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

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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

ABG	African Barrick Gold
<i>Akida</i>	Village or town headman
ALC	OAU's Liberation Committee
APU	Auxiliary Police Unit
<i>Askari</i>	Soldier (also German soldiers)
ASP	Afro-Shirazi Party
<i>Azimio la Arusha</i>	Arusha Declaration
<i>Baba wa Taifa</i>	Father of the nation
<i>Balozi/mjumbe wa nyumba kumi/hamsini</i>	Ten/Fifty-cell leader or system
<i>Baraza</i>	Assembly/council
<i>Basumba batale</i>	Great youths or neighbourhood leaders
BRN	Big Results Now
CC	Central Committee
CCM	<i>Chama Cha Mapinduzi</i> (the Revolutionary Party)
CHADEMA	<i>Chama cha Demokrasia na Maendeleo</i> (Party for Democracy and Progress)
<i>Chama kushika hatamu</i>	Party supremacy
Chap/Cap.	Chapter
CIA	Central Intelligence Agency
CID	Criminal Investigation Department
CP	Community policing

CPGs	Community-based policing groups
CSOs	Civil Society Organisations
CUF	Civic United Front
DOAG	<i>Deutsch-Ostafrikanische Gesellschaft</i> (German East Africa Trading Company)
<i>Fanya Fujo Uone</i>	Cause trouble and you will pay dearly
FFU	Field Force Unit
<i>Gobore</i>	Homemade guns
GATS	General Agreement on Trade in Services
<i>Geti-kali</i>	A well-off neighbourhood/family
IGP	Inspector-General of Police
<i>Jadi</i>	Traditions
<i>Jeshi</i>	Army
JKT	Jeshi la Kujenga Taifa (National Service)
<i>Jumbe or tarishi</i>	Messenger
<i>Kamanda</i>	Commander
<i>Kampuni za Ulinzi</i>	Security Companies
<i>Kata</i>	Ward
<i>Kibonda</i>	Breakdown of law and order among the Pare people
<i>Kijiji</i>	Village
<i>Kota/kambi</i>	Police barracks
<i>Kuingia polisi ni bure ila kutoka ni pesa</i>	It is free to enter a police station, but you must pay to exit

LGAs	Local government authorities
LHRC	Legal and Human Rights Centre
<i>Liwali</i>	Mayor
<i>Mageuzi</i>	Political reforms
<i>Mgambo/jeshi la mgambo</i>	People's militias
MHA	Ministry of Home Affairs
<i>Mji wa rangi tatu</i>	A town of three colours
<i>Mkoa</i>	Regional
MPU	Military Police Unit
<i>Mwenyekiti</i>	Village chairperson
<i>Mwongozo wa TANU</i>	TANU/Party's Guidelines
NBS	National Bureau of Statistics
NDSC	National Defence and Security Commission
NEC	National Executive Committee
NGOs	Non-governmental Organisations
OAU	Organisation of African Unity
<i>Operesheni</i>	Security operations
PMRGs	Party militia and radicalised groups
PGOs	Police General Orders
<i>Poli-CCM</i>	A coined word that refers to a special relation between the police and CCM
<i>Polisi/Afande</i>	Police

<i>Polisi jamii or ulinzi shirikishi</i>	Community or participatory police/policing
<i>Polisi Wasaidizi</i>	Auxiliary Police
POO	Public Order Ordinance
PSCs	Private security companies
<i>Ruga ruga</i>	Squad of elite troops among the Nyamwezi people
SAPs	Structural adjustment programmes
SGL	SUMA JKT Guard LTD
SO	Societies Ordinance
SUMA JKT	<i>Shirika la Uzalishajimali la Jeshi la Kujenga Taifa</i>
TANU	Tanganyika African National Union
<i>Tarafa</i>	Divisional
TPDF/JWTZ	Tanzania People's Defence Forces/ <i>Jeshi la Wananchi wa Tanzania</i>
TPF	Tanzania Police Force
TYL	TANU Youth League
<i>Ubia</i>	Public-private partnership
<i>UDSM</i>	<i>University of Dar es Salaam</i>
<i>Uhindini</i>	Indian area
<i>Ujamaa na kujitegemea</i>	Socialism and self-reliance
<i>Uswahilini</i>	African area
<i>Uswazi/uswahilini</i>	Poor neighbourhoods/informal settlements
<i>Uzunguni</i>	European area

<i>Vichocho</i>	Narrow footpaths
<i>Wamachinga</i>	Street vendors
<i>Wapiga debe</i>	Bus touts who control transit buses/ <i>daladala</i>
<i>Wapigwe tu</i>	Beat them
<i>Wasaidizi wa polisi</i>	Auxiliary police
<i>Wasalama/sungusungu</i>	People's Militia/Traditional army
<i>Watu wasiojulikana</i>	Unknown assailants
<i>Wilaya</i>	District
<i>Zidumu fikra za mwenyekiti</i>	Long live ideas of the chairperson (slogan)

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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.¹ 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).² It has the multitude of ethnic groups and high levels of linguistic and

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 5th 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

³ NBS (2018) National population projections. Dar es Salaam, NBS, p. 55.

⁴ Central Intelligence Agency (2018), *Ibid*.

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

⁶ Omulokoli, W.A.O. (2006) Portuguese presence and endeavours in East Africa. *Africa Journal of Evangelical Theology*, 25(2), 139-148.

⁷ Mbogoni, L.E.Y. (2012) *Aspects of colonial Tanzania history*. Dar es Salaam, Mkuki & Nyota, pp. 3-201.

⁸ Al-Radi, S. (1990) Brief history of the East African coast. In: Powell, R. (ed.) *The Architecture of Housing: Exploring Architecture in Islamic Cultures*. Vol. 4. Geneva: Aga Khan Award for Architecture, p. 271.

⁹ Section 1(1) of Great Britain. Zanzibar Act 1963. 1 Eliz. 2, c. 55. London: HMSO and Article 32 of the Constitution of the State of Zanzibar, 1963.

¹⁰ Mbogoni (2012), *Ibid*.

¹¹ Article 3 of the Interim Constitution of Tanzania, 1965.

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.¹⁴ 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,¹⁵ with both central and local administrations.¹⁶ 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 groups¹⁷ have attracted renewed interest among scholars in Tanzania¹⁸ and across the globe.¹⁹ This is so because more and more governments, households, neighbourhoods, local businesses, and international organisations are turning to these groups for protection.²⁰ Scholars refer to these alternative forms of security arrangements that remedy state default as non-state actors²¹ and private actors or

¹⁴ Makulilo, V.B. (2012) Where is socialism in Tanzania? *Elixir International Journal (Social Science)*, 46, pp. 8170-8180.

¹⁵ Cf. Articles 3 and 33 of the Tanzania Constitution (revised in 2010)

¹⁶ *Ibid.* Articles 4 and 145.

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 GardaWorld Corporation*).

¹⁸ Brennan, J.R. (2006) Youth, the TANU youth league and managed vigilantism in Dar es Salaam, Tanzania, 1925-73. *Journal of the International African Institute*, 76(2), pp. 221-246; Cross, C. (2013) Community policing through local collective action in Tanzania: *sungusungu* to *ulinzi shirikishi*. PhD thesis, University of Sussex; and Shadrack, J. (2011) The private security industry in Tanzania: challenges, issues and regulation, LL.M Thesis, University of Dar es Salaam.

¹⁹ Baker, B. (2008) *Multi-choice policing in Africa*. Uppsala, Nordiska Afrikainstitutet; Wood, J. & Dupont, B. (eds). (2006) *Democracy, society and the governance of security*. Cambridge: Cambridge University Press; and Walker, N. & Loader, I. (2007) *Civilizing security*. Cambridge, Cambridge University Press.

²⁰ Cross (2013), *Ibid*; Shivji, I.G. (1990) *State coercion and freedom in Tanzania*. National University of Lesotho, Institute of Southern African Studies; and Shadrack (2011), *Ibid*.

²¹ It excludes insecurity actors such as criminal networks and local mercenaries. Cf. Ebo, A. (2007) Non-state actors, peacebuilding and security governance in West Africa: beyond commercialisation. *Journal of Peacebuilding & Development*, 3(2), pp. 53-69.

private security actors²² or simply private policing.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.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’.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.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

²² Bryden, A. and Caparini, M. (eds.) (2006) *Private actors and security governance*. Yearbook 4. Geneva, DCAF.

²³ Button, M. (2002) *Private policing*. Devon, UK, Willan Publishing.

²⁴ Hofmann, C. and Schneckener, U. (2011) Engaging non-state armed actors in state- and peace-building: options and strategies. *International Review of the Red Cross*, 93(883), pp. 2 and 3.

²⁵ Baker, B. (2013) Hybridity in policing: the case of Ethiopia. *Journal of Legal Pluralism and Unofficial Law*, 45(3), pp. 296-313.

²⁶ Article 147 (2) and (4) of the Constitution of the United Republic of Tanzania, 1977 (revised in 2010).

include the Penal Code,²⁷ Public Order Ordinance (now Act) of 1951²⁸ and Societies Ordinance (now Act) of 1954²⁹ that predate the 1977 Constitution and more recently repeated in the Political Parties (Amendment) Act of 2019.³⁰ 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,³¹ Presidential Commission on Mono-party or Multi-party System (Nyalali Commission),³² Registrar of Political Parties,³³ Electoral Commission,³⁴ and the Police Force and Ministry of Home Affairs³⁵ have interpreted the 1977 ban to include private security service providers.³⁶ It should be borne in mind, however, that the Republic Constitution of 1962³⁷ and Interim Constitution of 1965³⁸ 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.³⁹ 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.

³¹ See, *Ngwegwe s/o Sangija & 3 Others v. R.*, Criminal Appeal No. 72 of 1987, High Court of Tanzania at Mwanza, and *Misperesi K. Maingu v. Hamisi Mtongori and 9 Others*, Civil Case No. 16 of 1988, High Court of Tanzania at Mwanza, reported in Maina, C.P. (1997) *Human rights in Tanzania: selected cases and materials*. Köln, Rüdiger Köppe Verlag, pp. 515-525.

³² LRCT (1994) *Final report on designated legislation in the Nyalali commission report*. Dar es Salaam, Government Printer, Law Reform Commission of Tanzania, pp. 134-137.

³³ Abdu, F. (2015) Parties' military wings banned. Daily News [online]. 17 June 2015. [Viewed on 12 June 2017]. Available from: <<http://allafrica.com/stories/201506170265.html>>.

³⁴ Ngarabali, J. and Nyakeke, B. (2015) NEC, police: no one will be allowed to guard votes Sunday. The Citizen Newspaper [online]. 19 October 2015. [Viewed on 17 June 2017]. Available from: <<https://www.thecitizen.co.tz/news/NEC--police--No-one-will-be-allowed-to-guard-votes-Sunday/1840406-2920194-format-xhtml-gs8sulz/index.html>>. Cf. the case of *Amy P. Kibatata v. The Attorney General, the Director of Elections and National Electoral Commission*, Miscellaneous Civil Cause No. 37 of 2015 (Full Bench, High Court of Tanzania); and LHRC and TACCEO (2016) *Report on the 2015 general elections of united republic of Tanzania*. Dar es Salaam, LHRC, pp. 39 and 40.

³⁵ Nkwame, M. (2012) Police ban political party 'armies'. Daily News [online]. 29 March 2012. [Accessed on 23 June 2017]. Available from: <<http://allafrica.com/stories/201203290032.html>>, and Aljazeera News (2004) Tanzania bans paramilitary-style training. Aljazeera News [online]. 25 March 2004. [Accessed on 14 February 2019]. Available from: <<https://www.aljazeera.com/archive/2004/03/200849125335325266.html>>.

³⁶ Shivji (1990), *Ibid.* pp. 15-16, 18 & Shivji, I.G. (1991) Contradictory developments in the teaching and practice of human rights law in Tanzania. *Journal of African Law*, 35(1-2), pp. 121, 124; Kweka, D. (2015a) Party militias and election-related violence in Tanzania. Pambazuka News [online]. 25 March 2015. [Accessed on 19 November 2018]. Available from: <<https://www.pambazuka.org/governance/party-militias-and-election-related-violence-tanzania>>; Kweka, D. (2015b) Imbonerakure militia: parallels between burundi and Tanzania. Pambazuka News [online]. 04 June 2015. [Accessed on 19 November 2018]. Available from: <<https://www.pambazuka.org/governance/imbonerakure-militia-parallels-between-burundi-and-tanzania>>; Shadrack (2011), *Ibid.* pp. 39-46; and Cross (2013), *Ibid.* p. 52.

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 law⁴¹ and local government legislation⁴² 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

⁴⁰ The Peoples Militia (Compensation for Death or Injuries) Act, 1973, Peoples Militia (Powers of Arrest) Act, 1975, and People's Militia Laws (Miscellaneous Amendments) Act, 1989.

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), *Ibid.* See also the decision of the Supreme Court of Israel in the case of *Human Rights Program v. the Minister of Finance (alias Academic Centre of Law and Business, Human Rights Division v. Minister of Finance)* 124 (2009) H CJ 2605/05.

service providers operate in a vacuum, that is to say, they operate outside the framework of the law.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.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 Regulations⁴⁶ 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 Act⁴⁷ 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

⁴⁴ *Ngwegwe s/o Sangija & 3 Others v. R.*, Criminal Appeal No. 72 of 1987, High Court of Tanzania at Mwanza, and *Misperesi K. Maingu v. Hamisi Mtongori and 9 Others*, Civil Case No. 16 of 1988, High Court of Tanzania at Mwanza, both reported in Maina (1997), *Ibid.*, pp. 515-525.

⁴⁵ LRCT (1994), *Ibid.* and Shivji (1990), *Ibid.* p. 15.

⁴⁶ G.N. No. 193 of 1995.

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.⁴⁸ 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.”⁴⁹

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,

⁴⁸ Cap. 119. See also, Police Corporation Sole (Police Force) Order, G.N. No. 66 of 2013 and Police Corporation Sole Board (Appointment) Order, GN. No. 67 of 2013.

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.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.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’⁵² as an analytical framework and make one theoretical claim about hybrid security and the bans that underpin the thesis.

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.

⁵¹ The study defines the terms policing, security, and plural policing in chapter two.

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.⁵³ According to Ndlovu-Gatsheni,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).

⁵⁴ Ndlovu-Gatsheni, S. (2017) Decolonising research methodology must include undoing its dirty history. *The Conversation* [online]. 26 September 2017. [Accessed on 20 July 2020]. Available from: <<https://theconversation.com/decolonising-research-methodology-must-include-undoing-its-dirty-history-83912>>.

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.⁵⁵ 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 crime⁵⁶ and other negotiable social service functions in a particular territory.⁵⁷ Police organisations are diverse in size, variously funded and trained, carry and use arms and stand in the executive branch of government.⁵⁸ They customarily comprise uniformed or plain-clothes sworn police officers, community support officers,⁵⁹ auxiliary police officers⁶⁰ and judicial police officers in some jurisdictions who work alone or in partnerships.

(b) Policing

⁵⁵ Warwick Law School (2020) Research ethics [online]. Last revised on 14 January 2020. [Viewed on 19 February 2020]. Available from: <<http://www2.warwick.ac.uk/fac/soc/law/research/ethics/>>.

⁵⁶ Garner, B.A. (ed.) (2009) *Black's law dictionary*. 9th ed. Eagan, MN, West/Thomson Reuters, p. 1276; Rogers, C. (2017) *Plural Policing: Theory and Practice*. Bristol, Bristol University Press, p. 3; and Manning, P.K. (2003) *Policing Contingencies*. Chicago, University of Chicago Press, pp. 20, 33-52, and 238.

⁵⁷ Igbinovia, P.E. (1981) The pattern of policing in Africa: the French and British connections. *Police Journal*, 54(2), pp. 127-135.

⁵⁸ Manning (2003), *Ibid.* pp. 43-48.

⁵⁹ Talbot, T. (2013) *Plural Policing: The multifaceted world of Irish state "policing" authorities*. Masters Dissertation, Dublin Institute of Technology, p. 14.

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.⁶¹ Previously, the term policing connoted ‘peace’ or ‘peace-making’, thus policemen/women became ‘peace officers’.⁶² 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.⁶³

A policing activity remains a diverse spectrum of the preventive, deterrent, and investigative works carried out by a variety of actors.⁶⁴ It is an intentional and organised activity and service provided by statutory and non-statutory bodies that seek to guarantee safety.⁶⁵ As a result, some studies use the term ‘security’ instead of ‘policing’ and give it a wide meaning to include security networks,⁶⁶ crime control and the general state of being free from threat.⁶⁷ 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 agencies⁶⁸ while private policing⁶⁹ is a mixture of formal and informal, and voluntary and involuntary non-state actors that authorise and

⁶¹ Marenin, O. (1982) Policing African states: toward a critique. *Comparative Politics*, 14(4), p. 384.

⁶² Stenning, P. and Shearing, C. (2015) Privatisation, pluralisation and the globalisation of policing. *Research Focus*, 3(1), p. 1; and Manning (2003), *Ibid.* pp. 17, 38 and 40.

⁶³ Jones, T. and Newburn, T. (1998) *Private security and public policing*. Oxford, Clarendon Press, pp. 18 and 19. Cf. Crawford, A., et al. (2005) *Plural policing: the mixed economy of visible patrols in England and Wales*, Bristol, Policy Press, p. 4.

⁶⁴ The UNODC (2011) Handbook on police accountability, oversight and integrity. *Criminal Justice Handbook Series*, New York, UN, p. 5, and Schwartz, M. (2015) Policing and (in)security in fragile and conflict affected settings [online]. GCCS. [Accessed on 11 May 2019]. Available from: <<https://www.globalcenter.org/wp-content/uploads/2015/05/policing-and-in-security-in-fragile-and-conflict-affected-settings.pdf>>

⁶⁵ Lar, J. (2018) Policing actors, plural processes and hybridisation: histories of everyday policing practice in Central Nigeria. *Stability: International Journal of Security and Development*, 7(1), p. 2.

⁶⁶ Newburn, T. (2001) The commodification of policing: security networks in the late modern city. *Urban Studies*, 38(5-6), pp. 829 and 830.

⁶⁷ See, Loader and Walker (2007), *Ibid.*

⁶⁸ Talbot (2013), *Ibid.* p. 14.

⁶⁹ Also known as ‘self-policing’, ‘alternative security arrangements’, and ‘non-state actors’ or simply ‘private security actors.’

provide security services.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.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.⁷² Most jurisdictions in Africa rely on a variety of law-enforcers despite having security policies based on public monopolies.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.⁷⁴ Bottom-up arrangements that co-exist with a more formalised top-down security system are routinely providing security.⁷⁵ This implies that the hypothetical line that has traditionally divided the public functions from private ones is fading.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’.⁷⁷

⁷⁰ See, Jones and Newburn (1998), *Ibid*; Albrecht, P., et al. (eds.) (2011) *Perspectives on involving non-state and customary actors in justice and security reform*. Rome, IDLO and DIIS; Johnston, L. (1992) *The Rebirth of private policing*. London, Routledge, pp. 3-25; and Button (2002), *Ibid*. pp. 5-19.

⁷¹ See, Walwa, W.J. (2017) Governing security at the grassroots level: effectiveness of community-led security mechanisms in Dar es Salaam. *African Review*, 44(1), p. 100.

⁷² Terpstra, J. and van Stokkom, B. (2015) Plural policing in comparative perspective: four models of regulation. *European Journal of Policing Studies*, 2(3), pp. 326-337.

⁷³ Baker, B. (2004) Protection from crime: what is on offer for Africans? *Journal of Contemporary African Studies*, 22(2), pp. 165 and 166, and Jones, T. and Newburn, T. (2006) Understanding plural policing. In: Jones, T. and Newburn, T. (eds.) *Plural policing: a comparative perspective*. London, Routledge, p. 6.

⁷⁴ Boels, D. and Verhage, A. (2016) Plural policing: a state-of-the-art review. *International Journal of Police Strategies and Management*, 39(1), p. 10.

⁷⁵ Marks (2011), *Ibid*.

⁷⁶ Stenning and Shearing (2015), *Ibid*. p. 5.

⁷⁷ Baker (2004), *Ibid*. pp. 167-171; Boels and Verhage (2016), *Ibid*. p. 6; O’Neill, M. and Fyfe, N.R. (2017) Plural policing in Europe: relationships and governance in contemporary security systems. *Policing and Society*, 27(1), p. 1; Scarpello, F. (2017) Toward the political economy of plural policing: taking stock of a burgeoning literature. *International Studies Review*, 19, pp. 407–429 and Crawford,

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.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.⁷⁹ Therefore, plural policing means a shift away from a state-centred policing framework to accommodate non-state security actors.⁸⁰ It involves configuration of policing activity as a private, public and quasi-public (social good) and somewhat subject to market forces.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.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).⁸³ This form of governance is sometimes known as ‘hybrid’ or ‘semi-democratic’ or ‘semi-authoritarian’ or ‘electoral authoritarian’ regime.⁸⁴ A semi-autocratic regime holds regular multiparty elections for public

A. and Lister, S. (2004) *The extended policing family: visible patrols in residential areas*. Joseph Rowntree Foundation.

⁷⁸ Loader, I. (2000) Plural policing and democratic governance. *Social and Legal Studies*, 9(3), pp. 323 and 324, and Boels and Verhage (2016), *Ibid.* pp. 3 and 4.

⁷⁹ Johnston (1992), *Ibid.* p. 115.

⁸⁰ Boels and Verhage (2016), *Ibid.* p. 3.

⁸¹ Coxhead, J. (2009) *The pluralisation of policing: the police, private security and public consent*. Lambert Academic Publishing.

⁸² Burnell, P. (2006) Autocratic opening to democracy: why legitimacy matters. *Third World Quarterly*, 27(4), p. 546, and Göbel, C. (2011) Semi-authoritarianism. In: Ishiyama, J.T. and Breuning, M. (eds), *21st century political science: a reference handbook*. Vol. 1. California, SAGE Publications, Inc., p. 258.

⁸³ Shivji, I.G. (1998) Problems of constitution-making as consensus-building: the Tanzanian experience. In: Sichone, O. (Ed.) *The state and constitutionalism*. Harare: Sapes Books, p. 25. Cf. Ahearne, R. (2017) The legacy of autocratic rule in Tanzania - from Nyerere to life under Magufuli. The Conversation [online]. 12 March 2017. [Accessed on 04 October 2019]. Available from: <<http://theconversation.com/the-legacy-of-autocratic-rule-in-tanzania-from-nyerere-to-life-under-magufuli-73881>>.

⁸⁴ Burnell (2006), *Ibid.*, and Göbel (2011), *Ibid.*

office holders that violate minimum democratic values to conceal and perpetuate autocracy.⁸⁵ 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 shed 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

⁸⁵ Schedler, A. (2009) Electoral authoritarianism. In: Landman, T. and Robinson, N. (eds.) *The SAGE handbook of comparative politics*. Los Angeles, SAGE, p. 381.

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 continues 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,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.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.⁸⁸ In this study, the ban on private security service providers is linked to the state-centric theory 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 contract⁸⁹

⁸⁶ The concept of plural policing started to acquire a central position in policing studies in the 1990s.

⁸⁷ Scarpello (2017), *Ibid.*

⁸⁸ Baker (2004), *Ibid.* pp. 167-171. Cf. Fleming, J. and Rhodes, R. (2004) It's situational: the dilemmas of police governance in the 21st century. CiteSeerX (online). 1 October 2004. [Accessed on 06 June 2019]. Available from: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.574.5565&rep=rep1&type=pdf>.

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 thesis⁹⁰ 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 matters⁹⁵ 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

common coercive power/sovereign. [Gaskin, J.C.A. (ed.) (1998) *Thomas Hobbes: Leviathan*. New York, Oxford University Press, pp. 114 and 118].

⁹⁰ To Marx Weber, the government of the state is the one that effectively and completely controls the instruments of physical force. See, Weber, M. (1946) Politics as a vocation. Chap. IV. In: Gerth, H. and Wright, C.W. (eds. and trans.). *Max Weber: Essays in Sociology*. Oxford, Oxford University Press, p. 78.

⁹¹ Krahmhann, E. (2010) *States, citizens and the privatisation of security*. Cambridge, Cambridge University Press, pp. 21-25.

⁹² Rosky, C.J. (2004) Force, Inc.: the privatization of punishment, policing, and military force in liberal states. *Connecticut Law Review*, 36, pp. 881-890.

⁹³ See, Avant, D. (2005) *The market for force: the consequences of privatizing security*. Cambridge, Cambridge University Press; Chesterman, S. and Fisher, A. (eds.) (2009) *Private security, public order: the outsourcing of public services and its limits*. Oxford, Oxford University Press; Freeman, J. and Minow, M. (eds.) (2009) *Government by contract: outsourcing and American democracy*. Massachusetts, Harvard University Press; Roche, J. (2010) Does privatized security undermine the sovereign powers of the state? a view from France. *Res Militaris*, 1(1), pp. 1-10. You are not quoting Webber or Hobbes, so you need to make clear that the above are the interpretations of the quoted authors, not H&W...

⁹⁴ Lar (2018), *Ibid.* p. 1.

⁹⁵ Talbot (2013), *Ibid.*; and Omari, A.H. (2002) Civil-military relations in Tanzania. In: Williams, R. *et al.* (eds.) *Ourselves to know: civil-military relations and defence transformation in Southern Africa*. Pretoria, ISS, pp. 89-106.

⁹⁶ Lar (2018), *Ibid.*

⁹⁷ Enion, M.R. (2009) Constitutional limits on private policing and the state's allocation of force. *Duke Law Journal*, 59(3), p. 523, Terpstra (2017), *Ibid.* pp. 68-69; and Verkuil, P.R. (2007) *Outsourcing sovereignty: why privatization of government functions threatens democracy and what we can do about it*. Cambridge, Cambridge University Press.

question of sovereignty.⁹⁸ Likosky⁹⁹ 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.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.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.¹⁰² Mazrui¹⁰³ 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.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.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.¹⁰⁶ To

⁹⁸ Fixler, P.E. and Poole, R.W. (1988) Can police services be privatized? *The ANNALS of the American Academy of Political and Social Science*, 498, pp. 108-110, and Parrest, N. (2009) Constitutional boundaries of transfer of public functions to private sector in Estonia. *Juridica International*, XVI, pp. 44 and 45.

⁹⁹ In Chesterman and Fisher (2009), *Ibid.* p. 12.

¹⁰⁰ Shearing, C. and Berg, J. (2006) South Africa. In: Jones and Newburn, *Ibid.* p. 190.

¹⁰¹ *Ibid.*

¹⁰² See, Article 147(1) of the constitution of Tanzania, 1977.

¹⁰³ Mazrui, A.A. (1968) Anti-Militarism and political militancy in Tanzania. *Journal of Conflict Resolution*, 12(3), p. 269.

¹⁰⁴ Cf. Loader and Walker (2007), *Ibid.*

¹⁰⁵ Marks (2011), *Ibid.* p. 51.

¹⁰⁶ Loader and Walker (2007), *Ibid.*, and Loader, I. and Walker, N. (2006) Necessary virtues: the legitimate place of the state in the production of security. In: Wood and Dupont (eds.), *Ibid.* pp. 165-195.

them, a private individual or corporation can as well organise, produce and distribute security.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.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.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.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.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.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.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.¹¹⁴ Scholars in this group believe in a society which the state is just one

¹⁰⁷ Krahnemann (2010), *Ibid.* pp. 30-36.

¹⁰⁸ Rosky (2004), *Ibid.*

¹⁰⁹ Terpstra, J. (2017) 'Not just one node among many' – plural policing in a state-dominated context: the case of Austria. *Policing and Society*, 27(1), p. 79.

¹¹⁰ *Ibid.* p. 68.

¹¹¹ See, White, A. (2010) *The politics of private security: regulation, reform and re-legitimation*. London, Palgrave MacMillan, Chap. 6.

¹¹² Marks (2011), *Ibid.* p. 51.

¹¹³ Wood, J. and Shearing, C. (2007) *Imagining security*. London, Willan Publishing Ltd; Wood and Dupont (2006), *Ibid.* pp. 17-24; and Loader and Walker (2007), *Ibid.*

¹¹⁴ Terpstra (2017), *Ibid.* pp. 68 and 69.

provider (node) among many.¹¹⁵ As a result, state, market and community groups work together in equal partnership within networks.¹¹⁶ 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.¹¹⁷ 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.¹¹⁸ 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.¹¹⁹ 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.¹²⁰ 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.¹²¹ 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 Baker¹²² 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,

¹¹⁵ *Ibid.* pp. 68–81, and Loader (2000), *Ibid.* p. 330.

¹¹⁶ Talbot (2013), *Ibid.*

¹¹⁷ *Ibid.*

¹¹⁸ Dupont, B. *et al.* (2003) The governance of security in weak and failing states. *Criminal Justice*, 3(4), p. 338.

¹¹⁹ Wood and Dupont (2006), *Ibid.*, and Loader and Walker (2007), *Ibid.*

¹²⁰ Saitta, P. (2016) Policing and the politics of order-making. *Policing and Society*, 26:6, pp. 725-728 and Kyed, H.M. and Albrecht, P. (eds.) (2015) Policing and the politics of order-making. New York, Routledge.

¹²¹ *Ibid.*

¹²² Baker (2008), *Ibid.*

industrial zone and shopping centre.¹²³ 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.

¹²³ Abrahamsen, R. and Williams, M. (2017) Golden assemblages: security and development in Tanzania's gold mines. In: Higate, P. and Utas, M. (eds) *Private security in Africa: from the global assemblage to the everyday*. Uppsala, Zed Books Ltd.

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. Lar¹²⁴ 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.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.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, Hills¹²⁷ 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

¹²⁴ Lar (2018), *Ibid.*

¹²⁵ Cf. The Legal and Human Rights Centre (LHRC) (2000-2019) *Tanzania Human Rights Reports*.

¹²⁶ Cf. Fleisher (2000), *Ibid.*

¹²⁷ Hills, A. (2012) Policing a plurality of worlds: the Nigeria police in metropolitan Kano. *African Affairs*, 111(442), pp. 46–66.

Kano is relatively stable and has ‘diverse definitions and actors influencing the provision of security and justice’.¹²⁸ 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 others¹²⁹ 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.¹³⁰ 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.¹³¹

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 Onwudiwe¹³² 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.¹³³ 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

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.

¹³² Wisler, D. and Onwudiwe, I.D. (2008) Community policing in comparison. *Police Quarterly*, 11(4), pp. 427-446.

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’.¹³⁴ 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.¹³⁵ 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.’¹³⁶ 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 others¹³⁷ use the analytic model of hybridity to examine the realities and the prospects of governing security in Africa.¹³⁸ 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.¹³⁹ 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.¹⁴⁰

¹³⁴ *Ibid.* p. 442.

¹³⁵ *Ibid.* pp. 442 and 443.

¹³⁶ *Ibid.* p. 442.

¹³⁷ Bagayoko, N. *et al.* (2016) Hybrid security governance in Africa: rethinking the foundations of security, justice and legitimate public authority. *Conflict, Security & Development*, 16(1), pp. 1-32.

¹³⁸ See, Bagayoko (2012), *Ibid.*

¹³⁹ Bagayoko, *et al.* (2016), *Ibid.* p. 2.

¹⁴⁰ *Ibid.*

As against Lar,¹⁴¹ Marks and others,¹⁴² and Wisler and Onwudiwe's findings,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'.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'.¹⁴⁵ In this respect, Diphoom and Kyed¹⁴⁶ 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

¹⁴¹ Lar (2018), *Ibid.*

¹⁴² Marks (2011), *Ibid.*

¹⁴³ Wisler and Onwudiwe (2008), *Ibid.*

¹⁴⁴ Kyed, H.M. and Albrecht, P. (2015) Introduction: policing and the politics of order-making on the urban margins. In: Kyed and Albrecht (eds.), *Ibid.* pp. 15 and 16.

¹⁴⁵ *Ibid.*

¹⁴⁶ Diphoom, T. and Kyed, H.M. (2016) Entanglements of private security and community policing in South Africa and Swaziland. *African Affairs*, 115(461), pp. 710-732.

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.'¹⁴⁷ 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.'¹⁴⁸

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)¹⁴⁹ 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, Baker¹⁵⁰ draws from historical and contemporary differences between state and non-state

¹⁴⁷ *Ibid.* p. 711.

¹⁴⁸ *Ibid.*

¹⁴⁹ Caner, G. and Bölen, F. (2013) Implications of socio-spatial segregation in urban theories. *PLANLAMA*, 23(3), p. 154.

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

¹⁵¹ See also, Baker (2004), *Ibid.* pp. 165-188; Baker, B. (2004) Multi-choice policing in Africa: is the continent following the South African pattern? *Society in Transition*, 35(2), pp. 204-223; and Baker, B. (2013) Hybridity in policing: the case of Ethiopia. *Journal of Legal Pluralism and Unofficial Law*, 45(3), pp. 296-313.

¹⁵² Baker (2008), *Ibid.* p. 5.

¹⁵³ *Ibid.* p. 9.

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,¹⁵⁴ the role of community-led security groups in combating crimes and injustice,¹⁵⁵ governance of security in poor urban neighbourhoods,¹⁵⁶ the assembly of security actors in mining sites¹⁵⁷ and benefits and costs derived from hybrid policing.¹⁵⁸ The contribution of non-state actors to security has received mixed reviews among scholars in Tanzania. Some scholars like Shivji¹⁵⁹ 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.¹⁶⁰ He claims that the state's resort to and backing of extra-legal coercion explains the lack of the rights-consciousness at

¹⁵⁴ Shivji (1990), *Ibid.*

¹⁵⁵ Killian, B. and Pastory, P. (2018) In search of security without guns: the role of grassroots institutions in addressing conflicts and injustice in Tanzania from a gender perspective. *African Review*, 45(1), pp. 1-27. Cf. Brennan (2006), *Ibid.*

¹⁵⁶ Walwa (2017), *Ibid.*

¹⁵⁷ Abrahamsen and Williams (2017), *Ibid.*

¹⁵⁸ Cross (2013), *Ibid.* Other studies are more difficult to categorise given the broad range of topics they cover, e.g. Maina (1997), *Ibid.*; Kijo-Bisimba, H. and Maina, C.P. (2005) *Justice and rule of law in Tanzania: selected judgements and writings of Justice James L. Mwalusanya and commentaries*. Dar es Salaam, LHRC.

¹⁵⁹ Shivji (1990), *Ibid.* pp. 13-18.

¹⁶⁰ *Ibid.* p. 14.

various levels of governance. Like Baker,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.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 Williams¹⁶³ 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 Williams¹⁶⁴ 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.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

¹⁶¹ Cf. Baker (2008), *Ibid.* p. 9.

¹⁶² See, Shivji, I.G. (1994) The changing state: from an extra-legal to an intra-legal state in Tanzania. In: Mtaki, C.K. and Okema, M. (eds.) *Constitutional reforms and democratic governance in Tanzania*. Friedrich Naumann Foundation: Faculty of Law, University of Dar es Salaam, pp. 79-94.

¹⁶³ Abrahamsen and Williams (2017), *Ibid.*

¹⁶⁴ *Ibid.*

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,¹⁶⁶ for example, recognises the diversity of actors involved in policing the domestic space.¹⁶⁷ 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

¹⁶⁶ Cross (2013), *Ibid.*

¹⁶⁷ See also Cross, C. (2014) Community policing and the politics of local development in Tanzania. *Journal of Modern African Studies*, 52(4), pp. 517-540; Cross, C. (2016) Ulinzi shirikishi: popular experiences of hybrid security governance in Tanzania. *Development and Change*, 47(5), pp. 1102–1124.

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,¹⁶⁸ 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,¹⁶⁹ 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

¹⁶⁸ Lar (2018), *Ibid.* (discussed above).

¹⁶⁹ Walwa (2017), *Ibid.* pp. 105 and 106.

offenders like *sungusungu*.¹⁷⁰ 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, Walwa¹⁷¹ 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.¹⁷² 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.¹⁷³ 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,¹⁷⁴ Killian and Pastory¹⁷⁵ 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

¹⁷⁰ *Ibid.*

¹⁷¹ *Ibid.* pp. 99-137.

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,¹⁷⁶ in that, some CPGs are embedded in power hierarchies and social biases about certain community members. Like Walwa,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, Brennan¹⁷⁸ 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.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.

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

¹⁷⁶ Bagayoko, et al. (2016), *Ibid.*

¹⁷⁷ Walwa (2017), *Ibid.*

¹⁷⁸ Brennan (2006), *Ibid.*

¹⁷⁹ *Ibid.* pp. 233-4 and 245.

their own.¹⁸⁰ 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.¹⁸¹

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 tensions¹⁸² as opposed to

¹⁸⁰ Marks (2011), *Ibid*, p. 66.

¹⁸¹ Baker (2008), *Ibid*. p. 200.

¹⁸² Marks (2011), *Ibid*; Diphorn and Kyed (2016), *Ibid*; Baker (2008), *Ibid*; and Hills (2012), *Ibid*.

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.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,¹⁸⁴ an assemblage of security actors in gold mines,¹⁸⁵ the legal implication of institutional hybridity¹⁸⁶ and benefits and costs derived from community policing.¹⁸⁷ While some studies tend to look at the policing group in isolation,¹⁸⁸ others are difficult to categorise given the broad range of topics they cover.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.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,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

¹⁸³ Wisler and Onwudiwe (2008), *Ibid.*

¹⁸⁴ Walwa (2017), *Ibid.*

¹⁸⁵ Abrahamsen and Williams (2017), *Ibid.*

¹⁸⁶ Shivji (1990), *Ibid.*

¹⁸⁷ Cross (2016), *Ibid.*

¹⁸⁸ Bukurura (1996), *Ibid.*; Abrahams (1987), *Ibid.*; Fleisher (2000), *Ibid.*; and Mkutu (ed.) (2017), *Ibid.*

¹⁸⁹ Maina (1997), *Ibid.*; Kijo-Bisimba and Maina (2005), *Ibid.*

¹⁹⁰ See, Shivji (1990), *Ibid.*; and Cross (2013), *Ibid.*

¹⁹¹ Hills (2012), *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 status¹⁹² 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

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.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.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 chiefdom, 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.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.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.¹⁹⁸ Community leaders

¹⁹⁴ Igbinovia (1981), *Ibid.* p. 125.

¹⁹⁵ *Ibid.*

¹⁹⁶ Kimambo, I.N. & Temu, A.J. (eds.) (1969) *A history of Tanzania*. Nairobi, East African Publishing House, p. 1; and Torrance, S. (2006) Indigenous origins of institutions in Sub-Saharan Africa. CREDIT Research Paper, No. 13/06 [online]. School of Economics, University of Nottingham. [Accessed on 12 February 2017]. Available from: <<http://www.nottingham.ac.uk/credit/documents/papers/crp-13-06.pdf>>, p. 3.

¹⁹⁷ Kimambo and Temu (1969), *Ibid.* p. 16.

¹⁹⁸ Roberts, A. (ed.) (1968) *Tanzania before 1900*. Nairobi, East African Publishing House, pp. 25 and 26; Iliffe, J. (1995) *Africans: the history of a continent*. Cambridge, Cambridge University Press, pp. 106-108; Iliffe, J. (1979) *A modern history of Tanganyika*. Cambridge, Cambridge University Press, pp. 8, 18-20, 36-39; Kimambo and Temu (1969), *Ibid.* p. 58; Uzoigwe, G.N. (1977) The warrior and the state in precolonial Africa. *Journal of Asian and African studies*, 12(1), p. 24; Maghimbi, S. (1994) Pre-capitalist modes of production in Tanzania: reference to modes of production in the old Ugweno state of North-eastern Tanzania. University of Dar es Salaam, *UTAFITI (New Series)*, 1(1), pp. 23-33; and Itandala, B. (1986) Feudalism in East Africa. *UTAFITI (New Series)*, University of Dar es Salaam,

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.

¹⁹⁹ Kimambo and Temu (1969), *Ibid.* p. 30; Roberts (1968), *Ibid.* pp. 4, 5, 44, 45, 49 and 73; and Igbinovia (1981), *Ibid.* p. 125.

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.*

²⁰⁵ Iliffe, J. (1969) *Tanganyika under German rule 1905-1912*. Cambridge, Cambridge University Press, p. 13.

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*).²⁰⁶ *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).²⁰⁷ 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.²⁰⁸ 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.²⁰⁹ 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.²¹⁰ 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.²¹¹ In North-western Tanganyika, among the *Ha* and *Haya* people, security arrangements took the form of *Clientship* like in the Ancient Rome whereby an

²⁰⁶ Burton, A. (2005) *African underclass: urbanisation, crime & colonial order in Dar es Salaam*. Oxford, Oxford University Press, p. 44.

²⁰⁷ Pizzo, D. (2007) “*To devour the land of Mkwawa*”: colonial violence and the German-Hehe war in East Africa, c. 1884-1914. PhD Thesis, University of North Carolina at Chapel Hill, pp. 53-56.

²⁰⁸ *Ibid.* pp. 58-61.

²⁰⁹ Ndembwike, J. (2009) *Tanzania: profile of a nation*. Dar es Salaam, New Africa Press, pp. 36-37.

²¹⁰ Roberts (1968), *Ibid.* pp. 68-72, 88, 104, 107 and 108; Iliffe (1969), *Ibid.* pp. 16-17; and Iliffe (1979), *Ibid.* p. 52.

²¹¹ *Ibid.*

individual or free client acknowledged his dependence on, and could attain security under a wealthy person/patron or body politic.²¹² Hence, armed bands emerged among the *Ha, Hehe, Bena, Sangu, Fipa, Nyamwezi* and *Zinza* tribes in the 19th century because of trade and immigration.²¹³ 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 Torrance²¹⁴ 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.²¹⁵ 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.²¹⁶ 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.²¹⁷ This breakdown of law and

²¹² Kimambo and Temu (1969), *Ibid.* pp. 20 and 21.

²¹³ *Ibid.* pp. 68-77, 80 and 81.

²¹⁴ Torrance (2006), *Ibid.* p. 3.

²¹⁵ Roberts (1968), *Ibid.* p. 89.

²¹⁶ See, Kimambo and Temu (1969), *Ibid.*; Roberts (1968), *Ibid.*; Iliffe (1979), *Ibid.*; and Itandala (1986), *Ibid.*

²¹⁷ Roberts (1968), *Ibid.* p. 30.

order came to be known as ‘*kibonda*’.²¹⁸ In response, Chief *Mranga* formed security units by transforming clan initiation rites into an elaborate clan institution with coercive powers.²¹⁹ 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.²²⁰ 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.²²¹ 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 raiders²²² while Chief *Mkwawa* built a stone wall and fort (*lipuli*) at *Kalenga* in *Uhehe* chiefdom.²²³

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.²²⁴ 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,²²⁵ 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.²²⁶ Because of political necessity, Chief *Semboja* and Chief *Shimbo*, for example, formed the *Teita warriors* supported by tributes called ‘*mbiru*’²²⁷ while Chief *Mirambo* created a small group of warriors to gain control of the Chiefdoms surrounding his *Uyowa* Chiefdom.²²⁸ The chiefs and traders

²¹⁸ *Ibid.* p. 31.

²¹⁹ Kimambo and Temu (1969), *Ibid.* p. 28 and Roberts (1968), *Ibid.* p. 19.

²²⁰ Roberts (1968), *Ibid.* pp. 42-44.

²²¹ Kimambo and Temu (1969), *Ibid.* p. 64 and Roberts (1968), *Ibid.* pp. 90 and 91.

²²² Iliffe (1969), *Ibid.* p. 15 and Roberts (1968), *Ibid.* pp. 62, 72, 73 and 84.

²²³ Roberts (1968), *Ibid.* pp. 49 and 50.

²²⁴ Kimambo and Temu (1969), *Ibid.* p. 59.

²²⁵ *Ibid.*

²²⁶ The community sold criminals and troublemakers as slaves. See, Kimambo and Temu (1969), *Ibid.* p. 59. Cf. Maddox, G.H. & Giblin, J.L. (eds.) (2005) *In search of a nation: histories of authority and dissidence in Tanzania*, Oxford, James Currey Ltd., p. 14.

²²⁷ Roberts (1968), *Ibid.* pp. 11 and 22.

²²⁸ Kimambo and Temu (1969), *Ibid.* p. 75 and Roberts (1968), *Ibid.* pp. 134 and 135.

used the acquired wealth to buy weapons, support the army and maintain law and order. Contrary to Stapleton's²²⁹ claim that precolonial societies did not maintain professional full-time and paid law enforcers, Roberts²³⁰ 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.²³¹ Like Roberts, Iliffe²³² 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.²³³ 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.²³⁴ In *Fipa* Chiefdom, the chief placed strategic border villages under the control of military governors known as "*alaasi*", responsible for frontier security.²³⁵ 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.²³⁶ It is also recorded that *Kimweri ye Nyumbai* in the *Shambaa* Chiefdom maintained great internal order and peace using his subordinates.²³⁷ The use of subordinates to maintain law and order, however, did

²²⁹ Stapleton, T. (2015) Police and policing [online]. Oxford Bibliographies. [Accessed on 15 February 2017]. Available from: <<http://www.oxfordbibliographies.com/view/document/obo-9780199846733/obo-9780199846733-0024.xml>>

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.

²³⁷ Roberts (1968), *Ibid.* p. 9. Cf. Iliffe (1979), *Ibid.* p. 24.

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.²³⁸ To regain political independence, *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.²³⁹ *Msiri*, a *Nyamwezi* trader, used private mercenaries to establish the *Ukimbu* chiefdom in the 1860s²⁴⁰ while *Kuti*, a *Galla* trader, established himself by force and created the *Ipito* Chiefdom.²⁴¹ Among the *Luguru* people, *Kisabengo* (a *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 *Uluguru* in the 1850s.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.²⁴³ *Kimalaunga*, for example, had armed retainers who terrorised defenceless villages near Lake Rukwa²⁴⁴ while *Nyungu-ya-Mawe* of *Unyamwezi* built a private army²⁴⁵ known as ‘*ruga ruga*’ or ‘*valuga-luga*’²⁴⁶ modelled on Chief *Mirambo*’s army.²⁴⁷ Lieutenants (*mutwale/vatwale*) commanded the *ruga ruga* and responsible for self-protection, attacking and plundering trade caravans.²⁴⁸

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

²³⁸ Roberts (1968), *Ibid.* pp. 30, 31 and 75.

²³⁹ Kimambo and Temu (1969), *Ibid.* p. 63.

²⁴⁰ Iliffe (1995), *Ibid.* p. 182.

²⁴¹ Roberts (1968), *Ibid.* p. 106.

²⁴² Kimambo and Temu (1969), *Ibid.* p. 63.

²⁴³ Roberts (1968), *Ibid.* pp. 91-93.

²⁴⁴ Maddox & Giblin (2005), *Ibid.* p. 157 and Roberts (1968), *Ibid.* pp. 77 and 91-93.

²⁴⁵ Kimambo and Temu (1969), *Ibid.* pp. 74-76; and Roberts (1968), *Ibid.* p. 109.

²⁴⁶ Meaning - young, unmarried, professional soldiers.

²⁴⁷ Cf. Reid, R. (2010) Arms and adolescence: male, youth, warfare, and statehood in nineteenth-century Eastern Africa. In: Burton, A. and Charton-Bigot, H. (eds.) *Generations past: youth in East African history*. Ohio, Ohio University Press, pp. 26 and 36.

²⁴⁸ Kimambo and Temu (1969), *Ibid.* pp. 74-76; and Roberts (1968), *Ibid.* p. 109.

²⁴⁹ Iliffe (1995), *Ibid.* p. 20, and Kimambo and Temu (1969), *Ibid.* p. 61.

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)²⁵⁰ or to depose incumbent chiefs and assume office (e.g. *Nyungu-ya-Mawe* attacked and defeated *Kiwele*,²⁵¹ *Ipito* and *Nkokolo* Chiefdoms).²⁵² Some deposed chiefs (e.g. *Mnwa Sele* in *Unyamwezi*) assembled groups of gunmen and continued to attack their deponers and trade caravans²⁵³ while others resorted to supernatural powers as a political necessity to form security groups and establish chiefdoms.²⁵⁴ Villagers considered witchcraft as a serious crime and security threat, thus they excommunicated, banished or killed witches and sorcerers.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.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.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.²⁵⁸ Another example is the *mshitu* ritual functionaries among the *Shambaa* (*sambaa*) people of North-eastern Tanzania.²⁵⁹

Precolonial chiefdoms controlled trade, maintained tribal armies and demanded tributes and military volunteers from each homestead in exchange for protection.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.²⁶¹ These new security

²⁵⁰ Roberts (1968), *Ibid.* pp. 133 and 134.

²⁵¹ Central *Ukumbu*.

²⁵² Roberts (1968), *Ibid.* pp. 109 and 110.

²⁵³ Roberts (1968), *Ibid.* p. 132.

²⁵⁴ In 1928, the colonial government enacted the *Witchcraft Ordinance*, the law that is still in force to date.

²⁵⁵ Iliffe (1979), *Ibid.* pp. 11 and 12.

²⁵⁶ Kimambo and Temu (1969), *Ibid.* p. 65.

²⁵⁷ *Ibid.*

²⁵⁸ *Ibid.*

²⁵⁹ Maddox & Giblin (2005), *Ibid.* p. 14 and Iliffe (1995), *Ibid.* p. 182.

²⁶⁰ See, Kimambo and Temu (1969), *Ibid.*; Roberts (1968), *Ibid.*; Iliffe (1979), *Ibid.*; and Itandala (1986), *Ibid.*

²⁶¹ Iliffe (1979), *Ibid.* p. 48.

arrangements were politically motivated and mainly affected areas invaded by Ngoni people and along trade routes controlled by Arab settlers.²⁶² 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.²⁶³ 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 (detrribalised 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 Ortiz²⁶⁸ 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 colony²⁷⁰ and to establish the first public force (*Schutztruppe* or *Wissmanntrup*) in 1891.²⁷¹ As both political and security strategy, the German soldiers (*askaris*) were

²⁶⁴ See, Von Herff, M. (1991) "They walk through the fire like the blondest German": African soldiers serving the Kaiser in German East Africa (1888-1914). M.A. Thesis, McGill University.

²⁶⁵ Van Der Spuy, E. and Röntsch, R. (2008) *Police and crime prevention in Africa: a brief appraisal of structures, policies and practices*. [Accessed on 07 March 2018]. Available from: <http://www.crime-prevention-intl.org/fileadmin/user_upload/publications/police_and_crime_prevention_in_africa_ang.pdf>. p. 58.

²⁶⁶ Pizzo (2007), *Ibid.* pp. 45-48; Kimambo and Temu (1969), *Ibid.* pp. 98-102 and Iliffe (1979), *Ibid.* pp. 89-92.

²⁶⁷ Maddox & Giblin (2005), *Ibid.* p. 87; and Ortiz, C. (2007) Overseas trade in early modernity and the emergence of embryonic private military companies. In: Jäger, T. and Kümmel, G. (eds) (*Private military and security companies: chances, problems, pitfalls and prospects*. Wiesbaden, VS Verlag für Sozialwissenschaften, pp.12-15.

²⁶⁸ Ortiz, J.C. (2010) *Private armed forces and global security: a guide to the issues*. California, Praeger, p. 10.

²⁶⁹ Kimambo and Temu (1969), *Ibid.* p. 98, and Maddox & Giblin (2005), *Ibid.* p. 87; and Kramer, D. (2007) *Does history repeat itself? A comparative analysis of private military entities*. In: Jäger and Kümmel (eds.), *Ibid.* p. 23.

²⁷⁰ CHRI (2006) *The Police, the People, the Politics: Police Accountability in Tanzania* [online]. London, CHRI, [Viewed 10 February 2017]. Available from: <http://www.humanrightsinitiative.org/publications/police/tanzania_country_report_2006.pdf>, p. 2 and Iliffe (1969), *Ibid.* p. 28.

²⁷¹ *Kaiserliche Schutztruppe für Deutsch-Ostafrika* (Imperial Protectorate Force for German East Africa). See, Moyd, M. (2011) Making the household, making the state: colonial military communities and labour in German East. *International Labour and Working-Class History*, 80, pp. 53 and 54, and Von Herff (1991), *Ibid.*

mostly Sudanese, Egyptians (Nubians), Turks, Somalis and Zulu.²⁷² Germany recruited a few local people who joined the public force from the ‘martial tribes’ (Nyamwezi, Hehe and Yao).²⁷³ 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*).²⁷⁴ The regime tasked the existing network of traditional structures with policing the local people in respective villages and districts.²⁷⁵

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.²⁷⁶ For easy control of security along political interests, the Germans negotiated with the Sultan and Omani aristocrats who became officers of the colonial government.²⁷⁷ The Arabs provided each major coastal town with a *liwali* and the hinterland with subordinate administrators (*akidas*).²⁷⁸ 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.²⁷⁹ The *akidas* administered local urban population assisted by *jumbes* or *jumbenschaft* (village headmen) in townships.²⁸⁰ Other sources claim that there was a police force (*polizeitruppe* and *landespolizei*) established on 1st March 1892.²⁸¹ Von Herff

²⁷² Kimambo and Temu (1969), *Ibid.* pp. 97 and 106, and Roberts (1968), *Ibid.* p. 78, and Iliffe (1995), *Ibid.* p. 193.

²⁷³ Ethnic groups believed to produce reliable, efficient, and fearsome soldiers.

²⁷⁴ Deutsch, J. (2006) *Emancipation Without Abolition in German East Africa, C.1884-1914*. Mkuki na Nyota, Dar es Salaam, pp. 99-101. Cf. Kimambo and Temu (1969), *Ibid.* p. 103, Von Herff (1991), *Ibid.* and Moyd (2011), *Ibid.*

²⁷⁵ Elrena van der Spuy & Ricky Röntsch (2008), *Ibid.* p. 58.

²⁷⁶ CHRI (2006), *Ibid.* p. 2, Kapinga, W.B.L. (1990) The police force and human rights in Tanzania. *Third World Legal Studies*, 9(2), p. 42; and Morlang, T. (2014) Schutztruppe (East Africa, Southwest Africa and Cameroon) [online]. [Accessed on 12 November 2016]. Available from: <http://encyclopedia.1914-1918-online.net/pdf/1914-1918-Online-schutztruppe_east_africa_southwest_africa_cameroon-2014-10-08.pdf>.

²⁷⁷ Iliffe (1969), *Ibid.* 13.

²⁷⁸ Kimambo and Temu (1969), *Ibid.* pp. 103 and 104.

²⁷⁹ Roberts (1968), *Ibid.* pp. 32 and 35 and CHRI (2006), *Ibid.* p. 2.

²⁸⁰ Burton (2005), *Ibid.* p. 45; Maddox & Giblin (2005), *Ibid.* p. 88; Roberts (1968), *Ibid.* p. 54 and Iliffe (1969), *Ibid.* p. 153.

²⁸¹ Dale, C. (2015) German colonial uniforms (II German East Africa) [online]. [Accessed on 28 April 2017]. Available from: <<http://www.germancolonialuniforms.co.uk/>>.

suggests,²⁸² “...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.²⁸³ During a famine period whereby criminal groups stole livestock and grain, the colonial government responded by sending a force of police to restore order.²⁸⁴

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.²⁸⁵ The regime defined residential zones for Europeans, Asians and Africans.²⁸⁶ 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 *niegerviertel* - native village or bazaar).²⁸⁷ 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,²⁸⁸ the existing network of district and village authorities (*akida*, *jumbe* and *liwali*) policed the indigenous population.²⁸⁹

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.²⁹⁰

²⁸² Von Herff (1991), *Ibid.* p. 44.

²⁸³ Kimambo and Temu (1969), *Ibid.* p. 106.

²⁸⁴ Maddox & Giblin (2005), *Ibid.* p. 98.

²⁸⁵ Scher, D. (2010) Restoring police service with a community vision: Tanzania, 2006-2009 [online]. [Accessed on 16 November 2018]. Available from: <https://successfulsocieties.princeton.edu/sites/successfulsocieties/files/Policy_Note_ID123.pdf>, and CHRI (2014) *A force for good? Improving the police in Kenya, Tanzania and Uganda*. London, CHRI, p. 36.

²⁸⁶ Burton (2005), *Ibid.* p. 45; Brennan (2006), *Ibid.* p. 223; and Burton, A. (2004) Jamii ya wahalifu: the growth of crime in a colonial African urban centre: Dar es Salaam, Tanganyika, 1919-1961. *Crime, History & Societies*, 8(2), pp. 4 and 5.

²⁸⁷ Kironde, L. (1994) *The evolution of the land use structure of Dar es Salaam 1890-1990: a study in the effects of land policy*. Vol. 1. PhD Thesis, Political Science, the University of Nairobi, pp. 125-130, 135 and 142.

²⁸⁸ CHRI (2006), *Ibid.* p. 2. Cf. Ortiz, C. (2007), *Ibid.* p. 10.

²⁸⁹ Van der Spuy & Röntsch (2008), *Ibid.* p. 58.

²⁹⁰ Dale (2015), *Ibid.*

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.²⁹¹ 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.²⁹²

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,"²⁹³ thus giving birth to the earliest forms of anti-colonial movements in Tanzania.²⁹⁴ *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*.²⁹⁵ The *Maji Maji* rebellion (1905-1907)²⁹⁶ also evidenced the existence of opposition by non-state actors and the failure of the Germans to control violence in the colony.²⁹⁷ 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.²⁹⁸ 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.

²⁹¹ Roberts (1968), *Ibid.* pp. 77 and 78.

²⁹² Kimambo and Temu (1969), *Ibid.* p. 112.

²⁹³ Cross (2013), *Ibid.* p. 42.

²⁹⁴ Perpetual wars of resistance between 1884 and 1907. See, Kimambo and Temu (1969), *Ibid*; Roberts (1968), *Ibid*; Iliffe (1979), *Ibid*; and Itandala (1986), *Ibid*.

²⁹⁵ *Ibid*.

²⁹⁶ *Maji Maji* was a war against the Germans involving twenty different ethnic groups in Southern Tanzania.

²⁹⁷ Kimambo and Temu (1969), *Ibid.* pp. 115 and 116. Cf. Shaidi, L.P. (1985) *Explaining crime and social control in Tanzania Mainland: a historical socio-economic perspective*. PhD Thesis, University of Dar es Salaam, p. 121.

²⁹⁸ Burton (2005), *Ibid.* pp. 136-142.

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.

²⁹⁹ Legum & Mmari (1995), p. 170; Burton (2004), *Ibid.* p. 3.

³⁰⁰ Neal, S. (1981) *A colonial dilemma: British policy and the colonial economy of Tanganyika 1918-1938*, Master's Dissertation, Australian National University, p. 13.

³⁰¹ Burton, A. (2003) Brothers by day?: colonial policing in Dar es Salaam under British rule, 1919–61. *Urban History*, 30(1), p. 67; Kapinga (1990), *Ibid.* p. 42, and CHRI (2006), *Ibid.* pp. 2 and 3.

³⁰² *Ibid.*

³⁰³ G.N. 21-2583, Vol.1 (25/8/1919). See also, CHRI (2006), *Ibid.* p. 3. *Cf.* Regulations for Peace and Good Order, G.N. 6/1920, revised in 1923. The British also retained the German laws that were in place by 1914.

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.

³⁰⁷ Burton (2005), *Ibid.* pp. 63-64, 71; Burton (2003), *Ibid.* p. 74; and Maddox & Giblin (2005), *Ibid.* pp. 70-71.

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 *gendarmarie* system (Continental Europe/French model).³⁰⁸ Initially, the British used the French model to build the Royal Irish Constabulary (RIC) in 1836³⁰⁹ 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.³¹⁰

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.³¹¹ Further, the London model was democratic and civilian aimed at preventing and detecting crimes and keeping law and order.³¹² The British created the police force out of military and para-military units (*askari*) inherited from the Germany period.³¹³ 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.³¹⁴ Like the Germans, the British recruited local police officers from the local ethnic groups known as martial race³¹⁵ and other British colonies.³¹⁶ Further, to ensure political control of security in the colony, the principle that governed policing in the territory was “*policing strangers by strangers*”,³¹⁷ thus creating mistrust, disunity, and animosity between the police and native population.³¹⁸

³⁰⁸ Deflem (1994), *Ibid.* pp. 58-59 and 62 and Owen (2016), *Ibid.* p. 304.

³⁰⁹ Lowe, W.J. & Malcolm, E.L. (1992) The domestication of the royal Irish constabulary, 1836–1922. *Irish Economic and Social History*, 19, p. 27.

³¹⁰ Marenin (1982), *Ibid.* p. 387.

³¹¹ Emsley, C. (1999) A typology of nineteenth-century police. *Crime, History and Societies*, (3)1, p. 30.

³¹² Deflem (1994), *Ibid.* p. 59.

³¹³ CHRI (2006), *Ibid.* pp. 2 and 3 and Burton (2003), *Ibid.* p. 68.

³¹⁴ Burton (2005), *Ibid.* p. 64, Kapinga (1990), *Ibid.* p. 44, and Burton (2003), *Ibid.* pp. 68-69.

³¹⁵ Sukuma, Yao, Hehe, Kurya, Nyamwezi, 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.

³¹⁶ Burton (2003), *Ibid.* pp. 69-71 and 88, and Owen (2016), *Ibid.* pp. 307-308.

³¹⁷ Burton (2005), *Ibid.* p. 55.

³¹⁸ *Ibid.* p. 83.

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.³¹⁹ In particular, the European population and investments enjoyed special treatments under the colonial policing system because of exclusionary (racial) zoning and rural-urban divides.³²⁰ The Europeans had separate residential areas from Asians and Africans with full-time police protection.³²¹ Killingray³²² 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.³²³ 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.’³²⁴ 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.’³²⁵ 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*’).³²⁶ Asians (Indians and Arabs) and few Europeans occupied Zone II (‘*Uhindini*’) for commerce and trade, residential and

³¹⁹ CHRI (2006), *Ibid.* p. 12; Brennan (2006), *Ibid.* p. 229; and Burton (2003), *Ibid.* pp. 64-65, 73-74 and 79-81.

³²⁰ Burton (2003), *Ibid.* p. 66.

³²¹ Burton (2004), *Ibid.* p. 13 and Burton (2003), *Ibid.* p. 65, 72-74, 77 and 80.

³²² Killingray, D. (1986) The maintenance of law and order in British colonial Africa. *African Affairs*, 85(340), p. 414.

³²³ Cross (2013), *Ibid.* p. 39, and CHRI (2006), *Ibid.* p. 3. Cf. Schuberth (2018), *Ibid.* p. 391.

³²⁴ Tanganyika police force annual report (1959), p. 3, cited in Cross (2013), *Ibid.* p. 41.

³²⁵ Mamdani, M. (1996) *Citizen and subject: contemporary Africa and the legacy of late colonialism*. Princeton University Press, p. 18.

³²⁶ Kironde (1994), *Ibid.* pp. 186-193.

manufacturing while Zone III ('*Uswahilini*') was reserved for the native squatters and townships.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.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.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,³³⁰ thus vulnerable to crimes.³³¹ Therefore, Zone I³³² was relatively better policed while Zones II and III had an insignificant police presence,³³³ creating a hostile relationship and mistrust between the local people and the police.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.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.³³⁶ The British also established the Auxiliary Police to serve special production areas (mines, power plants and factories)

³²⁷ Smiley, S.L. (2009) The city of three colours: segregation in colonial Dar es Salaam, 1891-1961. *Historical Geography*, 37, p. 180. Cf. CHRI (2006), *Ibid.* p. 24.

³²⁸ Cf. Smiley (2009), *Ibid.* p. 178

³²⁹ Burton (2003), *Ibid.* p. 65.

³³⁰ Bulamile, L.B. (2009) *Homeowners' architectural responses to crime in Dar es Salaam: its impacts and implications to urban architecture, urban design and urban management*. PhD Thesis, Stockholm, Royal Institute of Technology (KTH), p. 26.

³³¹ Burton (2003), *Ibid.* pp. 64, 82 and 90, and Burton (2004), *Ibid.* pp. 1 and 6-21.

³³² Seaview, Posta, Masaki and Oysterbay.

³³³ Burton (2004), *Ibid.* pp. 10 and 13.

³³⁴ Owen (2016), *Ibid.* p. 307.

³³⁵ E.g. Williamson Diamond (Mwadui Gold Mine) in Shinyanga. See, Shadrack (2011), *Ibid.* Cf. Opolot, J.S.E. (2008) *Police administration in Africa: toward theory and practice in the English-Speaking countries*. University Press of America, pp. 109-112, 140; and Deflem, M. (1994) Law enforcement in British colonial Africa: a comparative analysis of imperial policing in Nyasaland, the Gold Coast, and Kenya. *Police Studies*, 17(1), pp. 46-47.

³³⁶ Killingray (1986), *Ibid.* pp. 431-2.

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.³³⁷ Like the state police, these private security units mainly protected European (private) properties and enforced racial segregation laws. Deflem claims,³³⁸ “...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.³³⁹ 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.³⁴⁰ 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 police³⁴¹ who responded to crime, collected tax and enforced the judgements of native courts.³⁴² 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.³⁴³ 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.³⁴⁴ The relative absence of police in the native settlements

³³⁷ Burton (2003), *Ibid.* p. 79, and Killingray (1986), *Ibid.* p. 432. Cf. Stapleton, T. (2011) *African police and soldiers in colonial Zimbabwe, 1923-80*. Rochester, New York, University of Rochester Press.

³³⁸ Deflem (1994), *Ibid.* p. 58.

³³⁹ Maddox & Giblin (2005), *Ibid.* p. 72.

³⁴⁰ Brennan (2006), *Ibid.* pp. 223-225.

³⁴¹ The Native Authority Ordinance (1926) and African Chiefs Ordinance (1953).

³⁴² Cross (2013), *Ibid.* p. 39.

³⁴³ Abrahams (1987), *Ibid.* p. 192, and Abrahams (1989), *Ibid.* p. 360.

³⁴⁴ Burton (2003), *Ibid.* p. 81.

encouraged various groups to develop identifiable solutions to crimes³⁴⁵ and social inequality.³⁴⁶

The chiefly policing created hostile relations between the native population and chiefs (regarded as *white men's dogs*).³⁴⁷ Since politics drove security, hereditary chiefs and other local 'delegates' were mere puppets and unaccountable to the indigenous population, thus offered little assistance in maintaining law and order.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.³⁴⁹ The British also failed to identify Africans who had enough legitimacy and willing to carry out unpopular imperial orders.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.³⁵¹ This was partly due to unemployment and lack of a voice in both colonial and native institutions (elders' council and chiefly authority).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.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.³⁵⁴

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

³⁴⁵ Agbibo, D.E. (2014) 'White men's dog's': colonial policing and the enforcement of law and order in British colonial Africa [online]. [Accessed on 22 March 2017]. Available from: <https://www.researchgate.net/publication/270051331_white_men's_dog's_colonial_policing_and_the_enforcement_of_law_and_order_in_british_colonial_africa>, p. 5.

³⁴⁶ Maddox & Giblin (2005), *Ibid.* p. 139.

³⁴⁷ Killingray (1986), *Ibid.* pp. 412 and 416; and Agbibo (2014), *Ibid.* p. 5.

³⁴⁸ Maddox & Giblin (2005), *Ibid.* p. 70.

³⁴⁹ The Germans' direct rule replaced tribal chieftains, thus, when the British came in had to reinvent traditional authorities.

³⁵⁰ Burton (2005), *Ibid.* p. 63.

³⁵¹ Roberts (1968), *Ibid.* p. 29, Brennan (2006), *Ibid.* p. 222, and Burton (2005), *Ibid.* pp. 74 and 81.

³⁵² Burton (2003), *Ibid.* pp. 66 and 78.

³⁵³ Brennan (2006), *Ibid.* pp. 225-227.

³⁵⁴ *Ibid.* p. 228.

³⁵⁵ *Ibid.* p. 222.

coercive units in their struggles for political powers and self-governance.³⁵⁶ The Tanganyika African National Union (TANU) established the TANU Youth League (TYL) in 1956.³⁵⁷ The main tasks of the TYL were to enforce TANU discipline in public areas, frustrate other political groups and perform policing work.³⁵⁸ In Brennan's³⁵⁹ 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.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 1959.³⁶¹ 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.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.³⁶³ They also supported TANU's independence movement, forced some chiefs to abdicate and punished villagers who failed to attend political

³⁵⁶ *Ibid.*

³⁵⁷ *Ibid.* p. 228.

³⁵⁸ *Ibid.* p. 229.

³⁵⁹ *Ibid.* p. 230.

³⁶⁰ *Ibid.* pp. 229 and 231-232.

³⁶¹ Mbogoni (2013), *Ibid.* p. 191, and Burgess (2003), *Ibid.* pp. 5-11.

³⁶² Abrahams (1989), *Ibid.* p. 360.

³⁶³ Some vigilante groups emerged to police witchcraft and sorcery, for example, the *Mchapi* (*kamcape/kamchape*) movements in the 1930s. See, Abrahams (1987), *Ibid.* p. 187 and 193; Abrahams (1989), *Ibid.* pp. 360, 363 and 365; Agbibo (2014), *Ibid.* p. 6, and Willis, R.G. (1986) Kamcape: An anti-sorcery movement in South-West Tanzania. *Journal of the International African Institute*, 38(1), pp. 4 and 7; Brennan (2006), *Ibid.* pp. 228 and 236.

rallies and village assemblies.³⁶⁴ 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'.

3.5 Pathways to Weak Government Institutions

According to Neal,³⁶⁵ the colonial policies and institutions were by-products of an interaction between two separate but interdependent centres of colonial rule, *i.e.* the European capitals (metropolitans) and their African conquests (colonial states). In the project of state creation, the colonial regime destroyed the existing ethno-political communities and organisational structures and integrated them into the wider system of international capital.³⁶⁶ In Ezrow and Frantz words,³⁶⁷ the colonial rule "wreaked havoc on the process of state formation that was taking place in many developing countries and the process of nation-building or creating a national identity". For political motives, the colonial regimes forced communities, which once lived independently of each other, to live together in a political organisation known as a 'state'.³⁶⁸ It also politicised and integrated traditional institutions (*jadi*) into an 'alien' apparatus of administration and repression (indirect rule), thus change of power relations and authority.³⁶⁹

³⁶⁴ Abrahams (1989), *Ibid.* p. 360.

³⁶⁵ Neal (1981), *Ibid.* p. 11.

³⁶⁶ Cf. Mukhopadhyay, S.C. (1997) *Conceptualising post-colonial policing: an analysis and application of policing public order in India*. Doctoral Thesis, University of Leicester, p. 167.

³⁶⁷ Ezrow, N.M. & Frantz, E. (2013) *Failed states and institutional decay: understanding instability and poverty in the developing world*. Bloomsbury Publishing, p. 56.

³⁶⁸ Wa Mutua, M. (1995) The banjul charter and the African cultural fingerprint: an evaluation of the language of duties. *Virginia Journal of International Law*, 35, pp. 342-3.

³⁶⁹ Van Rouveroy van Nieuwaal, E.A.B. (1996) States and chiefs: are chiefs mere puppets. *Journal of Legal Pluralism and Unofficial Law*, 37 & 38, p. 42. Cf. Althusser, L. (1971) *Lenin and philosophy and other essays*. New York, Monthly Review Press, pp. 98 and 137.

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.³⁷⁰ The state institutions remained weak, inaccessible to the large part of the population and unable to provide basic security services to the people.³⁷¹ 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.³⁷² 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.³⁷³ After the war, the British introduced superficial reforms, not aimed at building strong institutions and personnel that would endure beyond colonial rule.³⁷⁴ 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.³⁷⁵ Local officers discriminated against the remaining non-native officials, which forced the government to replace them with black Africans.³⁷⁶ 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,³⁷⁷ “...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.³⁷⁸

³⁷⁰ Cf. Lahai, J.I. (ed.) *et al.* (2018) *Governance and political adaptation in fragile states*. Palgrave Macmillan, pp. 22-23.

³⁷¹ Osaghae (2007), *Ibid.* p. 693.

³⁷² Cf. Chanson, A. (2016) German East Africa: a territory and people in world war I. In: Barry, G. et al (eds.) *Small nations and colonial peripheries in world war I*. Boston, Brill, pp. 281-291.

³⁷³ *Ibid.*

³⁷⁴ Subrahmanyam, G. (2006) Ruling continuities: colonial rule, social forces and path dependence in British India and Africa. *Commonwealth & Comparative Politics*, 44(1), pp. 84-117.

³⁷⁵ CHRI (2006), *Ibid.*

³⁷⁶ The Africanisation campaign took its toll in 1964 and culminated into the army mutiny. See, Bienen, H. (1965) National security in Tanganyika after the mutiny. *Transition*, 2, p. 43.

³⁷⁷ Osaghae, E.E. (2007) Fragile states. *Development in Practice*, 17(4-5), p. 695.

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 Mtua³⁸¹ 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 violence³⁸⁵ 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)

³⁷⁹ Subrahmanyam (2006), *Ibid.* pp. 91-96.

³⁸⁰ Englebert, P. (2002) Patterns and theories of traditional resurgence in tropical Africa. *Mondes en Développement*, Vol. 30:118, p. 51, and Subrahmanyam (2006), *Ibid.*

³⁸¹ Wa Mutua (1995), *Ibid.* p. 343.

³⁸² Subrahmanyam (2006), *Ibid.* See also, the European Communities (2009) *Overcoming fragility in Africa: forging a new European approach*. San Domenico di Fiesole, Robert Schuman Centre for Advanced Studies, European University Institute, pp. 49-56.

³⁸³ Eck, K. (2018) The origins of policing institutions: legacies of colonial insurgency. *Journal of Peace Research*, 55(2), p. 148.

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

³⁸⁵ Bienen (1965), *Ibid.* p. 41.

³⁸⁶ Acemoglu, D. *et al.* (2001) The colonial origins of comparative development: an empirical investigation. *American Economic Review*, 91(5), p. 1373.

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.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.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.³⁸⁹ They believed that the state of Tanganyika had no enemies and that the international community supported the country's development agendas.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.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.³⁹² About 300 police were in Zanzibar to help the revolutionary government to restore order.³⁹³ Bienen³⁹⁴ 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

³⁸⁷ Cf. CHRI (2006), *Ibid.*

³⁸⁸ Barany, Z. (2014) How post-colonial armies came about: comparative perspectives from Asia and Africa. *Journal of Asian and African Studies*, 49(5), 602-604.

³⁸⁹ Bienen (1965), *Ibid.* p. 41.

³⁹⁰ Luanda (2005), *Ibid.* p. 299.

³⁹¹ *Ibid.* p. 300.

³⁹² Bienen (1965), *Ibid.* pp. 41 and 45.

³⁹³ *Ibid.* p. 41.

³⁹⁴ *Ibid.* pp. 42-44.

Nigerian troops to suppress mutineers, restore order, and maintain law.³⁹⁵ The army mutiny changed how the government perceived defence and security policies.³⁹⁶ It invested more in rebuilding the military rather than the police partly because of the geopolitics, *i.e.* Cold War tension and imminent danger of external aggression.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.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.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.⁴⁰⁰ This was especially true in the first decade of colonial rule and during and immediately after World War I and II. Shaidi suggests,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

³⁹⁵ *Ibid.*

³⁹⁶ Luanda (2005), *Ibid.*

³⁹⁷ See, Chapter 4.

³⁹⁸ *Ibid.*

³⁹⁹ Shaidi (1985), *Ibid.* p. 121.

⁴⁰⁰ Killingray (1986), *Ibid.* pp. 431-2.

⁴⁰¹ Shaidi (1985), *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.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.⁴⁰³ The POO aimed at banning organisations capable of usurping the functions of the armed forces.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.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.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.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.⁴⁰⁸ Before the enactment of the POO and SO, the regime used the Penal Code⁴⁰⁹ and the Emergency Powers Order in Council (1937-1961)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.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

⁴⁰² Non-state actors - as defined in the previous chapters.

⁴⁰³ Pratt, C. (1976) *The critical phase in Tanzania 1945–1968: Nyerere and the emergence of a socialist strategy*. Cambridge, Cambridge University Press, pp. 37-38 and Nyerere, J.K. (1985) Non-violent methods. *Sauti ya TANU/TANU's Voice*, 29 [27 May 1958].

⁴⁰⁴ Section 3(1)

⁴⁰⁵ Section 6 of the POO.

⁴⁰⁶ Sections 3 & 6.

⁴⁰⁷ Section 6.

⁴⁰⁸ Section 2.

⁴⁰⁹ *Infra*.

⁴¹⁰ Replaced by Section 29 of the Emergency Powers Act, 1986.

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.⁴¹² Today, the President, District and the Regional Commissioners can exercise the power to deputise civilians.⁴¹³ The second avenue was by serving the local chiefs as tribal messengers (native authority police) under customary law.⁴¹⁴ The government abolished the chiefly authority⁴¹⁵ and customary criminal law⁴¹⁶ 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.⁴¹⁷ These statutes are still intact today with similar effect.⁴¹⁸ 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

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.*

⁴¹⁵ The African Chiefs Ordinance (Repeal) Act, No. 13 of 1963, the Native Authority Ordinance (Repeal) Act, No. 14 of 1963, the Chiefs (Abolition of Office: Consequential Provisions) Act, No. 53 of 1963, and the African Chiefs Act, No. 53 of 1969.

⁴¹⁶ Section 66 of the Magistrates' Courts Act, No. 55 of 1963. *Cf.* Section 2 of the African Chiefs Act, No. 53 of 1969.

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.⁴¹⁹ The Order in Council allowed the regime to use statutes of general application in England,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 22nd of July 1920 and must fit the local circumstances for it to apply in the colony.⁴²¹ For political motives, the regime did not meet the two conditions in importing the POO and SO. The POO was *in pari materia* with the English Public Order Act of 1936,⁴²² thus very much influenced by the events and policy changes in England after 22 of July 1920.⁴²³ While the UK government adopted the 1936 Act to control fascist political organisations such as the British Union of Fascists,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.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 2019.⁴²⁶

⁴¹⁹ S.R. & O. 1920, No. 1583.

⁴²⁰ See, Section 17(2) [the reception clause].

⁴²¹ Retained by section 2 of the Judicature and Application of Laws Ordinance/Act (Chapter 358).

⁴²² Chapter 6 (Regnal. 1, Edw. 8 and 1 Geo. 6).

⁴²³ The 1951 Ordinance banned individuals and quasi-military organisations that usurped functions of the police force and the military.

⁴²⁴ Great Britain. House of Commons (1937) British union of fascists (proposed procession). Official Report: Parliamentary Debates [Hansard], Deb. 21 June 1937 Vol. 325 cc846-9. London: The Stationery Office.

⁴²⁵ See, sections 2 and 8 (formerly section 6).

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).⁴²⁷ The English Bill of Rights provided, “the raising or keeping a standing army within the Kingdom in time of peace *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 1661⁴²⁸ 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.

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-

⁴²⁷ Chap. 2, Regnal. 1 Will & Mar Sess. 2.

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)⁴²⁹ and not in the 1962 and 1965 Constitutions, also known as the Republic and Interim Constitutions, respectively.⁴³⁰ 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.⁴³¹ The party, in the 1971 Guidelines,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".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.⁴³⁴ As such, the party trained, indoctrinated and controlled militias and used them to check upon activities of the regular public armed forces.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.⁴³⁶ This was so because the inherited colonial police force was highly disorganised, overstretched, ineffective, unprofessional, mistrusted and despised by the people.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.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.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.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

⁴³¹ See, Brennan (2006), *Ibid.*

⁴³² Guidelines issued under the Party Constitution.

⁴³³ TANU Guidelines (1971), p. 4 (*para* 13).

⁴³⁴ *Ibid.*

⁴³⁵ *Ibid.* p. 8.

⁴³⁶ Tanganyika National Assembly, Hansards, 29th June 1962, p. 1159; Hansards, 2nd July 1962, pp. 1201 and 1202; and Hansards, 13th February 1962, p. 23. *Cf.* Nyerere, J.K. (1971) Ten years after independence. Report Submitted by Nyerere at TANU National Conference, September 1971. In: Nyerere, J.K., Freedom and Development, Dar es Salaam, Oxford University Press, p. 329.

⁴³⁷ *Ibid.*

⁴³⁸ TYL, YOU, and ASPYL (Chapter 2).

⁴³⁹ Brennan (2006), *Ibid.*

⁴⁴⁰ Tanganyika National Assembly, Hansards, 2nd July 1962, pp. 1201 and 1202 and Tanganyika National Assembly, Hansards, 13th February 1962, p. 23.

Independence Constitution (1961)⁴⁴¹ that did not address the role and limitation of non-state actors in policing, Article 64 of the Republic Constitution⁴⁴² 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,⁴⁴³ train and engage privately and communally organised groups in the provision of security.⁴⁴⁴ 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.⁴⁴⁵

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.⁴⁴⁶ The main point of contention was whether the Articles of the Union⁴⁴⁷ creates a unitary or a federal state. In a strict sense, Tanzania is not a unitary territory because Zanzibar⁴⁴⁸ is a semi-autonomous state within the Union. The fact that Tanzania is a union of two former sovereign countries

⁴⁴¹ The first constitution following the international recognition of independence.

⁴⁴² 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...”

⁴⁴³ See, Acts Nos. 27 of 1973, 4 of 1975 and 25 of 1975.

⁴⁴⁴ People’s militia, reserve forces, and National Service, etc.

⁴⁴⁵ 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.

⁴⁴⁶ Personal Experience (as a Tanzanian). See also, Haule, R.R. (2006) Torturing the union? An examination of the union of Tanzania and its constitutionality. *ZaöRV*, 66, pp. 215-233.

⁴⁴⁷ The Articles of Union between the Republic of Tanganyika and the Peoples' Republic of Zanzibar (1964).

⁴⁴⁸ Consists of several Islands in the Indian Ocean including Unguja and Pemba.

and the Constitution labels it as such does not in itself make it a unitary territory.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.⁴⁵⁰ In De Smith's words,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.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.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 *de jure* government for Mainland Tanzania.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.⁴⁵⁵ Similarly, the union Constitutions (Interim and Permanent) have been supreme laws of Mainland Tanzania while Zanzibar continues to have a separate Constitution.

⁴⁴⁹ Articles 1 and 2 of the 1965 Interim Constitution and Articles 1 and 2 of the 1977 Constitution.

⁴⁵⁰ Cf. Article 4(1)(2) of the 1977 Constitution (R.E. 2010).

⁴⁵¹ De Smith, S.A. (1977) *Constitutional and administrative law*. 3rd ed. England, Penguin Books Ltd., p. 30. Cf. Shivji, I.G. (1990b) *Tanzania: the legal foundations of the union*. UDSM Professorial Inaugural Lecture. Dar es Salaam, Dar es Salaam University Press, pp. 32-43, and Haroub, O. (2009) Union of Tanganyika and Zanzibar: African initiative or cold war rivalry? Zanzibar Daima [online]. 17 April 2009. [Accessed on 07 June 2018]. Available from: <<https://zanzibardaima.net/2009/04/17/union-of-tanganyika-and-zanzibar-african-initiative-or-cold-war-rivalry/>>

⁴⁵² Nyerere, J.K. (1995) *Our Leadership and the Destiny of Tanzania*, Harare, Zimbabwe, p. 35.

⁴⁵³ 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. Cf. Articles 34(1), 64(1), 116(1) and 117(1) of the 1977 Constitution (R.E. 2010). See also, Srivastava, B.P. (1983) *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), *Ibid.* pp. 32-40.

⁴⁵⁴ Section 7 of the Union of Tanganyika and Zanzibar Act (1964). Cf. Shivji (1990), *Ibid.* pp. 32-40.

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 5th Constitutional Amendment (Act No. 15/1984), and the case of *Jina Khatibu Haji v. Juma Sulemani 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.⁴⁵⁶ This means that Mainland Tanzania (union government) need to approve any form of security arrangement and policy in Zanzibar.⁴⁵⁷ For political reasons, in the first two decades of the Union, Zanzibar had more police officers from Mainland Tanzania than Zanzibar itself.⁴⁵⁸ As a result, people in Zanzibar felt that the union had turned their state into a ‘colony’ of Mainland Tanzania.⁴⁵⁹ People who were against the Union faulted Karume,⁴⁶⁰ the President of the post-revolution Zanzibar, for the forfeiture of sovereignty and making Zanzibar a police state.⁴⁶¹ 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 *de jure* ‘party-state’ between 1965 and 1992,⁴⁶² thereby blurring state and the party functions.⁴⁶³ As the sole state-party or with an overwhelming majority in the national assembly, the party engineered 1962, 1965 and 1977 constitutional changes.⁴⁶⁴ While a constitution

⁴⁵⁶ 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.

⁴⁵⁷ 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).

⁴⁵⁸ Cf. Bienen (1965), *Ibid.* p. 41.

⁴⁵⁹ See, Ghassany, H. (2010) *Kwaheri ukoloni, kwaheri uhuru! Zanzibar na mapinduzi ya Afrabia*. Raleigh, Lulu.

⁴⁶⁰ 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.

⁴⁶¹ 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.

⁴⁶² 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).

⁴⁶³ 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).

⁴⁶⁴ 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.

of the party formed part of the Interim Constitution as the first schedule,⁴⁶⁵ the Permanent Constitution subjected the government to the party as the superior guiding force of the society.⁴⁶⁶ This phenomenon was known as ‘*chama kushika hatamu*’ (party supremacy),⁴⁶⁷ whereby the party was “declared supreme to the government which is reduced to being an administrative wing of the Party”.⁴⁶⁸ President Nyerere⁴⁶⁹ 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 Forces⁴⁷⁰ but also part of the Parliament⁴⁷¹ and party leader by default.⁴⁷² 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.⁴⁷³ Members of the National Assembly were also *ex officio* members of National Conference (NC) of the party.⁴⁷⁴ The party convened NC once every five years and it was responsible for endorsing the decisions

⁴⁶⁵ Article 3(4) of the Interim Constitution. The case of *Thabit Ngaka v. The Regional Fisheries Officer* [1973] LRT 24 reiterated that the 1st Schedule was an integral part of the constitution, thus justiciable.

⁴⁶⁶ Articles 2(2), 32 and 3(1)-(4) of the 1977 Constitution. Cf. Article 3(3) of the Interim Constitution, and Section 3 of the Interim Constitution of Tanzania (Amendment) Act, No. 8/1975.

⁴⁶⁷ Section 3 of the Interim Constitution of Tanzania (Amendment) Act, No. 8/1975. See also, *Hotuba ya Waziri Mkuu na Makamu wa Pili wa Rais, Ndugu R.M. Kawawa mnamo Tarehe 03/06/1975 (Chama kushika Hatamu) akiwasilisha Bungeni Muswada wa Kubadili Katiba ya Muda*, and Nyerere, J.K. (1973) The party must speak for the people. In: Nyerere, J.K., *Freedom and development*. Dar es Salaam, Oxford University Press, p. 30. Cf. TANU Guidelines of 1971. Msekwa, P. (1974) *Towards party supremacy*. M.A. in Political Science, Dissertation, University of Dar es Salaam.

⁴⁶⁸ Georges, P.T. (1973) The courts in the Tanzania one party state. In: James, R.W. and Kassam, F.M. (Eds.) *Law and its administration in a one-party state: selected speeches of Telford Georges*. Dar es Salaam, EALB, p. 30 (Footnote 5a). Cf. TANU Guidelines (1971), p. 4 (paras 11-13).

⁴⁶⁹ Nyerere (1973), *Ibid.* p. 33. Cf. TANU Guidelines (1971), p. 4 (paras 11-13).

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

⁴⁷¹ Article 20 of the Republic Constitution, Article 23 of the Interim Constitution, and Article 22 of the 1977 Constitution. See also, Articles 62(1) and 107(1) of the 1977 Constitution (R.E. 2010). Cf. De Smith (1977), *Ibid.* p. 29.

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

⁴⁷³ The National Assembly had almost half of its members unelected (*i.e.* *Ex officio* members and Presidential appointees). Cf. Kjekshus, H. (1974) Parliament in a one-party state: the Bunge of Tanzania, 1965-70. *Journal of Modern African Studies*, 12(1), pp. 19-33.

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.⁴⁷⁵ The NEC⁴⁷⁶ and CC dealt with matters of national importance and issued directives to the government and party machinery for implementation.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.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.⁴⁷⁹ The public officials automatically became party members and politicised⁴⁸⁰ 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.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.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 (militias⁴⁸³ and vigilantes). The party adopted a ‘co-option policy’, in the sense that, it recognised and

⁴⁷⁵ By 1967 NEC “had replaced the National Assembly as the paramount representative political institution in Tanzania”. See, Pratt, C. (1976), *Ibid.* p. 210.

⁴⁷⁶ The NEC enjoyed the same powers and privileges as the National Assembly, e.g. call witnesses and papers.

⁴⁷⁷ 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.

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). Cf. Constitutions of TANU and CCM.

⁴⁷⁹ See, Georges (1973), *Ibid.* p. 55 and 58, Footnote 8. Omari (2002), *Ibid.* p. 94.

⁴⁸⁰ Makulilo, A.B. and Gherghina, S. (2014) The roots, development and challenges of autonomy claims in Tanzania. In: Levente, S., *et al.*, (eds.) *Autonomy arrangements around the world: a collection of well and lesser known cases*. ISPMN, p. 216; and Mazrui (1968), *Ibid.* p. 274. See, R.M. Kawawa’s (the then Prime Minister) Press Conference on 31 August 1964 (reported in the Tanganyika Standard Newspaper of 01 September 1964).

⁴⁸¹ Barany (2014), *Ibid.* p. 610, and Okema, M. (2006) Police chief more political than the politicians. *The East African*, 06 March 2008.

⁴⁸² See a detailed discussion in Shivji (1990), *Ibid.*

⁴⁸³ Though in party documents were referred to as militias, these were essentially informal and unregulated security arrangements *i.e.* paramilitaries or night watchmen and neighbourhood security groups.

embraced any grassroots initiatives that aimed at supporting the government's efforts in addressing security concerns.⁴⁸⁴ 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,"⁴⁸⁵ 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.⁴⁸⁶ 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 (*wajumbe wa nyumba kumi*) who worked with law enforcers to identify security threats and organise defence and security in their areas.⁴⁸⁷ 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".⁴⁸⁸ The Permanent Constitution and the merger of TANU and ASP in 1977 to form *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.⁴⁸⁹ As discussed below, the party-state system, political ideology

⁴⁸⁴ See detailed discussion in Cross (2014), *ibid*.

⁴⁸⁵ Paragraph 27 of the TANU Guidelines (1971), p. 8.

⁴⁸⁶ TANU and CCM Constitutions (as amended from time to time).

⁴⁸⁷ Ingle, C.R. (1972) "*The Ten-House Cell System in Tanzania: A Consideration of an Emerging Village Institution*", *Journal of Developing Areas*, Vol. 6:2, pp. 215. Cross (2014), *Ibid*. pp. 522 and 534.

⁴⁸⁸ Shivji, I.G. (2012) Nationalism and pan-Africanism: decisive moments in Nyerere's intellectual and political thought. *Review of African Political Economy*, 39(131), p. 110.

⁴⁸⁹ Ahearne (2017), *Ibid*.

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 1977.⁴⁹⁰ 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 ufafanuzi zaidi kuliko ilivyokuwa katika Katiba ya Muda. Ibara hii sasa inaeleza wazi kwamba ni Serikali peke yake iliyo na madaraka ya kuunda ama kuweka aina yoyote ya majeshi nchini. Maelezo ya Katiba ya Muda yangeweza kueleweka kwamba mtu binafsi naye ana haki ya kuunda ama kuweka Jeshi iwapo Bunge litakuwa limepitisha sheria kama hiyo. Hivyo sivyo ilivyo.*⁴⁹¹ [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 1967,⁴⁹² '*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.

⁴⁹¹ Constituent Assembly, Hansard, 25th April 1977.

⁴⁹² The official document that provided for the state's policies of socialism and self-reliance. The TANU Guidelines (1971) quoted, with approval, the Arusha Declaration's policy statement on defence and security (TANU Guidelines, pp. 7 and 8). The Arusha Declaration was revoked by the Zanzibar Declaration (*Maamuzi ya Zanzibar*) of 1991 (as reflected in President Mwinyi's Speech at Diamond Jubilee Hall, Dar es Salaam, 25/02/1991). Nyerere, J.K. (1974) *Uamzi wa busara* (the rational choice). Dar es Salaam, TANU, pp. 30-34. Nyerere, J.K. (1971), *Ibid.* pp. 278-280.

(Party's Guidelines) of 1971 and 1981⁴⁹³ 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 Uganda⁴⁹⁴ 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:

*Katika upande wa ulinzi wa Taifa, wananchi wawe macho na vibaraka waliomo nchini ambao wanaweza kutumiwa na maadui wa nje wenye 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].

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-

⁴⁹³ Cf. Nyerere (1974), *Ibid.* pp. 35-37. Nyerere (1971), *Ibid.* pp. 280-282.

⁴⁹⁴ The 1971 Guidelines labelled Idi Amin Dada has a puppet of Western governments used to overthrow President Milton Obote to halt the spread of socialism in the East African Sub-region. Obote wanted to emulate Tanzania's Arusha Declaration, styled as "the Common Man's Charter" of October 1969. See, Obote, A.M. (1970) *The common man's charter with appendices*. Entebbe, Government Printer, and Otunnu, O. (2017) *Crisis of legitimacy and political violence in Uganda, 1890 to 1979*. Palgrave Macmillan, pp. 195-204.

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.⁴⁹⁸ The party had a duty:

...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.⁴⁹⁹

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.⁵⁰⁰ Tanzania hosted the Organisation of African Unity (OAU)'s African Liberation Committee (ALC)⁵⁰¹ in Dar es Salaam between 1963 and 1994.⁵⁰² The ALC provided training, logistic support, funding, publicity, funding, and diplomatic and media campaigns to all anti-colonial groups recognised by OAU.⁵⁰³ Tanzania's involvements in OAU and ALC activities rendered the country in diplomatic rows with Portugal and Britain.⁵⁰⁴ In 1965, for example, Tanzania broke diplomatic ties

⁴⁹⁸ TANU Guidelines (1971), pp. 1 and 3 (paras 3-9).

⁴⁹⁹ *Ibid*, p. 1 (para 1).

⁵⁰⁰ Pratt (1976), *Ibid*. pp. 134-136. See, Nyerere, J.K. (1967) Tanzania Policy on Foreign Affairs. Speech to the TANU Bi-Annual National Conference on Tanzania Foreign Policy at Mwanza, 16th October 1967. Cf. Nyerere, J.K. (1970) Non-Alignment in the 1970s. Speech given on 13th April 1970 at the preparatory meeting of non-aligned countries in Dar es Salaam. 13-17 April 1970. See also, Nyerere, J.K. (1978) Tanzania rejects western domination of Africa. Statement to foreign envoys accredited to Tanzania. Dar es Salaam, the State House, 8th June 1978, and Nyerere, J.K. (1972) After the Pearce Commission. Printpak Tanzania Limited, Dar es Salaam, 3rd June 1972.

⁵⁰¹ OAU was replaced by the African Union (AU) on 26 May 2001.

⁵⁰² Nyerere, J.K. (1964) OAU Emergency Meeting of Foreign Ministers. 12th February 1964. In: Nyerere, J.K. Freedom and Unity, pp. 288-290. See also, Nyerere, J.K. (1964) The speech of the president of the united republic of Tanganyika and Zanzibar during the African head of states summit in Dar es Salaam. 20 July 1964. Kambona, O. (1963) Colonialism and the African liberation committee. *African Studies Bulletin*, 6(3), p. 2; Mbita, H.I. (2016) Tanzania: a Pan-Africanist freedom fighter [online]. [Accessed on 18 May 2018]. Available from: <<http://www.firstmagazine.com/DownloadSpecialistPublicationDetail.383.ashx>>.

⁵⁰³ Sahnoun, M. (2009) Nyerere, the organization of African unity and liberation. Pambazuka News. 13 October 2009. [Accessed on 06 July 2018]. Available from: <<https://www.pambazuka.org/pan-africanism/nyerere-organization-african-unity-and-liberation>>.

⁵⁰⁴ Nyerere, J.K. (1965) The Honour of Africa. Address to the National Assembly, 14th December 1965. See also, Nyerere, J.K. (1966) Rhodesia in the Context of Southern Africa, April 1966. In: Nyerere, J.K. (1969) *Freedom and socialism: a selection from writings and speeches, 1965-1967*, Oxford

with Britain and supported the OAU's resolution that opposed a unilateral declaration of independence by a minority white government in Zimbabwe.⁵⁰⁵ In retaliation, Britain decided to freeze financial aids, loans and withdrew all British experts from Tanzania.⁵⁰⁶ On this issue, Gitelson⁵⁰⁷ 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).⁵⁰⁸ For similar anti-colonial activities in Portuguese Guinea (now Guinea-Bissau), Portugal attacked the Republic of Guinea in 1971.⁵⁰⁹ 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.*⁵¹⁰ [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 militia⁵¹¹ and provision of civic education and military training to civilians.⁵¹² This move would have been important because the minority governments in Zimbabwe and South Africa tended to infiltrate and fund insurgencies and using

University Press, Dar es Salaam, pp. 143-156. Nyerere, J.K. (1971) South Africa and the Commonwealth. Speech at the Commonwealth Conference in Singapore, January 1971. Nyerere, J.K. (1966) Rhodesia: the case for action. Speech at OAU Sessions, Addis Ababa, November 1966. See also, the Singapore Declaration of Commonwealth Principles [22 January 1971], Gitelson, S.A. (1974) Why do small states break diplomatic relations with outside powers? Lessons from the African experience. *International Studies Quarterly*, 18(4), pp. 472-474. Pratt (1976), *Ibid.* pp. 147-151. Cf. Nyerere (1971), *Ibid.* pp. 325-327. Nyerere also closed the Portuguese Consulate-General's office in Tanganyika.

⁵⁰⁵ Mwakikagile, G. (2008) *The union of Tanganyika and Zanzibar: product of the cold war?* New Africa Press, pp. 73-75.

⁵⁰⁶ *Ibid.*

⁵⁰⁷ Gitelson (1974), *Ibid.* p. 474.

⁵⁰⁸ Mbita, *Ibid.* See also, CIA (1971) Chinese communist economic and military aid to Tanzania: a case study. CIA Intelligence Memorandum. Secret ER IM 71-137, July 1971, p. 4, para 9-10, and CIA (1965) Tanzania taking the left turn. Special Report, Secret OCI No. 0290/65A, 21 May 1965, pp. 2-4.

⁵⁰⁹ 1971 Guidelines, para 1-10, pp. 1-3.

⁵¹⁰ *Ibid.* Para 8, p. 3.

⁵¹¹ Paramilitary.

⁵¹² 1971 Guidelines, para 25-27. Cf. Nyerere (1971), *Ibid.* pp. 328.

mercenaries in neighbouring countries as a way of weakening them.⁵¹³ 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, Mbughuni⁵¹⁴ 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 Region⁵¹⁵ in the 1960s and 1970s was volatile. Signs of insecurities in the region included the overthrow of Patrice Lumumba⁵¹⁶ and the ensuing Congo crisis (1960-1965),⁵¹⁷ a potential coup (1965) and failed coups (1971) in Kenya,⁵¹⁸ political turmoil in Uganda (1964-1979)⁵¹⁹ and Burundi coup attempt in 1965 and 1972 Genocide.⁵²⁰ Tanzania became home to millions of refugees and asylum-seekers fleeing persecution, colonial oppression and civil wars.⁵²¹ This added more security concerns due to the illicit proliferation of small arms and light weapons

⁵¹³ Nyerere, J.K. (1997) Address to South African parliament. Cape Town. 16 October 1997. Cf. Ballesteros, E.B. (1993) Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. Special Rapporteur. Submitted to the Commission on Human Rights, 8 January 1993, pp. 26-38. Cf. Mwakikagile, G. (2018) The African liberation struggle: reflections. New African Press, Dar es Salaam, pp. 151-152.

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).

⁵¹⁷ Civil war and secession movements. Belgium and USA sent their troops into Congo to protect their political and economic interests. See, Kent, J. (2017) The neo-colonialism of decolonisation: Katanga secession

and the bringing of the cold war to the Congo. *Journal of Imperial and Commonwealth History*, 45(1), pp. 95-103. Cf. De Witte, L. (2017) The suppression of the Congo rebellions and the rise of Mobutu, 1963–5. *International History Review*, 39(1), pp. 107-112.

⁵¹⁸ Nyerere (1964), *Ibid.* p. 287. Cf. Cullen, P. (2016) Operation binnacle: British plans for military intervention against a 1965 coup in Kenya. *International History Review* (December), pp. 1-5.

⁵¹⁹ Otunnu (2017), *Ibid.* pp. 175, 200 and 237. See also, Hancock, I.R. (1966) The Uganda crisis, 1966. *Australian Outlook*, 20(3), pp. 263-264, and Mamdani, M. (1975) Class struggles in Uganda. *Review of African Political Economy*, 2(4), pp. 43-54.

⁵²⁰ Ndimurwimo, L.A. and Mbao, M.L.M. (2015) Rethinking violence, reconciliation and reconstruction in Burundi. *PER/PELJ*, 18(4), pp. 855-857, 869-871.

⁵²¹ L'Ecluse, W. (2010) *Refugee politics in Tanzania: receding receptivity and new approaches to asylum*. Master of Science in Conflict and Development Thesis, Ghent University, pp. 13-19.

and an increase in unlawful military and political activities in refugee camps.⁵²² Also, Tanzania had territorial disputes with Malawi (over Lake Nyasa)⁵²³ and Uganda (over Kagera region). The latter dispute culminated into the Uganda–Tanzania War in 1978–1979.⁵²⁴ 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.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.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.⁵²⁷ Sellström claims that:

...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...⁵²⁸

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-

⁵²² For a detailed discussion, see Mogire, E. (2011) *Victims as security threats: refugee impact on host state security in Africa*. Ashgate Publishing Co., pp. 29-142. Cf. Milner, J.H.S. (2009) *Refugees, the state and the politics of asylum in Africa*. Palgrave Macmillan, pp. 108-114.

⁵²³ Mayall, J. (1973) The Malawi-Tanzania boundary dispute. *Journal of Modern African Studies*, 11(4) (December), pp. 611-612, 618-619. See also, Oduntan, G. (2015) *International law and boundary disputes in Africa*. London, Routledge, pp. 159, 206-217.

⁵²⁴ Nyerere, J.K. (1979) *Mapambano yanaendelea*. Hotuba aliyoitoa siku ya mashujaa, Dar es Salaam. 01 September 1979. (President Nyerere's Speech entitled "The Struggle Continues" delivered during the National Heroes' Day Celebration). See also, Nyerere, J.K. (1980) *Ujamaa ni imani - 4: uwezo tunao*. Dar es Salaam, CCM/EAPH.

⁵²⁵ See the decision of the court in 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); and *Gray Likungu Mattaka and others v. the republic* (1971). *Journal of African Law*, 15:3, pp. 278-321.

⁵²⁶ Nyerere (1964), *Ibid.* pp. 286-290, and Baynham, M. (1990) The East African mutinies of 1964. *Journal of Contemporary African Studies*, 8/9(2), p. 153.

⁵²⁷ Mwakikagile (2010), p. 368. See also, *The Republic v. Gray Likungu Mattaka and 6 Others* (1970), *Ibid.* and *Gray Likungu Mattaka and Others v. The Republic* (1971), *Ibid.* pp. 278-321.

⁵²⁸ Sellström, T. (1999) *Sweden and national liberation in Southern Africa: formation of a popular opinion (1950–1970)*. Vol. 1. Uppsala, Nordiska Afrikainstitutet, p. 250.

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 countries⁵²⁹ 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

⁵²⁹ Pratt (1976), *Ibid.* pp. 138-9. See also, Wilson, A. (2007) Abdul Rahman Mohamed Babu: politician, scholar and revolutionary. *Journal of Pan African Studies*, 1(9), p. 12-13, Shivji (2008), *Ibid.* pp. 72-76. Mbunda, R. (2014) The union and the Zanzibar statehood question. *African Review*, 41(1), p. 142; and Ramadhani, L. (2011) Identity politics and complexities of conflict resolution in Zanzibar. IBIS Discussion Paper No. 2, University College Dublin. [Accessed on 16 May 2018]. Available from: <http://www.ucd.ie/ibis/filestore/L_Ramadhani.pdf>, p. 9. Cf. CIA (1972) *Tanzania: Anatomy of the Union*. Special Report, Secret No. 609 – 0363/72/A, 31 March 1972, pp. 2-3.

⁵³⁰ Sanders, E. (2014) Conceiving the Tanganyika-Zanzibar union in the midst of the cold war: internal and international factors. *African Review*, 41(1), pp. 37-44, Sanders, E. (2018) Role of local, foreign actors in the Tanganyika-Zanzibar union. The Citizen Newspaper [online]. 26 April 2018. [Accessed on 27 May 2018]. Available from: <<http://www.thecitizen.co.tz/News/Role-of-local--foreign-actors-in-the/1840340-4531660-g4jc5e/index.html>>. Cf. Mwakikagile (2008), pp. 64-73, Haroub (2009), *Loc. cit.*, and Msekwa, P. (2017) The ugly aftermath of the Zanzibar revolution: the cold war challenges. Daily News [online]. 26th January 2017. [Viewed on 19 February 2019]. Available from: <<https://dailynews.co.tz/news/the-ugly-aftermath-of-the-zanzibar-revolution-the-cold-war-challenges.aspx>>. For further discussion, see Wilson, A. (1989) *US foreign policy and revolution: the creation of Tanzania*. London, Pluto Press.

⁵³¹ Mbunda (2014), *Ibid.* p. 142.

⁵³² Ghai, Y. (2013) Zanzibar in Tanzania: from sovereignty to autonomy. In: Ghai, Y. and Woodman, S. (eds.) *Practising self-government: a comparative study of autonomous regions*. Cambridge, Cambridge University Press, Chapter 8, p. 260 (Footnote 7).

⁵³³ Mwakikagile (2008), *Ibid.* pp. 74-75.

⁵³⁴ Gray, W.G. (2003) *Germany's cold war: the global campaign to isolate East Germany, 1949-1969*. The University of North Carolina Press, p. 160.

associated with East Germany.⁵³⁵ Msekwa sums up the cause and outcome of this diplomatic tension as follows:⁵³⁶

... 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".⁵³⁷

Since Tanzania was emerging from the 1964 army mutiny, 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.⁵³⁸ 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)⁵³⁹ 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.⁵⁴⁰ The coup in Uganda prompted TANU to come up with the 1971 Guidelines that laid

⁵³⁵ Msekwa (2017), *Ibid.* Cf. Nyerere, J.K. (1965) Background paper on the East/West German Problem in Tanzania. Dar es Salaam: Office of the President, 17 March 1965. See also, Pratt (1976), *Ibid.* pp.140-142, and Tordoff (1965), *Ibid.* p. 356.

⁵³⁶ See, Footnote 3.

⁵³⁷ Msekwa (2017), *Ibid.*

⁵³⁸ Tanzania recalled her US ambassador and expelled two US Embassy officials. The US retaliated by expelling a Tanzanian councillor from Washington D.C. See, Tordoff (1965), *Ibid.*, pp., 357-359; Pratt (1976), *Ibid.* p. 145; CIA (1965), *Ibid.* p. 4; Mwakikagile (2008), pp. 73-74; and Msekwa (2017), *Ibid.* Cf. Nyerere (1980), *Ibid.* p. 21.

⁵³⁹ Arusha Declaration.

⁵⁴⁰ *Otunnu* (2017), pp. 195, 233-235. Cf. Mwakikagile, G. (2010) *Nyerere and Africa: end of an era.* 5th Ed. Dar es Salaam, New Africa Press, p. 311.

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*⁵⁴¹



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.⁵⁴² There were sixteen attempts between 1964 and 1972 to overthrow the government of Zanzibar,⁵⁴³ the main two coup attempts made in 1967 and 1971.⁵⁴⁴ However, the political climate became tenser after a foiled coup plot and the assassination of President Karume in 1972.⁵⁴⁵ 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.⁵⁴⁶ 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

⁵⁴¹ The current Russian President Vladimir Putin, the current president of Zimbabwe Emmerson Mnangagwa and the first Mozambique President the late Samora Machel.

⁵⁴² See, CIA (1972), *Ibid.* Wilson (2007), p. 13. Cf. Ahearne, R. (2017), *Ibid.*

⁵⁴³ Newton, M. (2014) *Famous assassinations in world history: an encyclopaedia.* 2 Volumes. California, ABC-CLIO LLC, p. 256.

⁵⁴⁴ Chase (1976), pp. 19-21; Bakari, A.M. (2001) *The democratisation process in Zanzibar: a retarded transition.* Hamburg, Institute of African Affairs, p. 111; and Murison, Eds., *at al.* (2003) *Regional surveys of the world: Africa South of the Sahara 2003.* 32nd Ed. London, Europa Publications, p. 1062.

⁵⁴⁵ *Ibid.*, Chase (1976), pp. 14-33.

⁵⁴⁶ ASP (1974) *The Afro-Shirazi party revolution: 1964-1974.* Zanzibar, ASP, pp. 210-215. Cf. Bakari (2001), *Ibid.* pp. 111.

(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)⁵⁴⁷ controlled armed forces and vital sectors of the economy.⁵⁴⁸ Hence, the ban prevented them from regrouping and creating armed organisations and regaining control of Zanzibar.⁵⁴⁹ 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.⁵⁵⁰

I will now turn my attention to the role played by the political ideology (socialism *alias* 'ujamaa'⁵⁵¹ 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 1991.⁵⁵² The Arusha Declaration was the most important political and policy document in the history of Tanzania.⁵⁵³ It provided a guiding ideology and programmes in detaching the state from capitalistic path of development to socialism.⁵⁵⁴ 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.⁵⁵⁵

⁵⁴⁷ See, chapter 3 about Arab migration.

⁵⁴⁸ Ghai, *Ibid.* p. 258-259. Mwakikagile (2008), *Ibid.* pp. 62-75.

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.

⁵⁵² TANU Constitution (revised in January 1962). Nyerere, J.K. (1962) *Ujamaa: the basis of African socialism*. Dar es Salaam, April 1962. Cf. Pratt (1976) *Ibid.*, pp. 172-174, and the Zanzibar Declaration (*Maamuzi ya Zanzibar*) of 1991 (as reflected in President Mwinyi's Speech at Diamond Jubilee Hall, Dar es Salaam, 25/02/1991).

⁵⁵³ Crouch, S.C. (1987) *Western responses to Tanzanian socialism, 1967-83*. Aldershot, Avebury Gower Publishing Co. Ltd., p. 39.

⁵⁵⁴ Nyerere, J.K. (1970) Arusha Declaration Parliament. Address to the National Assembly, 6th July 1970, Dar es Salaam. See also, Nyerere's Speech to the Parliament, 18th July 1975, and Nyerere, J.K. (1977) *The Arusha declaration: ten years after*. Dar es Salaam, Government Printer.

⁵⁵⁵ 1977 Guidelines, p. 7.

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.⁵⁵⁶ From 1967 to 1977, the government embarked on centralisation of power and massive government takeover of private businesses and organisations.⁵⁵⁷ 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 who had amassed wealth or wanted to amass wealth.⁵⁵⁸ The assassination of Karume, for example, is partly associated with the implementation of socialist policies and ‘economic sufferings’ of the people of Zanzibar.⁵⁵⁹ 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 bourgeoisies 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 supremacy⁵⁶⁰ 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.⁵⁶¹ This is true regarding Tanzania under Nyerere, who was

⁵⁵⁶ One of the principles of the Arusha Declaration was ‘consolidating state power and independence.’
⁵⁵⁷ Nyerere (1977), *Ibid.* See also, Dias, C. (1970) Tanzanian nationalizations: 1967-1970. *Cornell International Law Journal*, 4(1), pp. 59-79.

⁵⁵⁸ Great Britain. House of Lords (1967) Tanzania: nationalisation of British assets. Official Report: Parliamentary Debates [Hansard], HL Deb 22 February 1967. Vol. 280, pp (cc). 705-707. London: The Stationery Office.

⁵⁵⁹ Ahearn, R. (2017), *Ibid.*

⁵⁶⁰ Cf. Pratt (1976) *Ibid.* pp. 184-8. In 1971-1982, the government abolished the local government authorities.

⁵⁶¹ E.g. Lenin (Russia), Mao (China), Hitler (German), etc.

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

⁵⁶² General views in Tanzania. See also, Chachage, C. and Cassam, A., (eds.) (2010) *Africa's liberation: the legacy of Nyerere*. Pambazuka Press.

⁵⁶³ *Ibid.*

⁵⁶⁴ Mao Zedong (Former leader of China).

⁵⁶⁵ Shivji (2012), *Ibid.* p. 104.

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.

⁵⁶⁸ For an exhaustive list of Marxist leaders and detailed discussion, see Tordoff, W. and Mazrui, A.A. (1972) The left and the super-left in Tanzania. *Journal of Modern African Studies*, 10:3 (October), pp. 427-445.

Ngombale–Mwiru and Abdulrahman Mohamed Babu⁵⁶⁹ who authored several policy documents including the 1971 TANU Guidelines.⁵⁷⁰ 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 1971.⁵⁷¹ 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.⁵⁷²

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’⁵⁷³ 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.⁵⁷⁴ Paragraphs 26 of the 1971 Guidelines made it clear that:

⁵⁶⁹ A.M. Babu was implicated in the coup plot and assassination of President Karume in Zanzibar. The Zanzibar authority tried and convicted him, in *absentia*, for treason. See, Chase (1976), *Ibid.* p.14, Sanders (2014), *Ibid.* pp. 53-55, and Wilson (2007), p. 16.

⁵⁷⁰ Shivji (2012), *Ibid.* p. 109. See also Ally, B. *et al.* (eds.) *Miongozo miwili kupaa na kutunguliwa kwa Azimio la Arusha*, Kigoda cha Taaluma cha Mwalimu Nyerere, University of Dar es Salaam. [Accessed on 06 July 2018]. Available from: <https://www.udsm.ac.tz/sites/default/files/Miongozo_bk.pdf>.

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.

⁵⁷³ Shivji, I.G. (1991) *State and constitutionalism: an African debate on democracy*. SAPES Trust, p. 30.

⁵⁷⁴ *Cf.* Nyerere (1971), *Ibid.* p. 328.

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 (*ujamaa*) and counterinsurgency operations, which limited the participation of the private sector and non-governmental institutions in policing. Through the *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.

⁵⁷⁶ Cf. Anchored pluralism. See, Talbot (2013), *Ibid*.

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

⁵⁷⁷ Cf. Arthur, J.A. (1996) Crime and penal policy in the socialist African republic of Tanzania. *International Journal of Offender Therapy and Comparative Criminology*, 40(2), pp. 157-173, and Owomero, B.O. (1988) Crime in Tanzania: contradictions of a socialist experiment. *International Journal of Comparative and Applied Criminal Justice*, 12(1-2), pp. 177-189.

⁵⁷⁸ Modic, M., et al. (2017) Slovenia: metropolitan policing in post-socialist countries: the case of Slovenia. In: Devroe, E., et al. (eds.) *Policing European metropolises: the politics of security in city-regions*. New York, Routledge, pp. 144-164. Cf. Caprini, M. and Marennin, O. (2005) Crime, insecurity and police reform in post-socialist CEE [online]. *Journal of Power Institutions in Post-Soviet Societies*, 2. [Accessed on 28 November 2019]. Available from: <<https://journals.openedition.org/pipss/330>>.

⁵⁷⁹ Barany (2014), *Ibid.* p. 609.

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.⁵⁸² 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.

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

⁵⁸² See, items 3 and 4 of the First Schedule (Union Matters) to the 1977 Constitution.

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*⁵⁸³) and external contingency aspects (neoliberal reforms). As Hills⁵⁸⁴ and Potholm⁵⁸⁵ 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.

⁵⁸⁴ Hills (1996), *Ibid.* p. 273.

⁵⁸⁵ Potholm (1969), *Ibid.* pp. 150-157.

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.⁵⁸⁶ In a weak state, the government may lack the will or the demand for public security may exceed its capacity to provide for it.⁵⁸⁷ 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.⁵⁸⁸ 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.⁵⁸⁹ Whether historical or contemporary, the governmental settlements, mostly urban areas, determine the police structure and their presence.⁵⁹⁰ At independence (1961), the population of Tanganyika stood at 10,373,380, policed by 6,143 police officers.⁵⁹¹ The then state capital, Dar es Salaam, with an area of 1,393 km², had about 633 police officers.⁵⁹² Each police officer was in-charge of 1,689 people countrywide, thus about 5,510

⁵⁸⁶ Dupont (2003), *Ibid.* pp. 331 and 332.

⁵⁸⁷ *Ibid.* p. 332.

⁵⁸⁸ See, chapter 3.

⁵⁸⁹ Cf. Baker (2004), *Ibid.*, Mutahi (2011), *Ibid.*, and Mutahi (2017), *Ibid.*

⁵⁹⁰ Hills (1996), *Ibid.* p. 282.

⁵⁹¹ Bulamile (2009), *Ibid.* p. 25.

⁵⁹² *Ibid.*

officers policed an area of about 879,207 km², outside Dar es Salaam.⁵⁹³ 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.⁵⁹⁴ 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.⁵⁹⁵ Villagisation programme was the largest-ever resettlement program in independent Africa⁵⁹⁶ that relocated people throughout the country into villages.⁵⁹⁷ It created centralised planned settlements where people would live and work together for the good of all⁵⁹⁸ known as *ujamaa* villages (also development villages or permanent villages).⁵⁹⁹ Each registered *ujamaa* village was a *replica* of a communal village in the precolonial period⁶⁰⁰ that had a minimum of 250 families.⁶⁰¹ On average, there were about 360 to 1,260 families per village by 1975.⁶⁰²

⁵⁹³ Cf. Connelly, D. (2004) *An anatomy of the Tanganyika administration in 1959*. The British Empire [online]. [Accessed on 28 December 2018]. Available from: <<https://www.britishempire.co.uk/article/anatomyoftanganyikaadministration.htm>>.

⁵⁹⁴ TPF (2017), *Ibid.* pp. 58 and 59. Cf. TPF (2008) *Crime and traffic incidents statistics report: January to December 2007*. Dar es Salaam, TPF, p. 46.

⁵⁹⁵ Stren, R.E. (1981) Ujamaa vijijini and bureaucracy in Tanzania. *Canadian Journal of African Studies*, 15(3), p. 592.

⁵⁹⁶ Jennings, M. (2017) Ujamaa. In: Oxford Research Encyclopaedia of African History [online]. [Accessed on 28 December 2018]. Available from: <<https://dx.doi.org/10.1093/acrefore/9780190277734.013.172>>.

⁵⁹⁷ McHenry Jr., D.E. (1981) Ujamaa villages in Tanzania: a bibliography. Scandinavian Institute of African Studies [online]. [Accessed on 30 December 2018]. Available from: <<http://www.diva-portal.org/smash/get/diva2:274867/FULLTEXT01.pdf>>

⁵⁹⁸ McHenry Jr. (1981), *Ibid.*

⁵⁹⁹ *Ibid.*

⁶⁰⁰ Lorgen, C.N. (1999) The experience of villagisation: lessons from Ethiopia, Mozambique, and Tanzania [online]. [Accessed on 09 July 2019]. Available from: <http://mokoro.co.uk/wp-content/uploads/villagisation_experiences_eth_moz_tanz.pdf>, pp. 12, 17-19.

⁶⁰¹ See, the Villages and Ujamaa Villages (Registration, Designation and Administration) Act, 1975.

⁶⁰² Stren (1981), *Ibid.* pp. 592 and 593.

Between 1973 and 1975, about 5,628 *ujamaa* villages with 2.5 million people were registered⁶⁰³ and over 9 million people moved in *ujamaa* villages.⁶⁰⁴ Over 14.9 million people, about 87% to 95% of the population lived in 8,299 *ujamaa* villages by 1979⁶⁰⁵ 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

⁶⁰³ Jennings (2017), *Ibid.*, McHenry Jr. (1981), *Ibid.*, Stren (1981), *Ibid.* p. 592, Malula, W.J. (2012) Machungu ya vijiji vya ujamaa 1973/74 [online]. [Accessed on 18 December 2018]. Available from: <<http://ongonga.blogspot.com/2012/07/machungu-ya-vijiji-vya-ujamaa-197374.html>>; and Ergas, E. (1980) Why did the ujamaa village policy fail? - Towards a global analysis. *Journal of Modern African Studies*, 18(3), pp. 395 and 404.

⁶⁰⁴ *Ibid.*

⁶⁰⁵ *Ibid.*

⁶⁰⁶ Shaidi, L.P. (1984) Tanzania: the human resources deployment act 1983 – a desperate measure to contain a desperate situation. *Review of African Economy*, 31, pp. 82-87.

⁶⁰⁷ Cf. Igbinovia (1981), *Ibid.* pp. 150 and 151.

⁶⁰⁸ Kaplan, I. (ed.) (1978) *Area handbook for Tanzania: a country study*. 2nd Ed. Washington DC, the American University, p. 241, and Cross (2013), *Ibid.* p. 44.

⁶⁰⁹ Ergas (1980), *Ibid.* pp. 399-404.

⁶¹⁰ Kaplan (1978), *Ibid.* p. 241.

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.

⁶¹³ Ergas (1980), *Ibid.* pp. 391-394.

population to undertake.⁶¹⁴ The government presence in terms of social services like state policing was negligible, thus the people found it hard to settle in villages.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 1983.⁶¹⁶ 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,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.⁶¹⁸ The survey conducted by Twaweza (NGO) in 2017⁶¹⁹ 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 50,142,938.⁶²⁰ On average, five police officers policed an area of 100 square kilometres.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.⁶²² In a developing country like Tanzania, the recommended standard is one police officer to serve between 400 and 700 people.⁶²³ To have the required standard for the police-population ratio, the TPF needs to employ twice as much as the currently employed officers.⁶²⁴ As Neild suggests,⁶²⁵ the police suffer the most in a nation-building and

⁶¹⁴ CHRI (2006), *Ibid.* p. 12.

⁶¹⁵ *Ibid.*

⁶¹⁶ United Republic of Tanzania (2015) Habitat III national report Tanzania. Dar es Salaam, Ministry of Lands, Housing and Human Settlements Development.

⁶¹⁷ NBS (2012) Population and housing census. Dar es Salaam, NBS.

⁶¹⁸ See, TPF Annual Crime and Statistics' Reports (2010-2016).

⁶¹⁹ Twaweza (2017) Safety first? Security, policing and justice in Tanzania. *Sauti za Wananchi*, 42 [online]. [Accessed on 13 December 2018]. Available from: <<https://www.twaweza.org/uploads/files/SzW-Security2017-EN-FINAL-web.pdf>>, p. 5.

⁶²⁰ TPF (2017), *Ibid.* p. 56.

⁶²¹ Tanzania has 945,087 km².

⁶²² TPF (2017), *Ibid.* pp. 56-58.

⁶²³ *Ibid.* See also, TPF (2009) *Crime and traffic incidents statistics report: January to December 2008*. Dar es Salaam, TPF, pp. 6 and 54.

⁶²⁴ *Ibid.*

⁶²⁵ Neild, R. (1999) From national security to citizen security civil society and the evolution of public order debates (mimeo). Montreal, ICHRDD, p. 5.

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 stitised 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 (*vichocho*) 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.

⁶²⁷ Robertshaw, R. (2000) *Crime in Dar es Salaam: results of a city victim survey*. Nairobi, UN-Habitat, p. 16.

⁶²⁸ Cross (2013), *Ibid.* p. 131.

⁶²⁹ *Ibid.*

⁶³⁰ Marenin (1982), *Ibid.* p. 389.

⁶³¹ Reisman (2013), *Ibid.* p. 14.

⁶³² Igbinovia (1981), *Ibid.* pp. 134 and 136.

⁶³³ *Ibid.*

⁶³⁴ Personal experience in Mara region, Tanzania (between 1987 and 2004). Cf. Rupiya, M., et al. (eds.) (2006) *Civil security relations in Tanzania: investigating the relationship between the state, security services and civil society* [online]. Pretoria, ISS. [Accessed on 22 May 2017]. Available from: <<https://issafrica.s3.amazonaws.com/site/uploads/mono128fullpdf.pdf>>, p. 59.

crimes or even the police to involve villagers in crime control programmes.⁶³⁵ 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.⁶³⁶ 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)”.⁶³⁷ 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”⁶³⁸ and mostly preoccupied with ‘regime policing’, hence drifting the population away from public police.

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.⁶³⁹ In an autocratic state, the mission of the police force is fundamentally different, it intimidate and suppress opposition to protect the regime⁶⁴⁰ and the police manage the political process and the government’s relations with its populace.⁶⁴¹ 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.⁶⁴² Given the conservative nature of the police, even the reforms undertaken by the postcolonial

⁶³⁵ 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 1st 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.

⁶³⁶ Cf. Burton, A. (2003) Brothers by day’: colonial policing in Dar es Salaam under British rule, 1919–61. *Urban History*, 30(1), p. 81.

⁶³⁷ Marenin (1982), *Ibid.* p. 390.

⁶³⁸ *Ibid.*

⁶³⁹ Wiatrowski, M.D. and Goldstone, J.A. (2010) The ballot and the badge: democratic policing. *Journal of Democracy*, 21(2), p. 84.

⁶⁴⁰ *Ibid.* p. 88.

⁶⁴¹ Hills (1996), *Ibid.* pp. 276 and 280, and Marenin (1982), *Ibid.* p. 379.

⁶⁴² 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), *Ibid.* p. 24 and Hills (1996), *Ibid.* p. 271, and Mukhopadhyay (1997), *Ibid.* pp. 186 and 193.

governments have not been able to transform them into something distinctly different from their colonial manifestation.⁶⁴³ To quote Mukhopadhyay: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, Scher⁶⁴⁵ 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.⁶⁴⁶ It also involves the control of the TPF by the ruling party that uses it to serve political agenda, *i.e.* to restrict the rights of individuals to participate in the civil and political life of society and the state.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.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.⁶⁴⁹ Further, the District and Regional Commissioners, who are party cadres (as **photo 2** below illustrates) and appointees of the President, direct and control the police in their jurisdiction through the District and Regional Security Committees.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

⁶⁴³ Mukhopadhyay (1997), *Ibid.* pp. 194-5.

⁶⁴⁴ *Ibid.*

⁶⁴⁵ Scher (2010), *Ibid.* p. 1.

⁶⁴⁶ Haki na Usalama (2016) The police and the executive: roles and responsibilities. Dar es Salaam, Justice and Security Forum, p. 3.

⁶⁴⁷ *Ibid.*

⁶⁴⁸ Haki na Usalama (2016), *Ibid.* pp. 22-24, and Police Force and Prisons Service Commission Act, 1990.

⁶⁴⁹ *Ibid.*

⁶⁵⁰ *Ibid.*

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.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.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.⁶⁵³

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



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.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.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.⁶⁵⁶ They issue public

⁶⁵¹ Cf. Potholm (1969), *Ibid.* p. 142.

⁶⁵² Abrahamsen and Williams (2008), *Ibid.* pp. 545-6. Cf. Schubert (2018), *Ibid.* p. 391.

⁶⁵³ Cf. Mukhopadhyay (1997), *Ibid.* p. 195.

⁶⁵⁴ See, Kwach, E. and Adam, C. (2015) Prolonging conflict and service delivery in Tarime. *Journal of Political Sciences and Public Affairs*, S2 (004), pp. 1-4; Mwandishi wetu (2017) Kanda maalum ya polisi yanukia pwani. *Mwananchi Newspaper* [online]. 23 February 2017. [Viewed on 11 January 2018]. Available from: <<https://www.mwananchi.co.tz/habari/--Kanda-Maalum-ya-Polisi-yanukia-Pwani/1597578-3824386-format-xhtml-vxxk8mz/index.html>>; TPF (2018) Muundo wa jeshi la polisi [online]. [Accessed on 27 June 2018]. Available from: <<https://www.policeforce.go.tz/index.php/sw/kuhusu-sisi/muundo-wa-jeshi-la-polisi>>. Cf. Hills (1996), *Ibid.* p. 279.

⁶⁵⁵ *Ibid.*

⁶⁵⁶ Ng'wanakilala, F. (2018) Tanzania police threaten to beat protesters 'like stray dogs' to halt demos. *Reuters* [online]. 25 April 2018. [Viewed on 17 August 2019]. Available from: <<https://www.google.com/amp/s/mobile.reuters.com/article/amp/idUSKBN1HW2BU>>, and US

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.⁶⁵⁷ 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.⁶⁵⁸

Within the police structure, there is a Field Force Unit (FFU),⁶⁵⁹ 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).⁶⁶⁰ It is responsible for controlling and subsiding civil riots,⁶⁶¹ handling security at police stations⁶⁶² and sometimes protecting the borders.⁶⁶³ FFU has also been used to suppress workers and students’ protests and to crackdown tax defaulters.⁶⁶⁴ FFU officers are located in strategic areas, mainly district and region capitals⁶⁶⁵ and some of their operations have ended in a loss of lives and serious injuries.⁶⁶⁶ 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.⁶⁶⁷

The police force has not adapted to mirror the change from party-state to multiparty politics⁶⁶⁸ 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

Department of State (2001) Tanzania: country reports on human rights practices bureau of democracy, human rights, and labour. US Department of State (February). Cf. LHRC’s Tanzania Human Rights Reports between 2002 and 2019.

⁶⁵⁷ Joseph, J. *et al.* (2016) Police force says only conducting normal exercises. The Citizen Newspaper. 23 August 2016.

⁶⁵⁸ Cf. Hills (1996), *Ibid.* p. 279.

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.

⁶⁶¹ Shivji (1990), *Ibid.* pp. 19 and 81, Burton (2003), *Ibid.* p. 76, and Kapinga (1990), *Ibid.* pp. 41 and 42.

⁶⁶² Kidanka, C. (2015) Kikwete hints at possible terrorist operations in Tanzania. The East African. 04 March 2015.

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.*

⁶⁶⁶ Rupiya (2006), *Ibid.* pp. 56 and 59.

⁶⁶⁷ *Ibid.*

⁶⁶⁸ Cf. Hills (1996), *Ibid.* p. 271.

police have discretion over arrest and detention and regulate public meetings and demonstrations, thus they can automatically determine who participate in politics.⁶⁶⁹ For instance, they have restricted political rallies and protests,⁶⁷⁰ and arrested and prosecuted over 13 outspoken opposition legislators between 2016 and 2018.⁶⁷¹ 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).⁶⁷² 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'.⁶⁷³ 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.⁶⁷⁴ 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.⁶⁷⁵ 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 watakupiga 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).⁶⁷⁶

At some point, President Nyerere⁶⁷⁷ claimed that the Constitution had given him enormous powers to make him a dictator.⁶⁷⁸ 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

⁶⁶⁹ Cf. Igbinovia (1981), *Ibid.* p. 151.

⁶⁷⁰ Kabendera, E. (2016) Magufuli criticised as Tanzania bans rallies. *The East African*, 11 June 2016.

⁶⁷¹ Yamola, I. (2018) Wabunge wengine 13 wana kesi mahakamani. *Mwananchi Newspaper*. 27 February 2018. Cf. Mpangala, M. (2018) Je wapinzani Tanzania wamejipanga kutatua changamoto zinazowakabili? *BBC Swahili*. 06 November 2018.

⁶⁷² Chahali, E. (2017) *Tathmini ya miaka miwili ya urais wa magufuli: safari ya matumaini au nyota iliyofifia?* Unpublished, Chapter 3.

⁶⁷³ Werrema, I.J. (2012) *After 50 years: the promised land is still too far!, 1961-2011*. Dar es Salaam, Mkuki na Nyota Publishers, p. 21.

⁶⁷⁴ Okema (2006), *Ibid.*

⁶⁷⁵ Waandishi Wetu (2013) Mizengo Pinda: wapigwe tu, tumechoka. *Mwananchi Newspaper*. 20 June 2013.

⁶⁷⁶ *Ibid.*

⁶⁷⁷ President of Tanzania from 1962 to 1985.

⁶⁷⁸ Shivji (1990), *Ibid.* p. 12, CHRI (2006), *Ibid.* p. 22, and Hartmann, J. (1987) President Nyerere and the state. *Tanzanian Affairs*, 26 (Politics). [Accessed on 12 November 2018]. Available from: <<https://www.tzaffairs.org/1987/01/president-nyerere-and-the-state/>>.

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 political detainees 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 (*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 '*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), *Ibid.*

⁶⁸⁰ Kaplan (1978), *Ibid.* p. 261.

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>>.

⁶⁸² LHRC (2017) *Tanzania Human Rights Report*. Dar es Salaam, LHRC, pp. 53-58, and 214.

⁶⁸³ *Ibid.*

⁶⁸⁴ Reisman, L. et al. (2013) Tackling the dangerous drift: assessment of crime and violence in Tanzania - recommendations for violence prevention and reduction. CVPI and OSIEA, p. 14.

⁶⁸⁵ Twaweza (2017), *Ibid.* p. 11.

⁶⁸⁶ *Ibid.*

⁶⁸⁷ Baker (2004), *Ibid.* p. 165. Abrahamsen and Williams (2008), *Ibid.* p. 546.

⁶⁸⁸ PCCB (2017) National corruption and anti-corruption indicators. Dar es Salaam, PCCB. May 2017, p. 25. Cf. Transparency International (2015) Global corruption barometer. London, TI.

⁶⁸⁹ Mjema, D. (2018) Bila shaka polisi mmemsikia waziri Kangi Lugola. Mwananchi Newspaper. 10 October 2018. See also, the Guardian Reporter (2018) *Minister warns against Corruption*. The Guardian/IPP Media. 28 November 2018.

⁶⁹⁰ *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.⁶⁹¹ 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 36.⁶⁹² 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.⁶⁹³ 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.⁶⁹⁴ 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.⁶⁹⁵

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.⁶⁹⁶ In 2015 and 2016, for example, the TPF recorded 18 incidents of civilians attacking police stations and 1909 cases of mob violence.⁶⁹⁷ Apart from mob injustice (jungle justice), criminal gangs that terrorise and rob people are on the increase since 2000, they are involved in extra-

⁶⁹¹ Vaillant, C., *et al.* (2011) Joint evaluation of support to anti-corruption efforts: Tanzania country report. NORAD. p. 112.

⁶⁹² BMI Research (2016) *Tanzania: crime and security risk report Q3*. BMI Research, p. 21.

⁶⁹³ CHRI (2006), *Ibid.* p. 12.

⁶⁹⁴ BMI Research (2016), *Ibid.* p. 5.

⁶⁹⁵ *Ibid.* p. 20.

⁶⁹⁶ The Guardian’s Editorial (2016) Why not re-introduce sungusungu to curb growing insecurity? The Guardian Newspaper/IPP Media. 23 March 2016. *Cf.* Kabendera, E. (2015) Tanzania on security alert after police attacked. The East African. 21 February 2015.

⁶⁹⁷ TPF (2017), *Ibid.* pp. 37 and 38.

judicial killings, burglary, abductions, maiming and inter and intra-clan conflicts.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,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.⁷⁰⁰ In justifying party militias, for example, CHADEMA’s chairperson, Mr. Freeman Mbowe⁷⁰¹ cited ‘*wapigwe tu*’ directive and claimed that:

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 tutakuwa 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).

Several policing surveys conducted in Tanzania suggest that many people prefer informal security arrangements to the TPF.⁷⁰² The Household Survey (1996) concluded that people were more satisfied with non-state policing than with the TPF.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)”.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

⁶⁹⁸ Reisman (2013), *Ibid.* pp. 40 and 53, and LHRC (2014) *Tanzania Human Rights Report*. LHRC, Dar es Salaam, p. 42.

⁶⁹⁹ Baker (2004), *Ibid.* p. 166.

⁷⁰⁰ Mutahi (2011), *Ibid.* p. 12, and Mutahi (2017), *Ibid.* p. 59.

⁷⁰¹ Mwananchi Reporter (2013) CHADEMA kuanzisha kambi za mafunzo ya ulinzi nchi nzima. Mwananchi Newspaper. 10 July 2013.

⁷⁰² E.g. Safer Cities: Dar es Salaam (2000), *Ibid.*; and Twaweza (2017), *Ibid.*

⁷⁰³ CIET International (1996) *Tanzania: corruption in the police, judiciary, revenue and lands services*. CIET International. See also, Nalla, M.K. and Newman, E.R. (2011) *Crime and punishment around the World: Africa and the Middle East*. Vol. I. California, ABC-CLIO LLC, p. 219.

⁷⁰⁴ Safer Cities: Dar es Salaam (2000), *Ibid.* p. 49.

guards and neighbourhood watch groups to improve safety.⁷⁰⁵ Around 80% of the surveyed population in 2000 used burglar-proofing, fences, dogs and weapons to prevent crimes.⁷⁰⁶ 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.⁷⁰⁷ 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* ideology⁷⁰⁸ implemented under a strategy of self-reliance.⁷⁰⁹ 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.⁷¹⁰ 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.⁷¹¹ Under the *ujamaa* politics, the government introduced a communal mode of life and ‘forced’ people to live in the *ujamaa*

⁷⁰⁵ Robertshaw (2000), *Ibid.* pp. 16 and 110.

⁷⁰⁶ *Ibid.* p. 16.

⁷⁰⁷ Twaweza (2017), *Ibid.* p. 11.

⁷⁰⁸ Cross (2013), *Ibid.* Cf. Killian and Pastory (2018), *Ibid.* p. 12.

⁷⁰⁹ Denney, L. and Jenkins, S. (2013) Securing communities: the what and how of community policing. Background Paper. London, ODI, p. 28.

⁷¹⁰ The constitution (1977), the Arusha Declaration (1967), the National Ethics (1965), and TANU and CCM Guidelines (1971 and 1981). Cf. Nyerere, J.K. (1966) *Freedom and unity: a selection of writings and speeches 1952-65*. Dar es Salaam, Oxford University Press, p. 262.

⁷¹¹ *Ibid.*

villages.⁷¹² 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)⁷¹³ 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.⁷¹⁴

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)⁷¹⁵ 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 sehemu zao za kazi na za kuishi, viwandani na maofisini, vijijini na mijini.*⁷¹⁶ (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).

⁷¹² Lorgen (1999), *Ibid.*

⁷¹³ See, Kaplan, I. (ed.) (1978), p. 240.

⁷¹⁴ Cf. Niccolo Machiavelli writes, "the best way for a republic to remain independent of neighbouring states is to have a citizen militia which involves a collective effort by citizens in the defence of their freedom". See, Hollis, M. (1996) Machiavelli, Milton and Hobbes on liberty. In: Bellamy, R. and Ross, A. (eds.) *A Textual Introduction to Social and Political Theory*. Manchester, Manchester University Press, p. 64.

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:

Nitumie 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).⁷¹⁷

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 state⁷¹⁹ 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.

⁷¹⁸ Abrahams, R. (1987) *Sungusungu: village vigilante groups in Tanzania. African Affairs*, 86:343, pp. 189 and 191.

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.

⁷²⁰ Cf. Abrahamsen and Williams (2017), *Ibid.* p. 28.

⁷²¹ *Kifungu 12-31 cha Sheria ya Mabadiliko ya Tano katika Katiba ya Nchi, Na. 15/1984, i.e. section 6 ([Articles 12-31] of the Fifth Constitutional Amendment, Act No. 15/1984). See also, CCM (1983) Mapendekezo ya kamati mkuu juu ya mabadiliko ya katiba ya jamhuri ya muungano na katiba ya serikali ya mapinduzi ya Zanzibar. Dodoma, CCM.*

from all forms of violence from either public or private sources.⁷²² 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).⁷²³ 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.⁷²⁴ The National Ethic of 1965 partly inspired the constitutional clauses on collective security that require individuals to assist those responsible for law enforcement.⁷²⁵ 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.⁷²⁶

By forming security groups, the people are enjoying their organisational right as provided to them by the Bill of Rights.⁷²⁷ Collective security can as well be achieved through political programmes of the party, such as compulsory national service (military training and service),⁷²⁸ conscription during a war, and allowing citizens to bear arms.⁷²⁹ 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.⁷³⁰ 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.⁷³¹ It is highly inconceivable that the Constitution could impose a civic duty to

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*".

⁷²⁴ Article 28(2) of the 1977 Constitution. Cf. Kabudi, P.J. (1995) The directive principles of state policy versus duties of the individual in East African constitutions. *Law and Politics in Africa, Asia and Latin America*, 28(3), p. 297.

⁷²⁵ Nyerere (1966), *Ibid.* p. 262. See also, Kabudi (1995), *Ibid.* pp. 287 and 288.

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.

⁷³⁰ Avirgan, T. and Honey, M. (1983) *War in Uganda: the legacy of Idi Amin*. Dar es Salaam, Tanzania Publishing House, p. 72.

⁷³¹ Cf. John Stuart Mill: "*the bearing of a 'fair share in the common defence' is one of 'many positive acts for the benefit of others which [an individual] may rightfully be compelled to perform*" [see, Hodgson, D. (2003) *Individual duty within a human rights discourse*. London, Routledge, p. 168].

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' laws⁷³² radically modified the nature of state power by ceding much of the central government's functions to local communities.⁷³³ The 1982 political reforms revived the indirect rule in more unified local structures,⁷³⁴ with an additional duty of facilitating the maintenance of peace and order in their localities.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.⁷³⁶ The Fourth Constitutional Amendment of 1984⁷³⁷ cemented the LGAs' role by obligating them to ensure the enforcement of law and public safety of the people.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.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).⁷⁴⁰ Like the 1973 and 1975 militia laws, the People's Militia Laws (Miscellaneous Amendment) Act (1989)⁷⁴¹ do not establish non-state actors as

⁷³² Local Government (District Authorities) Act (1982) and Local Government (Urban Authorities) Act (1982).

⁷³³ Heald, S. (2006) State, law, and vigilantism in northern Tanzania. *African Affairs*, Vol. 105:419, p. 279.

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.

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.

⁷³⁶ *Ibid.*

⁷³⁷ The Fourth Constitutional Amendment was a major reform to the 1977 Constitution, which, among other things, introduced the Bill of Rights and recognised LGAs and their policing duties. See, Nyanduga, B.T.M. (1985) Tanzania's constitutional amendments. *Tanzanian Affairs*, 20. [Accessed on 22 November 2019]. Available from: <<https://www.tzaffairs.org/1985/01/tanzania%E2%80%99s-constitutional-amendments/>>

⁷³⁸ Article 146(2)(b) of the 1977 Constitution.

⁷³⁹ Heald (2006), *Ibid.* p. 280.

⁷⁴⁰ The People's Militia Laws (Miscellaneous Amendment) Act, No. 9 of 1989.

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.⁷⁴² Heald claims,⁷⁴³ “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.⁷⁴⁴ 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.⁷⁴⁵ 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.⁷⁴⁶

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 1982,⁷⁴⁷ 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.⁷⁴⁸ 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 1963.⁷⁴⁹ 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

⁷⁴² Cf. Shivji (1990), *Ibid.* pp. 15-18.

⁷⁴³ Heald (2006), *Ibid.* p. 280.

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.

⁷⁴⁷ The government abolished the rural authorities in 1972 and urban authorities in 1973. See, The United Republic of Tanzania (2006) *History of Local Governments in Tanzania*, President's Office Regional Administration and Local Government, Dodoma, pp. 6-13.

⁷⁴⁸ Ahram (2006), *Ibid.* p. 65.

⁷⁴⁹ Heald (2002), *Ibid.* p. 9.

established non-state security groups in the region and gave them police and judicial powers.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.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).⁷⁵²

5.2.4 Kagera war

The Tanzania-Uganda war (Kagera war)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".⁷⁵⁴ The country faced an unprecedented wave of violence including extra-judicial killings, banditry, burglary, and armed raiding.⁷⁵⁵ This was a time when the thieves ruled,⁷⁵⁶ targeting shops, bars, banks, and residential buildings in towns while it took the form of cattle theft in rural areas,⁷⁵⁷ which is still a common problem even today.⁷⁵⁸ Campbell⁷⁵⁹ reports:

⁷⁵⁰ Shivji (1990), *Ibid.* p. 16.

⁷⁵¹ The Party Guidelines have no legal force. See, *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), *Ibid.*

⁷⁵² See, Brennan (2006), *Ibid.*

⁷⁵³ The war started on 9th October 1978 and ended on 3rd June 1979. See, Nayenga, P.F.B. (1984) The overthrowing of Idi Amin: an analysis of the war. Review of war in Uganda: the legacy of Idi Amin, by Tony Avirgan and Martha Honey. *Africa Today*, 31(3), p. 69.

⁷⁵⁴ Heald, S. (2009) Reforming community, reclaiming the state: the development of sungusungu in northern Tanzania. In: Wisler, D. and Onwudiwe, I.D. (eds.) *Community policing: international patterns and comparative perspectives*. CRC Press, p. 59.

⁷⁵⁵ Heald (2009), *Ibid.* p. 59.

⁷⁵⁶ Heald (2009), *Ibid.* p. 57.

⁷⁵⁷ Cross (2014), *Ibid.* p. 520.

⁷⁵⁸ TPF Reports (2002-2018) show that incidents of stock theft range from 4,879 to 7,430 annually.

⁷⁵⁹ Campbell, H. (1989) Popular resistance in Tanzania: lessons from the sungusungu. [Accessed on 13 December 2018]. Available from: <<http://pdfproc.lib.msu.edu/?file=/DMC/African%20Journals/pdfs/Utafiti/vol9no2/aejp009002004.pdf>>, p. 41.

...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.⁷⁶⁰ The press reported an alarming death figure of up to 11 persons per week in Geita district alone.⁷⁶¹ The population, mostly affected by the increase in crimes, lost confidence in the ability of the police to combat crimes.⁷⁶² The police officers, largely regarded as citizens in uniforms⁷⁶³ and who took part in the Kagera war,⁷⁶⁴ were very few and largely absent in villages and informal settlements.⁷⁶⁵ In an interview with the BBC in 2006,⁷⁶⁶ 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).⁷⁶⁷ Therefore, because of the geopolitics, the country had more army officers than the police and paramilitary combined.⁷⁶⁸ With a population of around 17.5 million people, one police officer served around 1,250 to 1,750 people.⁷⁶⁹ 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.*

⁷⁶² Mwaikusa, J.T. (1995) Maintaining law and order in Tanzania: the role of sungusungu defence groups. In: Semboja, J. and Therkildsen, O. (eds.) *Service provision under stress in East Africa: the state, NGOs and people's organizations in Kenya, Tanzania and Uganda*. CDR, Copenhagen, Denmark, p. 169.

⁷⁶³ Barany (2014), *Ibid.* p. 611.

⁷⁶⁴ Avirgan, T. and Honey, M. (1983) *War in Uganda: the legacy of Idi Amin*. Dar es Salaam, Tanzania Publishing House, p. 72.

⁷⁶⁵ Safer Cities: Dar es Salaam (2000), *Ibid.* pp. 43 and 44.

⁷⁶⁶ Ntetema, V. (2006) Tanzania gangsters turn vigilantes. BBC News. 15th September. [Accessed on 23 July 2017]. Available from: <<http://news.bbc.co.uk/1/hi/world/africa/5348348.stm>>.

⁷⁶⁷ Marenin (1982), *Ibid.* p. 386.

⁷⁶⁸ Kaplan (1978), *Ibid.* p. 257.

⁷⁶⁹ *Ibid.*

located.⁷⁷⁰ 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.⁷⁷¹ 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.⁷⁷² The rural population was also tired of daily interferences and tactless policing by the youth groups.⁷⁷³ 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.⁷⁷⁴

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.⁷⁷⁵ Due to an upsurge in crimes or perceived fear of crimes and the absence of adequate police protection,⁷⁷⁶ the people saw a solution in the tribal security system that had existed in the precolonial village (*nzenko/kijiji*) in the form of traditional army 'sungusungu' (also *ruga ruga* and *wasalama*).⁷⁷⁷ According to Campbell:⁷⁷⁸

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*.

⁷⁷⁰ Safer Cities: Dar es Salaam (2000), *Ibid.* p. 43.

⁷⁷¹ *Ibid.* p. 43. See also Ahran, A.I. (2006) Why states choose paramilitarism? *Georgetown Journal of International Affairs*, 7(1), p. 70.

⁷⁷² Cf. Heald (2006), *Ibid.* p. 273.

⁷⁷³ Brennan (2006), *Ibid.* p. 236.

⁷⁷⁴ *Ibid.* pp. 233-238.

⁷⁷⁵ Van Rouveroy van Nieuwaal (1996), *Ibid.* p. 66.

⁷⁷⁶ Maina, C.P. (1992) Five years of the bill of rights in Tanzania: drawing a balance sheet. *African Journal of International and Comparative Law/RADIC*, 4(1), p. 144. See also, Mwaikusa (1995), *Ibid.* pp. 167 and 168.

⁷⁷⁷ Paciotti, B. and Hadley, C. (2004) Large-scale cooperation among sungusungu "vigilantes" of Tanzania: conceptualizing micro-economic and institutional approaches. *Research in Economic Anthropology*, 23, pp. 128 and 129. Cf. Campbell (1989), *Ibid.* p. 32.

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 Nieuwaal⁷⁸⁰ 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

⁷⁷⁹ Also known as *Sungusungu* or *Busalama*. See, Bukurura (1994) The maintenance of order in rural Tanzania

the case of *sungusungu*. *Journal of Legal Pluralism and Unofficial Law*, 26(34), pp. 1 and 2.

⁷⁸⁰ Van Rouveroy van Nieuwaal (1996), *Ibid.* p. 67.

⁷⁸¹ Campbell, H. (1989), *Ibid.* p. 32.

⁷⁸² Abrahams, R. (1989) Law and order and the state in the Nyamwezi and Sukuma area of Tanzania. *Journal of the International African Institute*, 59(3), p. 367.

⁷⁸³ Walwa (2017), *Ibid.*

⁷⁸⁴ Tripp, A.M. (1997) *Changing the rules: the politics of liberalization and the urban informal economy in Tanzania*, California, University of California Press, p. 64.

⁷⁸⁵ Tripp (1997), *Ibid.* 64.

⁷⁸⁶ Biermann, W. and Wagao, J. (1986) The quest for adjustment: Tanzania and the IMF, 1980-1986. *African Studies Review*, 29(4), p. 90.

⁷⁸⁷ *Ibid.*

⁷⁸⁸ Tripp (1997), *Ibid.* 64.

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.⁷⁸⁹

The budget shortfalls were common throughout the government during this period, reflecting the country's weak economy.⁷⁹⁰ The government's budget deficit jumped from 10 percent of the gross domestic product (GDP) in 1976–1977 to 20 percent in 1978–1979.⁷⁹¹ Half of the USD 4,000 million development budget for 1977 to 1982 had to come from outside.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 1985.⁷⁹³ The country also became dependent on expatriates while the aid schemes alone brought in over 8,000 expatriates by 1980.⁷⁹⁴ 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 180.⁷⁹⁵ It dropped from the 14th 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 110.⁷⁹⁶ 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.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 *ujamaa* village's campaign, supported small-scale private enterprises, created regional industrial estates, and invited local and foreign-based

⁷⁸⁹ Hughes, A. (1977) Disintegration of the Community of East Africa. *New York Times*. 6 March 1977, p. 146.

⁷⁹⁰ Scher (2010), *Ibid.*

⁷⁹¹ Tripp (1997), *Ibid.* p. 64.

⁷⁹² Ergas (1980), *Ibid.* p. 394.

⁷⁹³ Biermann and Wagao (1986), *Ibid.* p. 91.

⁷⁹⁴ Ergas (1980), *Ibid.* p. 394.

⁷⁹⁵ Kaplan (1978), *Ibid.* p. xii.

⁷⁹⁶ Scher (2010), *Ibid.*, and Messkoub, M. (1996) The social impact of adjustment in Tanzania in the 1980s: economic crisis and household survival strategies. [Accessed on 10 November 2018]. Available from: <<https://www.bradford.ac.uk/research-old/ijas/tazadj2.htm>>.

⁷⁹⁷ Messkoub (1996), *Ibid.*

investors.⁷⁹⁸ 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).⁷⁹⁹ 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).⁸⁰⁰ Among other things, the neoliberal reforms pushed the government to downsize its workforce,⁸⁰¹ cut its expenditure on social services, and abandon the command economy.⁸⁰² Therefore, the expansion of the private security industry in Tanzania, especially for-profit policing firms is a by-product of neoliberal policies.⁸⁰³ The SAPs, as a political necessity, opened the Tanzanian economy to private investments in the form of private properties and transnational entities.⁸⁰⁴ 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.⁸⁰⁵ Before 2000, Mainland Tanzania had nearly 21,637 establishments, increased to around 69,142 in 2012⁸⁰⁶ and grew to 154,618 in 2015.⁸⁰⁷ Mining and quarrying

⁷⁹⁸ Ergas (1980), *Ibid.* pp. 395, 404 and 405. Cf. Hatch, J. (1975) Africa's harvest of hope. London, the Guardian. 11 February 1975.

⁷⁹⁹ Bank of Tanzania (2011) *Mainland Tanzania's 50 years of independence: a review of the role and functions of the bank of Tanzania (1961-2011)*. Dar es Salaam, BOT. Cf. Robertshaw (2000), *Ibid.* p. 23, and Mkutu, K.A., *et al.* (2017) Private security companies in Tanzania: regulation and operations. In: Mkutu, K.A. (ed.) *Security governance in East Africa: pictures of policing from the ground*. London, Lexington Books, p. 128. See also, the Public Corporations Act, 1992 and the Public Service Reform Program in Tanzania (PSRP).

⁸⁰⁰ Muganda, A. (2004) Tanzania's economic reforms and lessons learned. A paper presented at the Scaling up Poverty Reduction: A Global Learning Process and Conference, Shanghai, 25-27 May 2004, pp. 3-8.

⁸⁰¹ Mkutu (2017), *Ibid.* p. 122.

⁸⁰² Biermann and Wagao (1986), *Ibid.* pp. 94-97. Note: the Zanzibar Declaration of 1991 replaced the Arusha Declaration. See, Tanzanian Affairs (1991) The Zanzibar declaration. Tanzanian Affairs [online], 39. 1 May 1991. [Accessed on 16 November 2018]. Available from: <<https://www.tzaffairs.org/1991/05/the-zanzibar-declaration/>>.

⁸⁰³ Cf. Abrahamsen and Williams (2008), *Ibid.* p. 545, and Baker (2004), *Ibid.* p. 166.

⁸⁰⁴ Cross (2014), *Ibid.* p. 526, Abrahamsen and Williams (2008), *Ibid.* p. 539, and Bulamile (2009), *Ibid.*

⁸⁰⁵ National Bureau of Statistics (NBS) (2016) Formal sector employment and earnings survey, 2016: mainland Tanzania. Dar es Salaam, NBS. p. 4, NBS (2016) Statistical business register report 2014/15: mainland Tanzania. Dar es Salaam, NBS, p. 18, and NBS (2012) Statistical business register report 2011/12 mainland Tanzania. Dar es Salaam, NBS. p. 2.

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 2015.⁸⁰⁸ 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 1999.⁸⁰⁹ In 2009, the FDI inflows stood at USD 953.1 million and doubled to 2,130.9 in 2013.⁸¹⁰ As a result, the private formal sector employed over 1,748,695 people compared to only 850,616 workers in the public sector in 2016.⁸¹¹

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.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.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.⁸¹⁴ The SAPs also involved cutting government expenditure in the provision of social services,⁸¹⁵ thus an acute shortage of funds, equipment and personnel in respective state departments.⁸¹⁶ By 1985, the public sector laid off more than 25,000 workers, almost 10% of the entire workforce at the time.⁸¹⁷ The public workforce, in general, shrank from 355,000 in 1992 to 264,000 in 1998.⁸¹⁸ 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 1:10,000.⁸¹⁹ Regarding funding, the TPF received less than 50% on average of its financial requirements from 1993 to 2003. By 2001,

⁸⁰⁸ *Ibid.* pp. 21, 23, 30, and 49. Cf. Mkutu (2017), *Ibid.* p. 124, and Abrahamsen and Williams (2008), *Ibid.* p. 549.

⁸⁰⁹ The Bank of Tanzania (2001) *Tanzania investment report: report on the study of foreign private capital flows in mainland Tanzania*. Dar es Salaam, Colour Print (T) Ltd., pp. 1, 9 and 10.

⁸¹⁰ Bank of Tanzania and NBS Report, 2014.

⁸¹¹ NBS (2016), *Ibid.* p. 12.

⁸¹² Abrahamsen and Williams (2008), *Ibid.* p. 549.

⁸¹³ Mkutu (2017), *Ibid.* p. 128.

⁸¹⁴ Cf. Mkutu (2017), *Ibid.* p. 124.

⁸¹⁵ Messkoub (1996), *Ibid.*

⁸¹⁶ Scher (2010), *Ibid.*

⁸¹⁷ Biermann and Wagao (1986), *Ibid.* p. 97.

⁸¹⁸ Muganda (2004), *Ibid.* p. 8. Cf. Teskey, G. and Hooper, R. (1999) *Tanzania civil service reform programme: case study* [online]. [Accessed on 31 December 2018]. Available from: <<http://unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN010583.pdf>>.

⁸¹⁹ Cross (2013), *Ibid.* p. 53. See, the government newspaper (Daily News) of 30th May 1989.

the TPF had an outstanding debt of more than 20 billion Tanzanian shillings (USD 30 million).⁸²⁰ The state's capacity to fund the TPF decreased and the country endured a brunt of deficient public security mechanism,⁸²¹ 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*.⁸²²

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.⁸²³ By 2015, there were over 1939 foreign-owned investments in Mainland Tanzania.⁸²⁴ 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".⁸²⁵

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.⁸²⁶ 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.

⁸²² Lwaitama, A.F. (2013) *Thinking critically: why Tanzanians turn to private security*. The Citizen Newspaper. 23 July 2013.

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.⁸²⁷ 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.⁸²⁸ 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

⁸²⁷ Dupont (2003), *Ibid.* p. 337.

⁸²⁸ Cross (2014), *Ibid.* p. 527, and Abrahamsen and Williams (2008), *Ibid.* p. 547.

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,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.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

⁸²⁹ Cf. Favarel-Garrigues, G. and Le Huérou, A. (2004) State and the multilateralization of policing in Post-Soviet Russia. *Policing and Society*, 14(1), p. 15.

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,⁸³¹ 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.⁸³² 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.

⁸³² Cf. Ndedi, A.A. and Kok, L. (2017) *Roadmap for Effective and Efficient Cadre Deployment in South Africa*. Available at SSRN: <https://ssrn.com/abstract=3026392>.

of protection and investigation (or even trials and sentencing)”⁸³³ 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.⁸³⁴ 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.⁸³⁵ 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.⁸³⁶ 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.

⁸³⁴ Cf. Shearing, C. and Stenning, P. (1987) *Private policing*. London, Sage Publication, pp. 13-14.

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 coordinating 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.⁸³⁷ 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.⁸³⁸ It has recently introduced a special police station for tourists and diplomats (Diplomatic and Tourism Unit).⁸³⁹

⁸³⁷ Cf. Igbinovia (1981), *Ibid.* p. 134.

⁸³⁸ CHRI (2006), *Ibid.* p. 12.

⁸³⁹ 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.⁸⁴⁰ 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.⁸⁴¹ 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.⁸⁴² 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.⁸⁴³ 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.⁸⁴⁴ 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.⁸⁴⁵ 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.⁸⁴⁶ In representing the regime, the TPF acts as

⁸⁴⁰ Marenin (1982), *Ibid.* p. 384, and Haki na Usalama (2016), *Ibid.*

⁸⁴¹ TPF (2014), *Ibid.* p. 2; Hills (1996), *Ibid.* pp. 273, 275-6; Igbinovia (1981), *Ibid.* pp. 134-5; Potholm (1969), *Ibid.* pp. 142-150; Scher (2010), *Ibid.*, and US State Department Report on Human Rights in Tanzania for 2006. US State Department. 6 March 2007. See also, Kwach and Adam (2015), *Ibid.* pp. 1-4; Mwandishi wetu (2017), *Ibid.*; Office of the Attorney General (Re-structure) Order, G.N. No. 48 of 2018 and National Prosecution Service Act, No. 27 of 2008.

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.⁸⁴⁷ 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.⁸⁴⁸

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 29th March 2013 issued by the President. TPF today is partly a corporate sole per the Corporations Sole (Establishment) Act of 1974.⁸⁴⁹ Through the Police Force Corporate Sole Board,⁸⁵⁰ 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.”⁸⁵¹ Therefore, the TPF provides consultancy services on security issues and personal defence.⁸⁵² 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 institutions⁸⁵³ and extractive industry.⁸⁵⁴ For example, there are security arrangements between the TPF and African Barrick Gold (Acacia Mining) at Buzwagi and North Mara Gold Mine Ltd.⁸⁵⁵ 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.

⁸⁴⁷ *Ibid.*

⁸⁴⁸ *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.*

⁸⁴⁹ Section 3(1)

⁸⁵⁰ See, the Police Corporation Sole Board (Establishment) Order, G.N. No. 67 of 20 I 3.

⁸⁵¹ Section 4(1)(a)

⁸⁵² 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.”

⁸⁵³ CRDB, NMB, and NBC.

⁸⁵⁴ Acacia Mining Plc.

⁸⁵⁵ 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.

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.⁸⁵⁶ There are at least one police post and one APU post in areas where the APU operates⁸⁵⁷ under a commissioner of police.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.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.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.⁸⁶¹ They make search and arrest and prevent crimes through visible policing and targeted or visible patrols.⁸⁶² For political reasons, they have also been teaming up with the police to suppress workers and students’ unrests in declared areas.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.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

⁸⁵⁶ Police Force and Auxiliary Services Act

⁸⁵⁷ Personal Experience at the University of Dar es Salaam (2005 to date). See also, the University of Dar es Salaam (2017) Undergraduate prospectus, 2017/2018. Dar es Salaam, DUP. p. ix, and TPA (2019) Tanzania ports authority’s handbook 2019-20. Dar es Salaam, TPA, p. 18.

⁸⁵⁸ See, the Citizen Newspaper (2015) Crime rate high at TZ’s oldest varsity. The Citizen Newspaper. 14 March 2015.

⁸⁵⁹ The Muhimbili University of Health and Allied Sciences (2012) The scheme of service for administrative and technical staff. July 2012, pp. 109-111.

⁸⁶⁰ Van der Spuy and Röntsch (2008), *Ibid.* pp. 63 and 64.

⁸⁶¹ *Ibid.* See also, Kazoka, L. (2015) *UDSM allays terror attack fears, beefs up campus security*. Daily News/TSN. 12 April 2015.

⁸⁶² CHRI (2006), *Ibid.* p. 18.

⁸⁶³ Personal Experience at the University of Dar es Salaam (2005 to date). See also, Omari, I.M. and Mihyo, P.B. (1991) *The roots of student unrest in African universities*. Nairobi, Man Graphics Limited.

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.⁸⁶⁵ 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.⁸⁶⁶ 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.⁸⁶⁷ 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.⁸⁶⁸ In several occasions, the government has involved the TPDF in policing duties outside of their barracks,⁸⁶⁹ thus blurring the distinction between security/civilian and defence functions.⁸⁷⁰ 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

⁸⁶⁵ CHRI (2006), *Ibid.* p. 18; Van der Spuy and Röntsch (2008), *Ibid.* pp. 63 and 64; and TPF (2016) *Crime and traffic incidents statistics report: January to December 2015*. Dar es Salaam, TPF, p. 65.

⁸⁶⁶ US State Department Report on Human Rights in Tanzania for 2006. US State Department. 6 March 2007.

⁸⁶⁷ Cf. Potholm (1969), *Ibid.* p. 145.

⁸⁶⁸ Althusser (1971), *Ibid.* pp. 98 and 137. See, Luanda, N. (2005) A changing conception of defence: a historical perspective of the military in Tanzania. In: Rupiya, M. (ed.) *Evolutions and revolutions: a contemporary history of militaries in Southern Africa*. Pretoria, ISS.

⁸⁶⁹ Taylor, B. (2017) Violence in Kibiti. *Tanzanian Affairs*, 118. 1 September 2017. [Accessed on 17 November 2018]. Available from: <<https://www.tzaffairs.org/2017/09/violence-in-kibiti/>>; and LHRC (2015) *Operesheni tokomeza ujangili report 2014*. LHRC [online]. [Accessed on 17 November 2018]. Available from: <<https://www.humanrights.or.tz/assets/attachments/1504098622.pdf>>. Cf. Marenin (1982), *Ibid.* p. 385.

⁸⁷⁰ Nalla and Newman (2011), *Ibid.* p. 218.

security operations (*operesheni*).⁸⁷¹ The Minister of Defence and National Service, Hussein Mwinyi,⁸⁷² 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 kuombwa 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*)⁸⁷³ and illegal immigrants (*operesheni kimbunga*),⁸⁷⁴ suppressing Mtwara gas riots,⁸⁷⁵ Amboni Caves’ terrorist acts,⁸⁷⁶ and Pwani violence (Kibiti, Rufiji and Mkuranga),⁸⁷⁷ money launderer⁸⁷⁸ and buying cashew nuts from farmers (*operesheni korosho*).⁸⁷⁹ 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.⁸⁸⁰ The army officers have worked with *sungusungu* to enforce immigration laws, thus round-up and

⁸⁷¹ Mkutu (2017), *Ibid.* p. 127.

⁸⁷² Quoted in Mtanzania Digital (2018) JWTZ kufanya kazi za polisi si kiroja. [Accessed on 18 December 2018]. Available from: <<https://mtanzania.co.tz/jwtz-kufanya-kazi-za-polisi-si-kiroja/>>.

⁸⁷³ LHRC (2015), *Ibid.*

⁸⁷⁴ Nsanzugwanko, T. (2013) Uhamiaji yasisitiza operesheni kimbunga. Habari Leo Newspaper. 14 November 2013.

⁸⁷⁵ Kamndaya, S. and Mugarula, F. (2013) Parliament seeks lasting solution to Mtwara crisis. The Citizen Newspaper. 25 May 2013.

⁸⁷⁶ Sembony, G. (2015) Hunt still on for gunmen after deadly siege at caves. The Citizen Newspaper. 16 February 2015.

⁸⁷⁷ Taylor (2017), *Ibid.* See also, Jamhuri Newspaper, Issue No. 298 of 13th June 2017 (JWTZ waingia Rufiji), pp. 1-2.

⁸⁷⁸ Ubwani, Z. (2018) Arusha forex shops under tight security. The Citizen Newspaper. 19 November 2018. [Accessed on 21 November 2018]. Available from: <<https://www.thecitizen.co.tz/News/Arusha-forex-shops-under-tight-security/1840340-4859296-6fkjybz/index.html>>.

⁸⁷⁹ Khan, S. (2018) Tanzania forced to deploy military to purchase cashew nuts from farmers amid price row. The Independent UK. 14 November 2018. [Accessed on 18 December 2018]. Available from: <<https://www.independent.co.uk/news/world/africa/tanzania-deploy-military-cashew-nuts-farmers-price-row-john-magufuli-a8633311.html>>. See also, 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.

⁸⁸⁰ Hotuba ya waziri mkuu, mheshimiwa Kassim M. Majaliwa (MB), kuhusu mapitio na mwelekeo wa kazi za serikali na makadirio ya mapato na matumizi ya fedha za ofisi ya waziri mkuu na ofisi ya bunge kwa mwaka 2018/2019 (April 4, 2018), para 93.

apprehend foreigners in villages that surround refugee camps.⁸⁸¹ 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.⁸⁸² Currently, some soldiers guard and patrol Mererani Tanzanite mines in Manyara Region.⁸⁸³

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.⁸⁸⁴ 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).⁸⁸⁵ The company is also investing in fire and rescue services, paramedics (ambulance service), riot control and cash transit.⁸⁸⁶

⁸⁸¹ Human Rights Watch (1999) Tanzania: in the name of security forced roundups in Tanzania. *HRW*, 11(4). [Accessed on 18 December 2018]. Available from: <<https://www.hrw.org/reports/1999/tanzania/Tanzan99-03.htm>>.

⁸⁸² Bergmann, D. (2013) Threatened paradise growing religious and political violence on Zanzibar. Tanzania: Country Report, Konrad-Adenauer-Stiftung e.V., 25 October 2013, p. 7, and Human Rights Watch (2002) The bullets were raining: the January 2001 attack on peaceful demonstrators in Zanzibar. *Human Rights Watch (April)*, 14(3), pp. 10-11 and 30-31.

⁸⁸³ Matinyi, M. and Mushi, J. (2018) Wanajeshi waongezeka kulinda Mererani. *Mtanzania Newspaper*. 26 July 2018. See also, Kamagi, D. (2018) *TPDF allays fears over army vehicles seen in Tanzanite mine*. The Citizen Newspaper. 27 July 2018.

⁸⁸⁴ SUMA JKT (2015) Shughuli za shirika la uzalishaji mali la jeshi la kujenga taifa. *Ijue SUMA JKT*, 1, pp. 7 and 8

⁸⁸⁵ Hotuba ya Waziri wa Ulinzi na Jeshi la Kujenga Taifa Mhe. Dkt. Mwinyi, akiwasilisha Bungeni Makadirio ya Mapato na Matumizi ya Fedha kwa Mwaka 2018/2019, para 51 and 52. See also, Kilyinga, N. (2018) Military now recruits 42,593 youth, house told. *Daily News/TSN*. 01 June 2018.

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

⁸⁸⁷ Wa Simbeye, F. (2014) Private security firms downplay JKT entry. Daily News/TSN. 25 July 2014. Cf. Lwaitama (2013), *Ibid.*

⁸⁸⁸ See, Section 13 of the National Defence Act (1966), CHRI (2006), *Ibid.* p. 20, Mkutu (2017), *Ibid.* p. 127. Cf. Baker (2004), *Ibid.* p. 181.

⁸⁸⁹ Cross (2013), *Ibid.* p. 46.

⁸⁹⁰ CHRI (2006), *Ibid.* p. 20.

⁸⁹¹ The National Defense Act, 1966. Cf. Cross (2013), *Ibid.* p. 47.

⁸⁹² Cross (2013), *Ibid.* p. 47.

operations in the late 1970s.⁸⁹³ It was common for a police patrol group to comprise one police officer assisted by two National Service recruits and two heavily armed *mgambo*.⁸⁹⁴ Like the TPF and TPDF, the *mgambo* enforced participation in community development efforts, implementation of villagisation campaigns and policing of *ujamaa* villages and schools.⁸⁹⁵

Today, the *mgambo* fall largely under the mandate of, and are managed by LGAs who use them to protect property and enforce by-laws.⁸⁹⁶ For example, in 2015 alone, the local authorities deployed about 580 *mgambo* countrywide.⁸⁹⁷ Like the police *Mgambo* have the power to conduct searches and arrest suspected criminals.⁸⁹⁸ As ‘state-controlled’ security groups, *mgambo* can carry and use firearms when they are under the supervision of the police.⁸⁹⁹ *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.⁹⁰⁰ 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 groups⁹⁰¹ that are involved in crime prevention and solving local conflicts and preventing them from escalating.⁹⁰² They are, in a way, voluntary neighbourhood civil defence forces that exist in hamlets as political necessities.⁹⁰³ Some parts of the country equate *sungusungu* groups to *mgambo*⁹⁰⁴ whereas similar security groups to

⁸⁹³ Kaplan (1978), *Ibid.* p. 240.

⁸⁹⁴ Cross (2013), *Ibid.* p. 47.

⁸⁹⁵ Cross (2013), *Ibid.*, and Human Rights Watch (2002), *Ibid.*, pp. 37 and 38.

⁸⁹⁶ Van der Spuy and Röntsch (2008), *Ibid.* p. 64.

⁸⁹⁷ TPF (2016), *Ibid.* p. 65.

⁸⁹⁸ The Militia Acts, 1963, 1975 and 1989.

⁸⁹⁹ CHRI (2006), *Ibid.* p. 20.

⁹⁰⁰ *Kanuni za uchaguzi wa mwenyekiti wa kijiji, wajumbe wa halmashauri ya kijiji na mwenyekiti wa kitongoji katika mamlaka za miji* (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

⁹⁰⁴ Fleisher (2000), *Ibid.* p. 214.

sungusungu (such as *basumba batale*, *mchapi* movements, *ndemwa*, *mshitu*, and *tata kabwera/foola* union) existed in the past.⁹⁰⁵ 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*).⁹⁰⁶ All men between the ages of 18 and 50 are required to perform *sungusungu* duties.⁹⁰⁷ 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.⁹⁰⁸ 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.⁹⁰⁹

According to Walwa,⁹¹⁰ *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%).⁹¹¹ They are still popular among poor people because they represent an alternative to commercial security guards, which are comparatively more expensive.⁹¹² *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.⁹¹³ 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).⁹¹⁴

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

⁹⁰⁵ Brennan (2006), *Ibid.* pp. 228, 232 and 236. Abrahams (1989), *Ibid.* p. 360, Abrahams (1987), *Ibid.* p. 193.

⁹⁰⁶ Fleisher (2000), *Ibid.* p. 214.

⁹⁰⁷ *Ibid.* p. 214.

⁹⁰⁸ Human Rights Watch (1999), *Ibid.*

⁹⁰⁹ US State Department Report on Human Rights in Tanzania for 2006. US State Department. 6 March 2007. Cf. Campbell (1989), *Ibid.* pp. 44 and 45.

⁹¹⁰ Walwa (2017), *Ibid.* pp. 101-104.

⁹¹¹ Twaweza (2017), *Ibid.* p. 7.

⁹¹² Cross (2013), *Ibid.* p. 132.

⁹¹³ Cross (2014), *Ibid.* p. 524.

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.⁹¹⁵ 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.⁹¹⁶ 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.⁹¹⁷

The government tends to hijack and politicise popular movements and turn them into instruments of state coercion enforced from the top.⁹¹⁸ 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.⁹¹⁹ 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 maelekezo 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).⁹²⁰

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.⁹²¹ In my view, *sungusungu* groups are not 'vigilante'⁹²² because they have quasi-legal status and enjoy the same powers as

⁹¹⁵ Fleisher (2000), *Ibid.* p. 214.

⁹¹⁶ Safer Cities: Dar es Salaam (2000), *Ibid.* p. 46.

⁹¹⁷ CHRI (2006), *Ibid.* p. 21 and Fleisher (2000), *Ibid.* p. 216 and 217.

⁹¹⁸ Cf. Mwaikusa (1995), *Ibid.* p. 170, and Cross (2014), *Ibid.* p. 523.

⁹¹⁹ Twaweza (2017), *Ibid.* p. 12.

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.

⁹²¹ CHRI (2006), *Ibid.* p. 21.

⁹²² Contrary to Fleisher (2000), *Ibid.*; Paciotti and Hadley (2004), *Ibid.*; Heald (2006), *Ibid.*; Bukurura (1996), *Ibid.*; and Abrahams (1987), *Ibid.*

mgambo, a police constable and auxiliary police.⁹²³ 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.⁹²⁴ *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.⁹²⁵ In the past, *sungusungu* groups were deputised and deployed as political necessities to collect development levy, control public corruption and bribery, foreign currency violations, pursue tax defaulters, police public meetings, and enforce participation in communal work initiatives and nation-building projects, and to implement the national campaign against racketeers, loiters, economic saboteurs.⁹²⁶ The government continues to deploy *sungusungu* groups alongside the state police to crack down illegal fishing,⁹²⁷ truancy and loitering,⁹²⁸ teen pregnancy,⁹²⁹ parents who keep children off schools,⁹³⁰ killers of albinos⁹³¹ and to enforce attendance in public meetings.⁹³² On the other hand, transnational companies, such as African Barrick Gold and Geita Gold Mining Limited (AngloGold Ashanti) have included *sungusungu* groups into their security strategies to provide patrols for the outer perimeter of the mining sites.⁹³³ The mining companies liaise with local leaders from

⁹²³ See, the 1989 militia law.

⁹²⁴ Shivji (1990), *Ibid.* pp. 90-98, and Abrahams (1987), *Ibid.* p. 191, Cross (2013), *Ibid.* p. 56, and Cross (2014), *Ibid.* p. 522. See also, Ahran (2006), *Ibid.* pp. 69-70.

⁹²⁵ Mkutu (2017), *Ibid.* p. 127 and Ntetema (2006), *Ibid.*

⁹²⁶ Cross (2013), *Ibid.* pp. 53 and 54, and Cross (2014), *Ibid.* p. 522. See also, Ahran (2006), *Ibid.* pp. 69-70, and Abrahams (1987), *Ibid.* p. 191.

⁹²⁷ Fabian, P. (2016) *Sungusungu kutumika kukabili uvuvi haramu*. Mtanzania Newspaper. 26 October 2016.

⁹²⁸ Magashi, E. (2017) *Sungusungu kusaka watoto wazururaji*. Mwananchi Newspaper. 03 April 2017.

⁹²⁹ Kayanda, F. (2016) *Sungusungu Shinyanga kupambana na wanaowapa mimba wanafunzi*. Muungwana Blog. 04 July 2016. [Accessed on 26 December 2018]. Available from: <<http://www.muungwana.co.tz/2016/07/sungusungu-shinyanga-kupambana-na.html>> The campaign involves the government and NGO (Agape Aids Control Program - AACP).

⁹³⁰ Ng'oko, J. (2017) *Sungusungu kushiriki operesheni ya kuwabana wazazi kusomesha watoto*. Mwananchi Newspaper. 07 January 2017.

⁹³¹ Cross (2013), *Ibid.* p. 57, and Mwandishi Wetu (2014) *Mama na mwanawe wauwawa kikatili*. Habari Leo Newspaper. 19 January 2014.

⁹³² HakiElimu (2011) *Kudai haki ya kupata elimu kwa njia ya mahakama nchini tanzania: mazingatio ya kisheria, kisiasa na kijamii na uwezekano wa matumizi*. Dar es Salaam, HakiElimu, p. 40.

⁹³³ Abrahamsen and Williams (2017), *Ibid.* pp. 24 and 27, and Magomba, L. (2013) *Illegal Tanzania mining causes two deaths*. East African Business Week Newspaper. 5 August 2013.

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*

⁹³⁴ *Ibid.*

⁹³⁵ Njozi, H.M. (2000) Mwembechai killings and the political future of Tanzania. Ottawa, Globalink Communications, p. 8.

⁹³⁶ Fleisher (2000), *Ibid.* pp. 223 and 234.

⁹³⁷ *Ibid.* p. 217.

⁹³⁸ *Ibid.* p. 218.

⁹³⁹ Cross (2013), *Ibid.* p. 3.

⁹⁴⁰ Reisman (2013), *Ibid.* p. 59.

⁹⁴¹ The Guardian’s Editorial (2016), *Ibid.* See also, Cross (2013), *Ibid.* p. 57 and Ng’oko, J. (2016) *Sungusungu kurejeshwa Mwanza*. Mwananchi Newspaper. 26 October 2016.

⁹⁴² My experience in Mara Region. Cf. Cross (2013), *Ibid.* p. 57.

kumi), thus responsible for peacekeeping and security and good behaviour of their members.⁹⁴³ The government and the party introduced and statised the ten-cell system in Tanzania in 1964.⁹⁴⁴ 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.⁹⁴⁵ 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.⁹⁴⁶ In the past, the party’s ten-cell leaders provided information about residents eligible to participate in *sungusungu* groups.⁹⁴⁷ They organised and maintained patrol roasters and reported slackers to the police.⁹⁴⁸ 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.⁹⁴⁹

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.⁹⁵⁰ 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.⁹⁵¹ 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.⁹⁵² In many areas

⁹⁴³ Cf. Abrahams (1987), *Ibid.* p. 181.

⁹⁴⁴ Cross (2013), *Ibid.* p. 45.

⁹⁴⁵ Mushi, D. (2015) Insecurity calls for need to intensify ten-cell system. Daily News/TSN. 8 February 2015; Mhariri (2017) Maoni ya mhariri: mabalozi wa nyumba kumi ni muhimu. Mwananchi Newspaper. 26 May 2017; and Nyamenohi, S. (2015) Mabalozi wafichueni wauwaji wa Albino-CCM. Habari Leo. 25 June 2005. Cf. Cross (2013), *Ibid.* pp. 45 and 46; and Kaplan (1978), *Ibid.* pp. 296 and 297.

⁹⁴⁶ *Ibid.*

⁹⁴⁷ Cross (2013), *Ibid.* p. 54.

⁹⁴⁸ Cross (2014), *Ibid.* p. 522.

⁹⁴⁹ *Ibid.*

⁹⁵⁰ *Ibid.*

⁹⁵¹ Killian and Pastory (2018), *Ibid.* pp. 17, 18 and 24.

⁹⁵² Killian and Pastory (2018), *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.⁹⁵³

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 2002.⁹⁵⁴ 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.⁹⁵⁵ 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.⁹⁵⁶ 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.⁹⁵⁷ 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.⁹⁵⁸ 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.⁹⁵⁹

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,⁹⁶⁰ gated communities or security

⁹⁵³ Reisman (2013), *Ibid.* p. 51. Cf. Cross (2013), *Ibid.*

⁹⁵⁴ Shadrack (2011), *Ibid.*

⁹⁵⁵ CHRI (2006), *Ibid.* p. 19.

⁹⁵⁶ Reisman (2013), *Ibid.* p. 30, and Abrahamsen and Williams (2008), *Ibid.* p. 550.

⁹⁵⁷ Simbaye (2012), Reisman (2013), *Ibid.* p. 30, and Cross (2013), *Ibid.* p. 65. Cf. Shadrack (2011), *Ibid.*

⁹⁵⁸ Wa Simbeye, F. (2012) Private security industry needs strict regulation. Daily News/TSN. 10 January 2012, and Shadrack (2011), *Ibid.*

⁹⁵⁹ Cf. Baker (2004), *Ibid.* p. 180.

⁹⁶⁰ The leading real estate developers are public social security funds and property developers such as PPF, NSSF, NHC, LAPF, NHIF, WHC, GEPPF, and PSPPF.

villages,⁹⁶¹ amusement parks and playgrounds,⁹⁶² animal parks,⁹⁶³ beach resort and hotels,⁹⁶⁴ nightclubs,⁹⁶⁵ modern sports facilities⁹⁶⁶ and large shopping complexes.⁹⁶⁷ In the gated communities and richest neighbourhoods, PSCs are exclusively responsible for the security of those living within the confines of the protected premises.⁹⁶⁸ 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.⁹⁶⁹ This culture of exclusion is a result of fear and perceptions of crime, the desire for comfort and legacy of colonial zoning laws.⁹⁷⁰

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.⁹⁷¹ According to Smiley's⁹⁷² 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

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 Mtoni 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.

⁹⁶⁸ Cf. Schubert (2018), *Ibid.* p. 390.

⁹⁶⁹ Smiley, S.L. (2010) Exclusionary space in Dar es Salaam: fear and difference in expatriate communities. *Africa Today (Special Issue: Africa's Spaces of Exclusion)*, 56(3), pp. 29 and 32.

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.⁹⁷³ The largest PSCs in the country are also part of global companies headquartered in South Africa, Kenya and the UK.⁹⁷⁴ 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.⁹⁷⁵ 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 regulate activities of PSCs and has published sectoral guidelines from time to time on issues such as weapons, training, and uniforms.⁹⁷⁶ 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.⁹⁷⁷ PSCs employ full-time trained guards who carry and use small arms like any other civilians⁹⁷⁸ and cooperate with the police informally and on *ad hoc* basis.⁹⁷⁹ According to Mussa Alli Mussa (Commissioner of CP Department), PSCs’ guards discharge police functions in their contracted areas,⁹⁸⁰ seek assistance from the police and handle suspects, or report all crimes, to the TPF like other civilians.⁹⁸¹ Reisman observes that:⁹⁸²

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

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.

⁹⁷⁶ Tibasana, L.M. (2002) Effective administration of the police and prosecution in criminal justice: the practice and experience of the united republic of Tanzania, 120th international senior seminar participants. Resource Material Series No. 60, p. 168.

⁹⁷⁷ Wambura, B. (2018) Kampuni binafsi za ulinzi kuvaa sare moja. Mtanzania Newspaper. 13 March 2018. See also, Azam TV News bulletin. Azam Media - YouTube. 28 July 2018 (08:00-09:00 pm).

⁹⁷⁸ Mkutu (2017), *Ibid.* pp. 127-130

⁹⁷⁹ Shadrack (2011), *Ibid.*, and Mkutu (2017), *Ibid.* p. 130.

⁹⁸⁰ Wambura (2018), *Ibid.*

⁹⁸¹ CHRI (2006), *Ibid.* p. 19. Cf. Baker (2004), *Ibid.* p. 180.

⁹⁸² Reisman (2013), *Ibid.* p. 30.

private security guards are guarding the same premises, but receive command from different authorities, which do not communicate.

The oldest industry of night watchmen,⁹⁸³ who are hired and salaried by private individuals and organisations to provide protection, supplement PSCs in respective localities.⁹⁸⁴ In extraction sites and financial institutions, the TPF, in-house security departments and, sometimes, *sungusungu* support PSCs in policing the area.⁹⁸⁵ PSCs are like the colonial chartered companies and in-house security units that had both coercive and administrative powers.⁹⁸⁶ 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.⁹⁸⁷

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.⁹⁸⁸ These groups are active during the general elections, LGAs' elections⁹⁸⁹ and other national campaigns like constitutional reform processes but become dormant afterwards.⁹⁹⁰ 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.⁹⁹¹ 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.⁹⁹²

The *green guards* owe their origin to the TANU (now CCM) youth wing that dates to 1956.⁹⁹³ 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

⁹⁸³ E.g. Maasai, Ngoni, Makonde, Digo and Gogo people.

⁹⁸⁴ Bulamile (2009), *Ibid.* p. 191, and Mkutu (2017), *Ibid.* p. 128.

⁹⁸⁵ Abrahamsen and Williams (2017), *Ibid.* p. 23.

⁹⁸⁶ Cf. Ortiz (2007), *Ibid.*

⁹⁸⁷ Chapter 2, *infra*.

⁹⁸⁸ Cf. Baker (2004), *Ibid.* p. 176.

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.

⁹⁹⁰ Burchard, S.M. (2015) Violent extremist organizations and the electoral cycle in Africa: a framework for analysing the 2015 Tanzanian elections. Virginia, IDA, p. 5 and Noyes, A. (2017) The threat of violent extremism in Tanzania. *Africa Watch*, IDA, 17 (October 12, 2017). Cf. Kweka (2015a), *Ibid.*, and Kweka (2015b), *Ibid.* See also, Daily News reporter (2015) Party brigades in new spotlight. Daily News/TSN. 25 February 2015, and Yussuf, I. (2012) Constitution review exercise test for Zanzibar GNU. Daily News/TSN. 16 December 2012.

⁹⁹¹ Cross (2014), *Ibid.* p. 536, and Burchard (2015), *Ibid.* p. 5.

⁹⁹² Kweka (2015a), *Ibid.*, and Kweka (2015b), *Ibid.*

⁹⁹³ Brennan (2006), *Ibid.* pp. 232-238.

service corps to augment the TPF.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.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 1990.⁹⁹⁶ Aside from CCM, other parties also have militias modelled on the *green guards* namely CHADEMA's *red brigade* and CUF's *blue guards*.⁹⁹⁷ According to Mr. Mbowe,⁹⁹⁸ CHADEMA established its youth wing:

Ili kukabiliana na fujo zinazofanywa na vijana wa CCM 'Green Guards', sisi tuna kikosi cha 'Red Brigade' ambacho ni kikosi kilichoundwa kwa mujibu wa katiba ya chama kwa ajili ya kulinda mali za 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. Hatuwezi kuendelea kuwa mbuzi 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).

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.⁹⁹⁹

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

⁹⁹⁴ Potholm (1969), *Ibid.* 156.

⁹⁹⁵ Cross (2013), *Ibid.* p. 45.

⁹⁹⁶ Omari and Mihyo (1991), *Ibid.* p. 57.

⁹⁹⁷ Kweka (2015a), *Ibid.*, and Kweka (2015b), *Ibid.*

⁹⁹⁸ Mwananchi Reporter (2013), *Ibid.*

⁹⁹⁹ Mbogoni (2012), *Ibid.* p. 191 and Brennan (2006), *Ibid.* pp. 222-230. Cf. Burgess, T. (1999) Remembering youth: generation in revolutionary Zanzibar. *Africa Today*, 46(2), pp. 33-44.

¹⁰⁰⁰ Burchard (2015), *Ibid.* pp. 5 and 11. Kweka (2015a), *Ibid.*, Kweka (2015b), *Ibid.*, Human Rights Watch (2002), *Ibid.*, and Mashiru, K. (2015) Now police ban political party guards. The Citizen Newspaper. 22 August 2015.

youths to vote twice in exchange for jobs.¹⁰⁰¹ 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.¹⁰⁰² *Ubaya-ubaya* are well organised, use traditional weapons, and operate in a group of 10 to 20 people¹⁰⁰³ and sponsored by party officials, thus making it difficult for the police to suppress them.¹⁰⁰⁴ 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.¹⁰⁰⁵

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 associations¹⁰⁰⁶ 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.¹⁰⁰⁷ 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.¹⁰⁰⁸ 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.

¹⁰⁰¹ Reisman (2013), *Ibid.* pp. 40 and 53.

¹⁰⁰² *Ibid.*

¹⁰⁰³ *Ibid.*

¹⁰⁰⁴ *Ibid.*

¹⁰⁰⁵ News24 (2015) *Warning in Tanzania over political militia groups*. [Accessed on 01 January 2019]. Available from: <<https://www.news24.com/Africa/News/Warning-in-Tanzania-over-political-militia-groups-20150919-7>>.

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 Diphorn 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 actors¹⁰⁰⁹ 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.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.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.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.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

¹⁰⁰⁹ Personal experience in Dar es Salaam and Mara regions.

¹⁰¹⁰ See, Shadrack (2011), *Ibid.* p. 41.

¹⁰¹¹ *Ibid.*

¹⁰¹² University of Dar es Salaam (2017), *Ibid.* p. ix.

¹⁰¹³ *Ibid.* My Personal Experience at the University of Dar es Salaam (2005 to date).

richest neighbourhoods (dubbed, *geti-kali*).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.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.¹⁰¹⁶ *Sungusungu*, auxiliary police and police officers who patrol the public spaces are likely to stop a passer-by at night¹⁰¹⁷ while one may visit a friend and find a traditional night watchman (often, *maasai* people) at a gate.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.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.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,¹⁰²¹ while at a bus station or stop, it is normal to come across bus touts ‘*wapiga debe*’ who control transit buses ‘*daladala*.’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.¹⁰²³

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

¹⁰¹⁴ Bulamile (2009), *Ibid.* p. 34.

¹⁰¹⁵ *Ibid.* pp. 62-66.

¹⁰¹⁶ *Ibid.* p. 237.

¹⁰¹⁷ Semboja (2016), *Ibid.* pp. 63-66.

¹⁰¹⁸ Bulamile (2009), *Ibid.* p. 191.

¹⁰¹⁹ TPF (2017) *Crime and traffic incidents statistics report: January to December 2016*. Dar es Salaam, TPF and NBS, pp. 37 and 38. Cf. CHRI (2006), *Ibid.* p. 19.

¹⁰²⁰ See, Cross, C. (2014), *Ibid.* pp. 517-540.

¹⁰²¹ Kweka (2015a), *Ibid.*, and Kweka (2015b), *Ibid.*

¹⁰²² Rizzo, M. (2017) *Taken for a ride: grounding neoliberalism, precarious labour, and public transport in an African metropolis*. Oxford, Oxford University Press, pp. 123-141.

¹⁰²³ Abrahamsen and Williams (2017), *Ibid.* p. 17. See also, Bulamile (2009), *ante*.

¹⁰²⁴ OSAC (2016) Tanzania 2016 crime and safety report. Washington, D.C., U.S. Department of State.

contribute to a trend whereby crimes are committed in the midst of security actors.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.¹⁰²⁶ At the same time, the people and external donors can hardly figure out who is responsible for which tasks and where¹⁰²⁷ while other commentators are concerned about the sustainability of plural policing networks.¹⁰²⁸ This is so because of the costs associated with organising security in poor communities without access to the state resources.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.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 *mgambo*), state and private-owned commercial security companies, state-authorised forms of communal and community policing (*sungusungu* and CP groups) and ‘statised’ vigilantes (youth league or party militias). Each private policing group is linked to and serves a specific interest, *i.e.* police (all social classes), militias (LGAs), youth league (party), commercial security firms (private investors and upper and middle classes) and

¹⁰²⁵ James, B. (2013) Inside bodaboda crime syndicates. The Citizen Newspaper. 17 August 2013. [Accessed on 10 May 2019]. Available from: <<https://www.thecitizen.co.tz/News/Inside-bodaboda-crime-syndicates/1840340-1958102-v5hip2/index.html>>.

¹⁰²⁶ Dean, R. (2001) *Tanzania's Private Firefight*. BBC News Africa. 23 May 2001. [Accessed on 10 May 2019]. Available from: <<http://news.bbc.co.uk/1/hi/world/africa/1346813.stm>>.

¹⁰²⁷ Cf. Boels and Verhage (2016), *Ibid.* pp. 4-10.

¹⁰²⁸ Cross (2016), *Ibid.*

¹⁰²⁹ *Ibid.*

¹⁰³⁰ Cross (2016), *Ibid.*, and Fleisher (2000), *Ibid.* pp. 223-226.

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,¹⁰³¹ 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

¹⁰³¹ Baker (2008), *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

¹⁰³² Loader and Walker (2006), *Ibid.*, Loader and Walker (2007), *Ibid.*, and Talbot (2013), *Ibid.*

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 enrolls 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.¹⁰³⁵ The Tanzanian security networks operate through the CP schemes, UN Habitat’s Safer City Project and UNHCR’s security package in refugee camps.¹⁰³⁶ These

¹⁰³⁵ Terpstra (2017), *Ibid*; Loader (2000), *Ibid*; Walwa (2017), *Ibid*; and Killian and Pastory (2018), *Ibid*.

¹⁰³⁶ UN Tanzania (2013) Nyarugusu camp, Tanzania, joint assessment mission report. UN. August 2013; UN-Habitat, Safer cities Tanzania programme (Phase 3). [Accessed on 09 November 2018]. Available from: <<http://mirror.unhabitat.org/content.asp?cid=7117andcatid=237andtypeid=13>>; UNHCR (2006) Operational protection in camps and settlements: a reference guide of good practices in the protection of refugees and other persons of concern. Geneva, UNHCR; and United Republic of

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.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.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

Tanzania (2008) National strategy on urban crime prevention in Tanzania, Prime Minister's Office Regional Administration and Local Government.

¹⁰³⁷ *Ibid.*

¹⁰³⁸ Abrahamsen and Williams (2017), *Ibid.*

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 view¹⁰³⁹ 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

¹⁰³⁹ Kyed and Albrecht (2015), *Ibid*; Saitta (2016), *Ibid.* and Diphorn and Kyed (2016), *Ibid.*

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,

¹⁰⁴⁰ Cf. Saitta (2016), *Ibid.*

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.¹⁰⁴¹

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

¹⁰⁴¹ SUMA JKT (2019) Rais aipongeza SUMA JKT kwa kutoa gawio. [Accessed on 20 December 2019]. Available from: <<https://sumajkt.go.tz/gaw1.php>>.

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 Tanzania 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,’¹⁰⁴² 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 firms¹⁰⁴³ such as SUMA JKT Guard Limited (army), JKU Security Guard Agency (army) and for-profit/hire police services (police force)¹⁰⁴⁴ 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, enforces them, and establishes or owns 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

¹⁰⁴² Johnston (1992), *Ibid*; Jones and Newburn (1998), *Ibid*; Button (2002), *Ibid*; and Albrecht (2011), *Ibid*.

¹⁰⁴³ What Dupont (2003) calls ‘public under private arrangements.’

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.¹⁰⁴⁵

(b) Plural Policing

The existing studies shed lights on how security is part of donor-funded police reforms,¹⁰⁴⁶ influenced by the community security groups and linked to the local structures of governance.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.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

¹⁰⁴⁵ Cf. Fleisher (2000), *Ibid.* pp. 209 and 210; Abrahams (1987), *Ibid.*; Paciotti and Hadley (2004), *Ibid.*; and Cross (2013), *Ibid.*

¹⁰⁴⁶ Wisler and Onwudiwe (2008), *Ibid.*; Marks (2011), *Ibid.*; Diphorn and Kyed (2016), *Ibid.*; Bagayoko (2016), *Ibid.*, and Bagayoko (2012), *Ibid.*

¹⁰⁴⁷ Cross (2013), *Ibid.*; Wisler and Onwudiwe (2008), *Ibid.*; Walwa (2017), *Ibid.*; and Killian and Pastory (2018), *Ibid.*

¹⁰⁴⁸ Diphorn 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.¹⁰⁴⁹ 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,¹⁰⁵⁰ 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.¹⁰⁵¹ 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.¹⁰⁵² 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.¹⁰⁵³ 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.¹⁰⁵⁴

(e) Conditions for hybrid forms of security arrangements

As Baker shows,¹⁰⁵⁵ 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,¹⁰⁵⁶ 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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