuperscript{1000} Before the 2010 elections, for example, some CCM politicians in Unguja (Zanzibar) mobilised about 1000-2000

\textsuperscript{994} Potholm (1969), \textit{Ibid.} 156.
\textsuperscript{995} Cross (2013), \textit{Ibid.} p. 45.
\textsuperscript{996} Omari and Mihyo (1991), \textit{Ibid.} p. 57.
\textsuperscript{997} Kweka (2015a), \textit{Ibid.}, and Kweka (2015b), \textit{Ibid.}
\textsuperscript{998} Mwananchi Reporter (2013), \textit{Ibid.}
youths to vote twice in exchange for jobs. After the elected politicians failed to
fulfil their promises, the youths grouped themselves into several criminal gangs such
as ubaya-ubaya (evil for evil) that operated in urban and rural Zanzibar. Ubaya-
ubaya are well organised, use traditional weapons, and operate in a group of 10 to 20
people and sponsored by party officials, thus making it difficult for the police to
suppress them. In addition, before the 2015 election, the National Election
Commission announced that political parties were preparing to give military training
to more than 1500 youths to cause trouble during elections.

Although all eight security actors discussed above are ‘state-controlled’ and
‘politicised’, the linkage and collaboration between and among them remain by far
informal. Policing groups have signed memoranda of understanding, issued
guidelines, formed associations and held regular networking meetings. In these
efforts, the police force has occupied a central position to realise effective policing by
collaborating with internal and external partners in mobilising resources and building
capacity of non-state actors. The donors’ role is limited to giving cash grants and
equipment, capacity building, creating a formal linkage between actors and ensuring
that security remains by far a public good. Thus, because of the state and political
influence in policing, it is becoming harder to differentiate between the state and non-
state actors in the formal collective arrangement. The non-state actors are available
in the public and semi-public domains through joint operations and serving
government offices while the state actors are increasingly providing services in the
private and semi-private spaces. As shown in the discussion below, the government
support to non-state actors has turned them into some sort of quasi-police
organisations.

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1002 Ibid.
1003 Ibid.
1004 Ibid.
1006 E.g. Tanzania Security Industry Association (TSIA).
1007 See, United Republic of Tanzania (2013) Big result now (BRN) initiative. Dar es Salaam, Government printers. BRN is a sponged government strategy launched in 2013.
1008 Diphoorn and Kyed (2016), Ibid; and Baker (2008), Ibid.
6.3 The Government and the Private Policing

The Tanzanian case of plural policing reveals state and political influence, major overlaps, and a complex web of interactions among different security providers. As a result, non-state actors are usually mistaken for state actors\(^\text{1009}\) as they are politically and institutionally inclined to look and act like police officers and use the indicia of official authority to induce compliance from the people.\(^\text{1010}\) They are ‘state-controlled’ and bear the imprimatur of the state as the duty to protect people against internal and external threats is traditionally associated with sovereignty.\(^\text{1011}\) For political reasons, they receive the same training, perform the same functions, serve the same clients, enjoy the same authority, governed by the same culture and ethos, follow similar protocols and share the same public and private spaces.

In most of the banks today, for example, police officers are standing outside accompanied by PSCs’ guards inside. In mines, there is an assemblage of sungusungu, police, in-house security personnel, walls, modern security devices and local and global PSCs. In government offices and investments, there is also a combination of PSCs, mgambo and the police and army officers. At the University of Dar es Salaam, in particular:

Security and Safety Management Systems consist of the National Police Station, the University Auxiliary Police Unit and the Private Security Companies; which have security contract with the University Management. The National Police Station is in charge of providing security to both University residence and its surrounding neighbouring community, while the Auxiliary Police Unit and the Private Security Companies are making reasonable provision to provide general security within the University workplaces and its students and staff residences.\(^\text{1012}\)

In addition, the university community (staff and students) are also involved in neighbourhood watch groups while some staff residing on camps team up and opt for PSCs’ services.\(^\text{1013}\) In a ‘state-controlled’ plural security landscape, it is possible to encounter several security actors both formal and informal or state and non-state in a day. The uniformed guards of PSCs can be seen at a local shopping mall and in the

\(^\text{1009}\) Personal experience in Dar es Salaam and Mara regions.
\(^\text{1011}\) \textit{Ibid.}
\(^\text{1013}\) \textit{Ibid.} My Personal Experience at the University of Dar es Salaam (2005 to date).
richest neighbourhoods (dubbed, geti-kali).\textsuperscript{1014} Barbed wires, electric fences, grills and metal bars on doors and windows and surveillance devices complement PSCs guards in gated communities and rich suburbs.\textsuperscript{1015} There is also warning signs like ‘this house is protected by XYZ Company’, ‘CCTV camera in operation’, and ‘beware of dogs’ everywhere in urban areas.\textsuperscript{1016} Sungusungu, auxiliary police and police officers who patrol the public spaces are likely to stop a passer-by at night\textsuperscript{1017} while one may visit a friend and find a traditional night watchman (often, maasai people) at a gate.\textsuperscript{1018}

There is ample evidence in news outlets about mgambo evicting and arresting street vendors (wamachinga) or reading social media feeds and police report about mob justice.\textsuperscript{1019} For those who live in poor neighbourhoods (dubbed, uswazi/uswahilini), a local leader may as well wake them up in the morning collecting fees or asking volunteers for sungusungu groups or CP scheme.\textsuperscript{1020} In some occasions, a public meeting or school board may resolve to hire guards from a company run by the military (e.g. SGL) or owned by retired or in-service TPF or TPDF officers. During elections, political rallies are policed by both TPF personnel and uniformed party militias,\textsuperscript{1021} while at a bus station or stop, it is normal to come across bus touts ‘wapiga debe’ who control transit buses ‘daladala.’\textsuperscript{1022} In diplomatic or consular premises, resource extraction sites, Airports, and luxury tourist enclaves, there is a mixture of in-house security officers, commercial security personnel, TPF officers and sungusungu complemented by sophisticated security devices.\textsuperscript{1023}

Despite the increase in, and visibility of, security providers in neighbourhoods and streets, crimes continue to claim people’s lives and properties.\textsuperscript{1024} The lack of regulatory law and formal cooperation between and among security providers

\begin{footnotesize}
\begin{enumerate}
\item[1014] Bulamile (2009), \textit{Ibid}. p. 34.
\item[1016] \textit{Ibid}. p. 237.
\item[1018] Bulamile (2009), \textit{Ibid}. p. 191.
\item[1023] Abrahamsen and Williams (2017), \textit{Ibid}. p. 17. See also, Bulamile (2009), \textit{ante}.
\end{enumerate}
\end{footnotesize}
contribute to a trend whereby crimes are committed in the midst of security actors.\textsuperscript{1025} There are instances where properties worthy a fortune burn to ashes in the presence of private firefighters who refuse to intervene for lack of a prior contract or guarantee to receive payment afterwards.\textsuperscript{1026} At the same time, the people and external donors can hardly figure out who is responsible for which tasks and where\textsuperscript{1027} while other commentators are concerned about the sustainability of plural policing networks.\textsuperscript{1028} This is so because of the costs associated with organising security in poor communities without access to the state resources.\textsuperscript{1029} The organisers of these community-based security groups demands a compulsory monthly contribution from every household in the respective locality. There is also a tendency among politicians to use non-state actors to pursue private or political gains, thus creating an unequal distribution of public policing benefits.\textsuperscript{1030} The next part analyses the Tanzanian case in relation to the existing frameworks and builds from there to advocates for the ‘state-controlled plural policing’ as a new approach in understanding policing in a developing country.

6.4 How does the Tanzanian case Inform the Plural Policing Literature?

The policing function in Tanzania has never been the sole domain of state institutions. Although commercial private policing died out immediately after independence and revived in the mid-1980s, a ‘state-controlled’ communal policing has never disappeared. Today, the plural policing landscape is constituted of state organisations (police and army), semi-state organisations (auxiliary police and \textit{mgambo}), state and private-owned commercial security companies, state-authorised forms of communal and community policing (\textit{sungusungu} and CP groups) and ‘statised’ vigilantes (youth league or party militias). Each private policing group is linked to and serves a specific interest, \textit{i.e.} police (all social classes), militias (LGAs), youth league (party), commercial security firms (private investors and upper and middle classes) and

\begin{thebibliography}{99}
\setlength{\itemsep}{0pt}
\bibitem[1027]{Boels and Verhage (2016), Ibid.} pp. 4-10.
\bibitem[1028]{Cross (2016), Ibid.} Ibid.
\bibitem[1029]{Ibid.} Ibid.
\end{thebibliography}
sungusungu (poor villagers and urban neighbourhoods). However, these actors tend to overlap in terms of functions and customer base, thus available to the communities, public, semi-public, and private sectors and most importantly, all of them are ‘statised’, ‘ politicised’ and engage in both commercial and non-commercial policing activities.

For perspective, sungusungu and CP groups that are expected to be free communal security arrangements have been increasingly commercialised by mining firms and salaried by international organisations while militias (mgambo) that started as a self-help scheme are now in the full employment of and salaried by LGAs. As a result, one policing framework alone cannot explain the Tanzanian plural policing case. The Tanzanian case reveals a ‘state-controlled’ plural policing that build on and relate to several models of policing as highlighted in the literature discussed in chapter two of this thesis. The act of policing is ‘statised’ and ‘ politicised’, yet it continues to be authorised, sponsored, and delivered by various socio-political and economic groups that strive to control the public, semi-public, private and community spaces. As such, policing is more than an act of enforcing law and order, it is a totality of state-society relations, actors and set of practices that regulate a geographical area (a neighbourhood, a village, a city or a country), social relations (family affairs, crimes, witchcraft or morality) and interests (regime or businesses). Therefore, the governance of security in Tanzania is not only a struggle over political power and interests but also a socio-political and economic question about the nature of the relationship between the state, public authorities, the private sector, citizens, and communities.

In Baker’s multi-choice framework, the Tanzanian case presents a typical African plural policing experience with hybrid political orders whereby non-state actors forge a realm of de facto sovereignty. In this form of fragmented sovereignty, the distinctions between the state and non-state security actors as well as between banned (illegal) and unbanned (legal) ones are blurred. Thus, policing not only encompasses a set of formal and informal actors and practices but also legal and illegal ones. In Baker’s analysis, the ban and the involvement of the banned actors in policing does

\footnote{Baker (2008), \textit{Ibid}.}
not lead to the question of legality or anarchy because local forms of order are rooted in the country’s traditions respected by the people as alternative security arrangements. Non-state policing gives the communities a wider room to ‘choose’ security providers and services depending on their needs, interests, and station in life. For perspective, the poor people and LGAs choose mgambo, sungusungu and other CP schemes while the business community and bureaucrats choose the police force and commercial security firms. Nonetheless, the wide use of non-state actors in policing is not an indication of state failure or weakness because alternative security arrangements predate the modern state institutions, which are alien and linked to the imposition of colonial rule. Again, the question of informality and illegality brought about by the ban is irrelevant because it is the same government that controls, endorses, politicise, and co-opt some non-state groups or calls for their replication throughout the country. The result of endorsing or co-opting non-state actors is to ‘integrate’ the various forms of policing available on the ground into state machinery regardless of their informality or illegality. This avoids a conflict between the state and non-state, circumvent the ban and brings private policing under state control. Further, the government adopts various citizen-centred policy such as Ulinzi Shirikishi (community or participatory policing) to formalise state-society relations in policing, i.e. it incorporates both formal and informal groups into the national security strategy. Hence, the act of policing in Tanzania is somehow beyond the ‘choices’ that people make daily but what the government deems fit or ‘statise’ (i.e. embrace, dictate, replicate or politicise).

The Tanzanian case also relates to the anchored pluralism framework in the sense that the state-society relation is vertical, with the state and state institutions at the centre of a plural security landscape.1032 Therefore, the production and provision of policing are anchored by the police force, which retains a privileged or central role in the authorisation of the common good of security. As discussed by Walwa1033 and Killian and Pastory,1034 policing in Tanzania has a socio-political connotation that goes beyond enforcing law and order, as such, the government, through the police force, finds a way to be part of security arrangements that emerge. It hijacks and controls

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1033 Walwa (2017), Ibid.
1034 Killian and Pastory (2018), Ibid.
citizen-driven policing arrangements through reform programmes, such as democratisation and decentralisation of policing functions to sub-national tiers of government and transform them into state-like institutions. The ban creates several ‘anchoring points’ that enable the government to ‘row’ and ‘steer’ security networks namely the ability of the state police to oversee the private security sector under the Community Policing Department and mobilise funds and human resources for public and community security. In addition, unlike civilian policing groups, the state police possess enormous coercive power and enjoy statutory immunity and privilege. However, like other regulatory states, the Tanzanian police do not do all the policing works, it enrols non-state actors. These forms of state-led partnerships in policing are made possible by the ban, which acts as a regulatory tool that forces non-state actors to surrender to state control and direction. The Tanzania case imposes state authority over policing, thus reflecting the classical republican view of the security as a public good regardless of who produces and delivers it to the people. It is some sort of a ‘state-controlled’ approach to policing that maintains the centrality of the government within the security networks. This is so because policing remains something that citizens prioritise and pursue in common through both state and non-state agencies.

Hence, the anchored pluralism view partly underlines the state-centred or top-down security scheme (Ulinzi Shirikishi) and donor-driven security reforms and arrangements in Tanzania. Nonetheless, the Tanzanian case goes beyond ‘anchored pluralistic’ view because the ‘centrality’ of the state institutions has allowed the state and the party to maintain and exert more political influence and control of security networks.

Moreover, the Tanzanian plural policing case presents some elements of nodal governance of security, with a slight departure from the state-centred view of policing towards making both public and private security services available to the poor. The Tanzanian security networks operate through the CP schemes, UN Habitat’s Safer City Project and UNHCR’s security package in refugee camps. These


security arrangements are society-centred whereby various nodes in the forms of community, governmental and non-governmental entities (commercial, media, CBOs, FBOs and community groups) are involved in policing.\textsuperscript{1037} The Tanzanian case also agrees with the nodal view that the history of a country plays a vital role in the development of security groups and the fragmentation of policing. As noted in the previous chapter, pluralisation of policing owes its origin to the socio-political struggles for power and resources during the Tanzania-Uganda war (1978-9) and the shift in economic structures following the economic crisis of the late 1970s and early 1980s. This led to the spread of communal policing and neoliberal modes of governance security due to cost-cutting measures. During this period, the government allowed more space for PSCs, society-centred and donor-sponsored policing groups. Yet, the Tanzanian pluralisation case disapproves the nodal view that a node needs not to be a formally constituted or legally recognised entity. Non-state actors have been able to operate effectively even though they are informal and illegal (banned) under the 1977 Constitution and other public order laws. Therefore, whether a node is formal or illegal, it only needs a stable organisational structure, works with state authorities, submit under the control of the state, seek and obtain political approval, and put in place an effective mechanism of mobilising human and financial resources to sustain its operations. The Tanzanian case agrees with the nodal view that policing is somehow a bottom-up affair, policing power comes from the grassroots (e.g. ten-cell leaders, youth league, sungusungu, militias, CP scheme and Safer City Project) and the police alone cannot win the war against crimes.

Furthermore, the Tanzanian case reveals ample examples of Abrahamsen and Williams’ global security assemblage view.\textsuperscript{1038} The massive private properties in Dar es Salaam and mining sites in Mwanza, Geita, Shinyanga and Manyara regions assembles public, private, global and local security providers in one place to blur not only the public-private divide but also the defence and security functions. Here, policing is not a free public good paid through taxes, but a commodity controlled by the vagaries of demand and supply and entrenched into investment activities. The act

\textsuperscript{1037} Ibid.
\textsuperscript{1038} Abrahamsen and Williams (2017), Ibid.

Tanzania (2008) National strategy on urban crime prevention in Tanzania, Prime Minister’s Office Regional Administration and Local Government.
of policing is ‘privatised’ and ‘delegated’ to private actors, which develop capacities that allow them to act at a global level but in national settings. Home-grown policing actors (state police, community-led groups, or PSCs) are assisted by and develop capacities to service the security needs of multinational firms and integrated into the capitalist economy as legitimate security providers. As a result, commercial security firms acquire context-specific forms of symbolic and cultural capital that were previously the domain of the state. At the same time, the state and community-led security agencies are going private (commercial), thus discharging public and communal functions in the private domain/space. This trend leads to new forms of arrangements and practices biased against the poor and available to the highest bidder. The policing groups are somehow affected by globalisation and assume a new role of protecting resource extraction sites and private investors who pay them handsomely. Community-led security groups like sungusungu evolve and develop the capacities that allow them to operate globally from national settings, their role is shaped by local interests and politics. On the other hand, the police and auxiliary police officers are also assembled and concentrated in state-owned projects and tourist enclaves. For the ‘assembled’ security groups to survive the ban and thrive, we have learnt from the Tanzanian case that such arrangements need to be either politicised or ‘state-controlled’, with the police leading them.

Lastly, the Tanzanian case reflects Kyed and Albrecht’s view of policing as an order-making activity in the wider socio-political and economic arenas that combines the daily practices of ordinary people or community organisations. The exercise of public authority is evident from below and at the top, thus creating some sort of a ‘multi-choice policing’ that incorporates formal, informal, legal and illegal security actors and practices chosen by the people themselves depending on how they conceive security and insecurity. The order-making approach to policing in Tanzania is a political affair, which is participatory, ‘state-controlled’ and donor-driven development agenda. As such, the act of policing presents another form of fragmented or contested sovereignty whereby the state institution matters but they are ineffective or unavailable, thus giving a room for the non-state institutions (militias, sungusungu and PSCs) that operate on the margins of the law to exercise state-like roles in rural

areas. Non-state groups not only gain similar power to the police and act as agents of security and insecurity but also work hand in hand with state actors in the local environment, thus eroding the public-private divide. As such, the question of the ban (legality or illegality of non-state policing) is of less importance so long as private actors remain popular and contribute to state formation and shape sovereign and public authority. In the order-making perspective, the Tanzanian case creates ‘partial sovereignty’, which is *de jure*, horizontal, fragmented shaped by everyday practices of both state and non-state policing as opposed to the vertical or hierarchical order. Some policing groups like *sungusungu* and *mgambo*, which emerged as temporary security measures to the low presence of the police officers, they have since then assumed a permanent status as well as partial sovereignty to become ‘parallel powers’ from below.\(^{1040}\)

The Tanzanian case presents a diversified act of policing that remain largely under the state control and political influence. Hence, the access to security services may not necessarily depend on the daily choices that people make or creation of security networks with an accountable body to oversee them. Further, it is not entirely true that the act of policing is an order-making exercise, but it aligns more with political interests to symbolise the state control of the security sector. As such, the plural networks or horizontal security arrangements do not replace the vertical policing structures. The police force is not only involved in rowing and steering but also compete in the market and enrol other actors in the production and distribution of security services. The wide use of community-led security groups gives an excuse to the police to not attend to their public duties properly and focus more on protecting the elites (regime) and selling their services to the business community, especially commercial banks and mining firms. Accordingly, non-state actors have moved away from unrestrained violence to become more state-like by adopting a territorial form of organisation and emulating state institutions in terms of membership, training, fee, seals, parade, inspection, and uniforms. Like the case of Mbhuleni (eSwatini), the Tanzanian civilian community policing groups (e.g. *sungusungu*) have embraced state-like attributes to gain informal sovereignty in their areas, i.e. they manage and influence how people perceive security and insecurity (e.g. meeting attendance,

witchcraft, and cattle raiding). By virtue of their role within the ‘state-controlled’ policing landscape, non-state actors have emerged from below to struggle for power and resources, define state-society relations and acquire a state-like status. Power struggles between the state police and non-state actors have been settled through negotiations or by the government or party extending quasi-police status to these security groups. By far, the relationship between state and non-state actors are often characterised by formal and informal cooperation due to competing interests.

As noted earlier, hybrid policing in Tanzania entails a multitude of tangled networks that enjoy partial state sovereignty in their endeavour to produce and distribute security services. The most striking attribute of the Tanzanian plural policing landscape is that the state security actors are going private while community groups and market actors are becoming public, i.e. they are politicised, involved, empowered and deputised alongside formal central and local government bodies in the governance of security. The country has several competing security actors, which have different powers and liabilities and operate at different tiers and spheres of governance. The state is more fragmented and governed through both formal and informal social groups that have gained a political voice through the process of democratization and decentralisation. Security arrangements are sponsored by the central government, LGAs or geographical entities, local and international companies, local and international NGOs, political parties, business communities, the grassroots, and police force. These sponsors of security relate, oppose, and enrol each other through a complex and fluid network of formal, informal, legal, and illegal relations.

Generally, the mixture of legal and illegal providers of security pushes the government to unevenly implement the law (ban) through a system of exemptions that do not affect the ‘state-controlled’ plural security landscape. The poor enforcement of the ban does not suggest state weakness or lawlessness, but an important practice that allows the government to politicise, control, relate, compete, enlist, and oppose non-state security actors. Therefore, the ban enables the government to control security networks whereby state security agencies become part of public, private and community policing. This form of state control is important because despite using weapons, surveillance equipment and access to sensitive information, PSCs, for example, have been treated as any other economic activity, with no special law and
screening. The first attempt to establish a form of oversight over private policing came in 1989, with the amendments to the militia laws. However, the amendment granted supervisory power to the Interior Ministry over community-led security groups and not security companies. It was until 2006 when the police established the CP Department that is responsible for overseeing activities of all private security service providers. Then, it was followed by screening and licensing procedures for both companies and their staff whereby the district and regional police chiefs were authorised to use their discretion.

The current security setup, embroiled in politics, allows the police to be an unaccountable body that support sungusungu, ten-cell leaders, army units and mgambo, compete with PSCs and oppose party militias, but enlist, supervise, and coordinate all of them under the CP scheme. Not only that sungusungu, ten-cell leaders and mgambo have gained a proactive role in policing at the local level, thus involved in police-led operations, but also, they are somehow protected from prosecution for violation of human rights. As such, non-state actors grab a role in plural policing dependently and independently of the state’s demand for their participation. Moreover, non-state actors whether acting independently or assuming the role of local subsidiaries, play an important role in policing foreign interests and private investments. Mining sites, for instance, are one of the most militarised areas, i.e. they harbour a mixture of police officers, military personnel, and domestic and global PSCs that guard resource extraction areas. These private investments and the global economy have compelled community-led groups operating in the proximity of mining sites to adapt to market forces and become part of these dynamics, thus blurring the distinction between commercial and community security arrangements. As a result, policing becomes order-making and income-generating activity and a means through which the dominant elite pursue state control and a vehicle for increasing political capital. The police force has not diverged fundamentally to its statutory role and remains the most sought-after partner for both consumers of security services and other providers of security. Thus, policing as a task is more than forging special relationships between policing actors and local politicians (regime maintenance), it also involves building international alliances and taking part in the UN and Interpol operations.
On the other hand, the state and the market are interlocking and mutually dependent, thus respond and adapt to each other. The government is investing heavily in the commercial security sector through state-run firms (corporations’ sole). This transforms policing into a site of struggle in which the police and the army use public resources to compete with market actors, thus pushing some actors to close their businesses and forcing the poor communities into the margins of illegal or informal security arrangements. The state security agencies take over the private security sector by registering PSCs or transforming and commercialising defence and security services (partial privatisation) and focus on providing security services to private investors, government offices and parastatals for rent. These police and military-owned security businesses could be linked to the ban in the sense that the Constitution recognise the two institutions as the sole providers of defence and security services in both the public and private spaces/domains. Hence, adding a price tag to some of their services could be another way of supplementing meagrely government budget and sustaining the delivery of security services. After all, the Constitution does not say security is a public good available for free nor does it prohibit state agencies to commercialise the same. On the contrary, the government has almost always encouraged state institutions to compete with the private sector or adding a ‘commercial aspect’ to the services meant for public consumption. Therefore, as corporations sole, the army and police can engage in local income-generating activities and contributes to the national coffers. To put this into perspective, in 2019 alone SUMA JKT paid Tshs, 1.012 billion as dividend to the government.\footnote{SUMA JKT (2019) Rais aipongeza SUMA JKT kwa kutoa gawio. [Accessed on 20 December 2019]. Available from: <https://sumajkt.go.tz/gaw1.php>}

From the foregoing, one may conclude that the act of policing in Tanzania has unique features and account how the governance of security is first and foremost political. As such, ‘state-controlled’ plural policing is a concept that put a different emphasis on multichoice policing, anchored pluralism, nodal governance, global security assemblages, and policing as order-making. In a ‘state-controlled’ policing context, security is more than an account of multichoice policing offered to the people; more than anchored pluralism with an accountable legal body that oversees such diversity, more than a network of state and non-state actors in nodal governance; more than a
global security assemblage where the international organisation is dominant; more
than an analysis of policing as order-making. In a ‘state-controlled’ policing context,
the state directs, manipulates, and prompts a whole array of actors according primarily
to political interests than security needs.

As constantly presented throughout this chapter, ‘state-controlled’ plural policing
reveals a diverse and highly competitive security sector that the government seeks
with varying degrees of success to manipulate for political reasons. State
manipulation uses the tools of statutory and constitutional bans, exemptions from
these bans, police and electoral body’s directives, and forceful co-optation of the
‘illegal’ actors. It also protects the unlawful actors from prosecution, creates state
commercial enterprises into the illegal sector, and patronage of access to ‘illegal’
markets. The implication of a ‘state-controlled’ plural policing is that it first and
foremost enables the government to shape the emergence, evolution, practices, and
party loyalty of security actors. Secondly, it ensures that the act of policing is not
primarily aimed at improving the security of the people but to guarantee regime
survival and the prosperity of its leadership. Thirdly, despite its lack of resources and
reach, it enables the government to seek and maintain its centrality across the entire
sector, formal and informal, communal, and commercial. Finally, it enables the
government to relate, compete, enlist, oppose, and control security networks whereby
state security agencies become part of public, private, and community policing.

6.5 Conclusion

The chapter drew on different theoretical and empirical aspects together to answer the
research question. As such, I have looked at the current typology of policing groups
and the meanings they generate to security. The first part of this chapter analysed
policing groups in terms of their composition, functions, areas of operation and client
base. It has also examined the interactions and linkages between the TPF and non-
state actors. The last two parts examined the interactions and linkages between the
state and non-state actors in the domestic space as well as how the developments in
Tanzanian inform the plural policing literature. The chapter concludes that in
Tanzania, policing is a province of both state and non-state actors, sponsored by
civilians, government agencies, political parties, and international agencies, thus
reflecting various models and frameworks of plural policing. Although organisations
that sponsor and perform the act of policing may emerge independent of the state, they are ultimately ‘statised’ through a wide range of politically motivated processes such as co-optation, replication, sponsorship, patronage, and presidential pardons to create a ‘state-controlled’ plural policing. The next chapter presents the summary, conclusion, implications, and recommendations of the study.
Chapter 7: Conclusion

7.1 Summary of the Main Idea and Arguments

This thesis has sought to examine plural policing in Tanzania against the backdrop of statutory and constitutional bans on non-state security actors. The study is the first attempt to make sense of how the bans on non-state actors were the defining features of plural policing in Tanzania. I have throughout the thesis explained how security is multifaced, ‘statised’ (state-controlled) and politicised in the precolonial, colonial, and postcolonial Tanzania. I asked why has the Tanzania state not sought to eliminate non-state policing when it is banned legally and constitutionally? This question allowed the study to examine the mechanisms used by successive governments in Tanzania, which are semi-authoritarian in nature, to manipulate the security sector through the selective use of the legal and constitutional provisions and their implications on plural policing.

I respond to the question above by making one theoretical claim that underpin the thesis as a whole. I claim that the intention of the government has not been to produce security through non-state actors but rather to manipulate the security sector along political interests. In other words, non-state policing has thrived in Tanzania despite being illegal because it is politics (not law) that drives the governance of security. I have revealed that the existence of a ban offers the possibility of choosing selectively when to use (or threaten to use) the ban; when to make an exemption and enrol the nonstate actor; or when to ignore the ban and unofficially grant immunity from prosecution to the illegal actors. The government has had absolute control over the distribution but not the production of security services and that non-state actors are indirect and effective means of state control of violence. Today, the government of Tanzania generates, controls and is part of the commercial security sector and is imbedded in community-based security groups in a domestic space. As such, the ban on private security service providers was not a turning point in real security policies rather it has allowed the government to tighten the control on coercive powers and organise security along the state political ideology. The government has been pragmatic in implementing the bans by constantly manipulating the Constitution and statutes to co-opt non-state actors into public policing. The presence of privately and
communally organised security groups operating in the country within a plural security landscape proves that the bans have had little weight in practice.

The main argument is reflected in the key findings of the study regarding plural policing and the bans. In particular, the study has problematised and captured state-run commercial security companies and services in the definition of ‘private policing’ and made the case of focusing not on ownership but on functions, client base and market element; it has lifted a ‘vigilante’ tag on quasi-police groups like sungusungu; it has shown policing as an act that creates the nexus between public and private sectors, community and commercial, and global and local efforts; it has enhanced the understanding of how community policing is seen very differently by developing states to donors from the developing world; it has pointed out and explained a complex set of laws and policies that embrace both state-centric and liberal approaches to policing (i.e. the entanglements of new and old laws and policies); it has offered a study on how statutory and constitutional bans on non-state policing can be exploited; it has demonstrated the centrality of a semi-autocratic form of government and geopolitics in organising security; it has enlarged understanding of how both public and private security providers can be part of, subordinate to and operate within the state; and it has explored the exact contours and intricate web of security actors from the precolonial to postcolonial periods.

7.2 Conclusion and Implications of the Study

I conclude that the Tanzanian case provides another account of how governance of security is first and foremost political to create a ‘state-controlled’ plural policing. In a ‘state-controlled’ policing context, the government directs, manipulates, and prompts a whole array of actors according to political interests rather than security needs. As such, the Tanzanian plural policing landscape offers unique features that allows this study to be more than an account of multichoice policing offered to the people; more than anchored pluralism with an accountable legal body to oversee the diversity; more than a network of state and non-state actors in nodal governance; more than a global security assemblage where the international organisation is dominant; more than an analysis of policing as order-making. That said, I now turn my attention to the implications of the study as follows: -
(a) Improved definition of private policing

The study establishes that although policing literature uses and mentions the term ‘private policing,’ it has not been sufficiently explained. As a result, some key aspects and differences between state and non-state actors and functions have not been noted and discussed. In the literature, private policing is restricted to privately owned entities. The Tanzanian case presents a more complex array of state-led corporations that compete with privately owned security firms and provide security services to the public for a fee and profits generation. Conceptually, I have interrogated the location of the line between public and private, thus suggest an alternative definition of the private, which is central to the public-private divide. This study looked at the functions, client base and market element rather than ownership of the respective security actors to categorise state-run security firms such as SUMA JKT Guard Limited (army), JKU Security Guard Agency (army) and for-profit/hire police services (police force) as private security actors.

The Tanzanian case shows that privatisation of policing does not only occur when the state delegates policing to private sectors but also when the state itself takes on private features such as transferring the provision of policing services from the civil service to state enterprises. This analysis is conceptually important because it combines the attributes of public and private institutions. The state-led PSCs somehow enable the government to regain its competitive advantage and remain relevant in a plural security landscape. However, this phenomenon creates an exchange relationship that serves private party interests rather than the general public. Four parties are involved in the privatisation of security: the government, corporations, societal groups, and individuals. As opposed to the last three parties whose role in the privatisation process is limited to creating security actors, the government plays triple roles, that is, it enacts laws, enforce them, and establish or own private security services. It follows, therefore, that even community-based security groups such as sungusungu have lost a ‘vigilante’ tag and assumed a quasi-police status. This is so because the government

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1044 For functions, goods and services that are beyond day-to-day policing, the police charge individuals and organisations to meet operational costs and generate profits.
has reinvented them, recognised them under the law, extended constabulary powers to them and replicated them throughout the country. Since these groups are ‘state-controlled’ and enjoy the government’s support, they are increasingly operating within the framework of the law and subsumed in the police-led CP schemes.\textsuperscript{1045}

\textit{(b) Plural Policing}

The existing studies shed lights on how security is part of donor-funded police reforms,\textsuperscript{1046} influenced by the community security groups and linked to the local structures of governance.\textsuperscript{1047} What the literature does not tell us is that policing is a strategy to pool together, politicise, and co-opt non-state actors rather than to institutionalise them and decentralise police powers. Both state and non-state actors are involved in policing besides their traditional functions, thus making the Tanzanian case a typical example of pluralisation of security in a more systematic way. Through ward police, security committees and local authorities, the act of policing bridge the gap between public and private security actors and harness personnel, equipment and funds from private individuals, communities, corporations, and international organisations. As such, public policing becomes a shared duty between the public and private actors while embedding state police culture and ethos to non-state actors, which enjoy partial sovereignty.

The findings also provide a different dimension to the ‘commercial-community’ entanglement thesis, that is to say, the idea that PSCs are becoming communal while community-led security groups are now private.\textsuperscript{1048} In Tanzania, PSCs continue to serve the affluent consumers, the business community and government offices. It is through the ideas of global security assemblages in larger mining sites that somehow the poor communities get a limited access to PSC personnel and technologies. In rare cases, PSC personnel are as well deputised to work together with the police and the communities, thus assuming both community and commercial attributes. The


\textsuperscript{1047} Cross (2013), Ibid; Wisler and Onwudiwe (2008), Ibid; Walwa (2017), Ibid; and Killian and Pastory (2018), Ibid.

\textsuperscript{1048} Diphoorn and Kyed (2016), Ibid.
community-based security arrangements are largely funded by the people themselves through voluntary monthly contributions and donations. This mode of funding creates two problems. One, it may offset the benefits and add the costs of organising security to the low-income communities. Two, policing groups are politicised and hijacked by politicians, the rich people and businesses who usually have the voice. I add to the previous literature that community-based institutions are not fully in the public interest and do not always meet everyone’s expectations. Some members of the community especially the weak and vulnerable may as well be excluded because of social bias and power hierarchies. Even though, the Tanzanian case presents a mixture of paradigms namely multichoice policing, nodal governance, anchored pluralism, order-making, and the global security assemblages, it remains by far above them and offers unique features that converge on a ‘state-controlled’ plural policing.

(c) The bans and the entanglements of new and old laws

Previous research has demonstrated the circumstances that pushed the state-builders in Africa to adopt a state-centric policing paradigm. Despite many structural reforms, the current policy and legal framework follow the traditional view of the state and security. The present work is the first to consider the implication of the statutory and constitutional bans imposed on armed non-state actors to the plural security landscape both historically and in present times. I have used the bans as key components in understanding how successive governments in Tanzania have conceived hybrid policing. I have shown that the government adopted bans to control insurgencies and spur state-building projects since the government was somehow apprehensive of hybrid policing. This thesis introduces the idea that the bans are political means employed by the state to force non-state actors to align themselves with the government and the party. As such, the Constitution has been constantly manipulated through other government policies to justify and co-opt non-state actors in policing. This practise has reduced the 1977 Constitution into a sham.

1049 Cross (2013), Ibid.
1050 Cf. Scarpello (2017), Ibid.
The findings show that the administration has used the bans to bring non-state actors under the government and ruling party’s control. The government tends to invoke the bans occasionally and selectively against party militias during elections. The Political Parties (Amendment) Act 2019, for example, outlaw all party militias, thus making them a good example of the use of a statutory ban as both controlling and organising tools of security. The 2019 law is a precautionary measure towards the LGAs and national or general elections in 2019 and 2020, respectively. One can as well reason that the 2019 change is a typical example of duplication of effort as it reiterates the position taken by the 1977 Constitution, Public Order Act, and the Societies Act. It is not by accident that the government has kept the bans intact and added new ones despite the current plural security landscape. In my view, the intention of the government has not been to produce security through non-state actors but rather to manipulate, regulate, and discipline them along political interests. One may rightly claim that the government has had absolute control over the distribution but not the production of security services and that non-state actors are indirect and effective means of state control of violence.

(d) The government and non-state security providers

The Tanzanian case adds to the previous debates that both public and private security providers are part of, subordinate to and operate within the state. This is so because the government derives all its power and authority from the people. Even where the government prohibits armed non-state actors, the people have a constitutional duty, either through public or private means, to safeguard both personal and state property and to preserve and maintain the country’s sovereignty, territorial integrity and unity of the nation. The government is not powerful, thus it generates, depends on and extends security and defence powers to non-state actors during peaceful and war periods. Although the public police and privately and communally organised security groups are characterised by ambivalent relationships, I find no evidence to suggest that a plural security landscape affects the central role of state institutions in the provision of security. To the contrary, the non-state actors are politicised and statised, thus they have somehow strengthened the government’s position in

1051 Article 8 of the 1977 Constitution.
1052 Articles 27 and 28 of the 1977 Constitution.
protecting the people and their properties. The Tanzanian case proves that non-state actors have been able to supplement justice and security institutions in the villages and low-income neighbourhoods. As Abrahamsen and Williams explain, private actors do not take away the centrality of public institutions. Consequently, the government is increasingly helping the communities to set up security groups while the police, who act as patrons and regulators, are empowered to institutionalise and keep them in check. I also establish that there is no substantial distinction between top-down and bottom-up security initiatives as the government tends to hijack, manipulate, and control these arrangements along political interests.

(e) Conditions for hybrid forms of security arrangements

As Baker shows, plural policing in Africa is not a new phenomenon brought about by neoliberal policies in the post-cold war era. Nonetheless, I dispute Baker’s view that non-state actors are the oldest forms of security arrangements that predate and never totally replaced by state actors. This is so because it is hard to distinguish between state and non-state actors or to establish which between the two came first in the Tanzanian setting. As I have shown in chapter three, before the colonial rule, there was no distinction between public and private sectors and precolonial societies were mainly communal and stateless. The colonial regime defined and set criteria for a public security actor as opposed to a private one. Yet, the suspicious relationship between the government and non-state security actors is fading, thus creating new organisational forms and the circulation of personnel between the public and private sectors. As Bagayoko presents, public security agencies in Africa tend to be virtually informal while the civil society is weak or divided and the distinction between state and non-state security actors is fluid and, in some instances, non-existent.

1053 Abrahamsen and Williams (2017), Ibid.
1054 Cf. Cross (2013), Ibid.
1055 Baker (2008), Ibid.
1056 Bagayoko (2016), Ibid; and Bagayoko (2012), Ibid.
7.3 Future Policy Action

The 2014 Draft Constitution made substantial reform on the governance of security, among other things. Unfortunately, the government has shelved the draft Constitution indefinitely for want of national consensus and political will. To capture the hybrid forms of security arrangements, the government is urged to follow the process of amending the Constitution listed under Article 98, thus repeal and replace Article 147 of the 1977 Constitution with Articles 266 and 274 of the 2014 Draft Constitution. The government needs also to develop a holistic, inter-agency and people-centred security policy. The policy must consider the law, complexity and demands of security and recognise the existence of a variety of actors, clients, donors, and practices. Lastly, there is a need to harmonise conflicting laws namely the Constitution, the Public Order Act, the Societies Act, the Political Parties (Amendment) Act, Local Government (District Authorities) Act, Local Government (Urban Authorities) Act, the People’s Militia Laws (Miscellaneous Amendment) Act, Penal Code and Criminal Procedure Code. This is so because of Judge Mwalusanya’s decision and Justice Nyalali’s report that non-state actors are unconstitutional.1057

1057 See, Maina (1997), Ibid.
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