



Statement on Proposed Amendments to The Political Parties Act

In recent weeks, there has been significant public debate about the proposed amendments to the Political Parties Act (2002). We, as independent civil society organisations who uphold democratic values, seek to add our views and voices to the debate with a view to finding a constructive way forward, which both safeguards our young, hard-won democracy while allowing for appropriate regulation of the registration of political parties.

In essence, the Registrar's appointment by the President, which was previously the case, means that it is, in practice, difficult for him or her to be a neutral arbiter. Thus, granting the Registrar excessive additional control over internal party matters further entrenches this lack of fair play.

In order to illustrate the scale and scope of these amendments, we use the example of a football tournament. There are multiple competing teams (parties) who all want to win. The referee is there to make sure that all teams compete fairly and win by merit. The proposed revisions to the Political Parties Act will make the tournament unfair in the following ways:

1. The referee is employed by one of the teams participating in the tournament. This makes it impossible for the referee to provide neutral oversight throughout the game – his salary is paid by one of the teams and that same team can remove him if they do not approve of his performance.

The Registrar is nominated and can be dismissed by the President who is also Chair of the ruling party.

2. The captured referee monitors how all the teams choose what players to field. Even a neutral referee should not have the power to decide which players play.

The amendment to Section 4 gives the Registrar power to *monitor intra-party elections and nomination process*.

3. The captured referee makes sure that all teams are spending their money properly. Again this is not a role we would envision for the referee to play at all but certainly he cannot know about the financial health of other teams when he has a clear favourite. This gives that team an unfair advantage.

The amendment to Section 4 gives the Registrar power to *monitor income and expenditures of political parties and accountability of party resources*.

4. The captured referee is allowed to demand ANY information from any of the teams. This gives an unfair advantage to the team that hires him.

The new section 5B allows the Registrar demand any information from parties, and is given considerable enforcement power: fines, imprisonment or deregistration.

5. The captured referee can suspend grants to any team he chooses. If there is a given pot of funding for teams who have qualified to participate in the tournament, the referee should not have the power to withhold these funds arbitrarily.

The amendment to Section 18 gives the Registrar power to suspend grant of subvention to a political party on the basis of his belief that the party cannot manage the funds appropriately.

6. The captured referee can ban players from any team entirely such that they are not even allowed to be supporters and watch the match in the stadium during the suspension.

The new Section 21E allows the Registrar to suspend any member of a political party for violating this law. Suspension of members is an internal party matter. The penalty prevents these party members from even voting in elections that occur during their suspension.

In addition, there are a number of other issues arising from the amendments.

Free Expression

- Parties are prohibited from acting as pressure groups and campaigning on public interest issues to *influence public opinion or government action*. This is a basic function of political parties and so this section means that they cannot perform their basic duties.
- There are significant fines imposed for parties making any *statement which is false in material particulars*. Politics is a space of contested truth, politicians put forward different interpretations, narratives and ideas for moving forward, and citizens can choose which of these they like best.

Coalitions and Mergers

- Parties are only allowed to merge 21 days prior to the nomination of candidates for the general election. This is too short of a time for them to effectively campaign.
- In addition, the amendments propose that the responsible Minister can make regulations governing coalitions. This gives the Minister, a member of the ruling party, power over how other political parties choose to co-operate and work together.

Suspension

- The idea of suspending political parties for a fixed period is introduced in the amendments. However there are no details about what is considered acceptable grounds for suspension, how long parties have to respond to the Registrar's concerns before he or she can suspend them or even any protections against arbitrary suspension.

Capacity building

- Under a newly introduced section, organisations are required to seek approval from the Registrar for them to provide capacity building or civic education to political parties. There is no reason for the Registrar to have this discretion. Tanzania's democracy is young and needs support across the board.

Security

- Political party leaders in particular, are often at high risk in security terms. The proposed amendments ban any additional security forces for political parties and so deny them the right to better protect their leadership and to protect themselves from the politicization of the police force.

We call on the government to allow adequate time for a comprehensive, transparent and inclusive review of the proposed amendments and ensure that they uphold and promote our country's democratic values.