

IGUNGA 2011 BY- ELECTION

TACCEO Observation Report



Written By:

Israel K. Ilunde

Christina Kamili

Grace Mwangamila

Merick Luvinga

Rodrick Maro, &

Rose Ngunangwa Mwalongo

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Last but not least, we thank the TACCEO member organisations for having nominated an active team of observers. Special thanks should go to the Legal and Human Rights Centre for being a grateful host of the consortium and for going out of its way to provide human and material supports in enabling the consortium to smoothly observe the exercise.

It is our sincere hope that this report will pave way for improvement in such exercises in the near future.

Chapter 1 – INTRODUCTION AND BACKGROUND

Electoral and Democracy Challenges

One major challenge for the electoral reform process in many African countries is the “inherent bias for continuity” as the ruling party, which usually has a clear majority in parliament, may have a vested interest in the status quo.

Even in developed democracies, it is somewhat unusual for ruling parties that benefit from existing systems to sponsor changes that would weaken their advantage. This, however, is part of the cost of democracy – it has to be paid.

“I do not care whether it is one party or twenty parties, provided the government of that country can be replaced without assassination, if the people go to the ballot box freely and regularly, and re-elect their government, or replace it with another, then as far as I am concerned, the two basic essentials of democracy are there, whether you have twenty parties or one party...”¹

The expression “free and fair election” strictly refers to perfect elections, though some would argue that no election anywhere in the world can really be free and fair. [FES; 2010 Political Handbook].

Democratic states respect the right of their citizens to take part in the governance of the state. Democracy can be defined as a form of government based upon the participation of all citizens and a political system characterized by the independence of the executive body, legislative branch and the judiciary. This system also has the essential feature of free and fair elections to elect representatives. It is through elections that the right to take part in governance is realized for most citizens.²

Even though, some political scientists may see it as rather idealistic to expect and hope for free and fair elections per se in Africa, it is still very important in the context of Tanzania to have quality elections, which can be accepted as expressing the will of the people.

Real democracy requires free and fair elections. The basic minimum requirements for such elections include: an independent, transparent and impartial elections body, freedom of expression, freedom of movement and that of assembly, violent free atmosphere, free from harassment and intimidation and observance of human rights as a whole. All these will be realized through political will and a democratic leadership committed to attaining sustainable socio-economic development in the country.

IGUNGA DISTRICT PROFILE

LOCATION AND MAIN DIVISIONS

¹ Nyerere in MNF 2000:12 – 17, as quoted in FES: Political Handbook & NGO Calendar 2010

² EISA Election Observation Mission Report No. 20: *Tanzania Presidential, National Assembly and Local Government Elections*. 14th |December, 2005, pg. 1 as quoted in LHRC, 2010: *Tanzania Human Rights Report*

Igunga is one of the six districts of Tabora Region. It is located between 3.51 and 4.48 latitudes south of the Equator, 33.22 and 34.8 Longitudes East. The District covers an area of 6,912 square kms and is bordered by the following Districts, Kishapu (Shinyanga) to the North, Iramba (Singida) to the East, Uyui to the South and Nzega to the West respectively.³

The district was inaugurated on 20th July, 1975. Formerly, Igunga was part of Nzega district having four (4) divisions namely Igunga, Simbo, Manonga and Igurubi. Currently Igunga has 26 wards, 96 villages and 637 hamlets.

DEMOGRAPHY AND CULTURE

According to the 2002 National Population and Housing Census General Report from the National Bureau of statistics, the district had 324,094 inhabitants and 51,176 households. The average size of the household was 6.4 people with 3.3% annual growth rate per annum. The District population projection as at December, 2010 was 410,390.

Igunga has a multi-ethnic population with different ethnic groups. The dominant tribes are Sukuma, Nyamwezi and Taturu. However, there are other tribes that have migrated into the district due to different socio-economic activities; these are Haya, Chagga and Nyiramba among others.

CLIMATE AND AGRO-ECOLOGICAL ZONES

Igunga District has two agro-ecological zones namely the Northern and Southern zone.

The District has a semi arid land with temperatures ranging from 20 to 33 degrees centigrade. It is one of most dry districts in Tanzania with its rainfall ranging from 500mm to 800mm per annum. The rain period is usually from November to April.⁴

GOVERNANCE STRUCTURE

Administratively, the district is mainly divided into two areas namely the Central and the Local Government Authority.

The Central Government is under the leadership of the following;

- (a) The District Commissioner
- (b) The District Administrative Secretary
- (c) The Officer Commanding District
- (d) The District Security Officer
- (e) The District Magistrate
- (f) The District Militia Advisor
- (g) The PCCB District Bureau Chief
- (h) The District Prisons Officer

³ Igunga District Social Economic Profile, page 1

⁴ Ibid

The Local Government Authority which is the District Council is led by

- (a) The Chairperson of the Council
- (b) The Deputy Chairperson of the Council
- (c) District Executive Director

Igunga District has 35 Councillors as shown hereunder

| S/n. | Category of Members | Political Affiliation | Seats |
|--------------------|-----------------------------|-----------------------|-----------|
| 1. | Members elected from Wards | CCM | 24 |
| 2. | Members elected from Wards | CHADEMA | 2 |
| 3. | Special Seats women members | CCM | 8 |
| 4. | Special Seats women members | CHADEMA | 1 |
| Grand Total | | | 35 |

Why By-election in Igunga

By-election means an election that is held to choose a new member of parliament due to a vacancy caused by resignation, termination or death.⁵

In the 2010 general elections Igunga was among the Constituent that had a CCM Member of Parliament who won the seat. After serving the constituent for almost ten months, Honorable Rostam Azizi MP for Igunga Constituent decided to resign all his leadership positions within CCM and his post as an MP save for membership.

The Speaker of the National Assembly issued an official notification to the House on 19th July, 2011. The National Electoral Commission was informed on the constituency being vacant on 20th July, 2011 and the electoral process commenced thereafter.

RATIONALE AND OBJECTIVES OF THE OBSERVATION EXERCISE

Based on the experience gained from the 2010 general elections, several challenges were noted in the country at large. TACCEO report on the elections observation clearly cited issues that required response and implementation with immediate effect. Among other observation was delay of official results in the last general elections which resulted to a number of violent incidences in different parts of the country.

During the Igunga by-election, TACCEO observer mission endeavoured to use the ICT observation tool to observe the election and provide prompt information from all polling

⁵ Britis.....

stations. This would have made it possible to have independent and instant results as well as to build a base for future development of TACCEO election observation. Furthermore, TACCEO meant to create an independent tallying system that will be used in future elections.

The Igunga by-elections were anticipated to have stiff competition due to the political atmosphere in the country and thus the need to monitor the situation. Already, there had been media reports that some political parties had begun campaigns in the constituent and even forecasting their successes in the elections before even NEC could officially announce the date of the campaigns. These acts led to the registrar of political parties issuing a warning statement to prohibit campaign activities before the official schedule.

TACCEO noted the trend and as such decided to closely monitor the entire exercise to observe over the implementation of the election laws and responsible institutions.

Therefore TACCEO's intention⁶ to observe elections meant to ensure the following;

- (a) Transparency in the electoral process;
- (b) Smooth intra-party nomination process and peaceful elections campaigns;
- (c) Election administrators are effective, impartial, independent and accountable;
- (d) Law enforcement agencies act impartially, objectively and in accordance to the laws of the land;
- (e) Electorates are informed of their rights through civic and voters' education programmes;
- (f) Equal participation of marginalized women and men;
- (g) Equal access for candidates and political parties to state resources;
- (h) Equal access for candidates and political parties to coverage by state and any other media;
- (i) Elections are conducted in a peaceful atmosphere and that; they are seen to be free from violence and intimidation;
- (j) Conducive atmosphere for voters to exercise their right to vote voluntarily;
- (k) Elections are conducted and actors behave in a manner that is free from corruption and vote rigging;

⁶ As reflected in training guide for Regional Coordinators, Constituent monitors and poll watchers produced by TACCEO for monitoring of the 2010 general elections in Tanzania at pages 3 and 4.

- (l) Election results declare the actual winners and losers, and responses of contenders;
- (m) Means and mechanism to manage election related conflicts are in place.

REASONS FOR TACCEO'S MISSION IN IGUNGA

TACCEO believes that, domestic impartial, credible and objective monitoring of elections can greatly enhance transparency as well as public confidence and integrity of the election process and political leadership in the country. The belief is based on the assumption that, during nominations, election campaigns, voting, counting of votes and declaration of results, observers are in better and impartial position to provide an independent appraisal of the electro process.⁷

TACCEO's observation of by-election in Igunga is a continuation of the general elections in Tanzania (Oct. 2010), Uganda (Feb-May, 2011) and Zambia (Sept. 2011) respectively. During the observations, TACCEO made several recommendations electoral institutions and other Stake holders.

Flow of the Report

This report covers the by-election process in Igunga constituency. It has a logical flow and systematic documentation of the whole process and the entire election cycle in relation to the international standards and other local legal framework governing by-elections.

Chapter one introduces the by-election and its reasons in Igunga constituency, covering the profile of the constituency, the context of elections, democratic challenges and the methodology.

Chapter two highlights on the legal requirements on political and electoral system. Some of the pertinent issues on this include legal and institutional framework, electoral laws and institutions and political players.

Chapter three describes the electoral process by highlighting key stages, namely; demarcation of the constituency/declaration of the vacancy, provision of civic and voters' education, registration of voters, nomination of candidates, campaigns, voting, counting of votes, declaration of results and referral(s) (if any).

Chapter four narrates the actual findings with relevant cases depicting the situation on the ground. This chapter also makes a critical analysis of the outcome of TACCEO engagement in Igunga.

Chapter five sums up major findings while as chapter six concludes the report and provides policy and practical recommendations to relevant authorities.

⁷ TACCEO report on the United Republic of Tanzania General Elections of 2010 at page 4.

METHODOLOGY

Training and Deployment of TACCEO's Mission

Although there were 427 polling stations, TACCEO managed to train and deploy a total of 245 observers and poll watchers in Igunga constituency for the purpose of keeping an eye on the entire exercise. Observers were deployed in wards while poll watchers were deployed in polling stations.

It is wise to note however that it was possible for a single poll watcher to observe two or more polling stations due to its arrangement and locations.

TACCEO members in collaboration with local organizations in Igunga - JIDA and YADEC, selected poll watchers under the auspices of LHRC which plays the role of the consortium secretariat. During the selection several criteria were considered in getting a team of competent personnel for deployment. Familiarity of the geographical areas, experience of election monitoring, commitment and dedication to work under minimum supervision and ownership of mobile phones for the purpose of communication were some of the key attributes in the selection.

Use of ICT (Mobile Phones)

The major role of observers and poll watchers was to inform the TACCEO mission coordinator the situation on ground; while as the coordinator's role was to coordinate, recording events, verifying and relaying information to relevant authorities. Mobile numbers of the Deputy Commissioner of Police, District Returning Officer, PCCB District Bureau Chief and NEC officers were taken for a response mechanism to the responsible mentioned authorities.

Mobile phones were used by poll watchers and observers to seek clarifications on the electoral process and administrative issues that required immediate response from the District Returning Officers and TACCEO coordinators. For instance, some observers were denied access to enter polling stations due to low understanding and poor interpretation of electoral laws by the electoral officials.

Questionnaire

Immediately after the training, TACCEO coordinator distributed a total of 245 questionnaires with closed and open ended questions that were categorized to capture necessary information in the whole electoral process. Poll watchers submitted their duly filled questionnaires to observers who were stationed at ward headquarter who later on handled their brief reports and questionnaires to the coordinator.

Observation (Physical visit)

Physical presence of TACCEO observer mission in Igunga made it possible to see the necessary ingredients on fairness and freedom of election. TACCEO's deployment in the field enabled observers to obtain vital information related to election issues.

Planning and evaluation meetings

While in Igunga, TACCEO observers conducted several preliminary discussions and meetings to brainstorm on the modality of elections observation. Further, a list of names and polling stations in each ward were distributed to the observers to familiarize them with geographical locations and logistical arrangements. Immediately after election observation and collection of reports from the field, observers convened a brief evaluation session where field experience and outcomes were shared amongst them.

Documentation

TACCEO observers managed to capture some pictures showing events and irregularities of elections. Documentary evidence contributed to supporting authorities of the findings and analytical views as expressed under this report.

GALLERY

TACCEO is a loose non-governmental, non – partisan and non - profit consortium formed by 16 Civil Society Organisations in Tanzania.⁸ All TACCEO members were previously members of the Tanzania Election Monitoring Committee (TEMCO) and participated in the monitoring of the general elections held in 1995, 200 and 2005. Therefore, TACCEO members have vast experience in election observation.⁹

The aim of the Consortium is to observe Tanzania election process and identify potential abuse of the electro process and subsequently recommend for improvement and promote democratic principles in elections.

For acknowledgement

The selection of ward observers depended on the nomination from their Organisation members who joined a mission to observe election in Igunga. Poll watchers were identified from organizations working in Igunga District who worked hand in hand with TACCEO members. Organisations such as JIDA and YADEC that operates in the whole district had members who were selected to observe by election process.

⁸ Member Organisations are LHRC, TGNP, WLAC, TAMWA, LEAT, TANLAP, MPI, TAHURIFO, TLF, YPC, HAKIMADINI, ZLSC, WILDAF, SAHRINGON, ForDIA, and Policy Forum.

⁹ TACCEO report on the United Republic of Tanzania General Elections of 2010 at page 4.

All observers and poll watchers had mobile phones to easy communication in case of any issue that may arise in the field. Their registered mobile numbers and locations were registered for follow up purposes

CHAPTER TWO - POLITICAL & ELECTORAL SYSTEM IN TANZANIA

(i) Political & Electoral System in Tanzania

The United Republic of Tanzania was a single party system since its independence of 9th December 1961. Despite having one party political system, there were two political parties operating in Tanzania between 1965-1977, namely the TANU¹⁰ on Tanganyika and Afro-Shiraz Party (ASP)¹¹ in Zanzibar. TANU and ASP merged and formed CCM on 5th February 1977. CCM therefore became the only political party operating in Tanzania 1992 when multipartism in Tanzania was re-introduced.

The Political Parties Act (1992) was passed and came into operation in July 1992.¹² The aim of this law was to provide for terms, condition and procedures for registration of the political parties and related matters. Since then the country became a multiparty democratic state to accommodate ideological pluralism. For instance, 13 political parties were registered before the 1995 general elections, mushrooming of media outlets (both electronic and print), as well as civil societies.

Despite of the changed political system, it is still evident that, CCM as the ruling party continues to dominate political landscape because it holds the majority of the seats in the Parliament since 1995.¹³ It has been argued for instance that, Tanzania will remain a one party system unless a new constitution is enacted.¹⁴

Tanzania which has a mixed system of election; *the first past the post* (winner takes all) and a *proportion representation* for women's special seats is comprised of three types of elections as enlisted hereunder:-

¹⁰ TACCEO report of the Tanzania General Election, 2010; pg. 14. Before TANU, there was Tanganyika African Association (TAA) which was transformed into TANU in 1954

¹¹ In 1959, the then Afro-Shiraz Union changed its name to ASP. This shows multi-party system was also practiced in Zanzibar even before the independence of Tanganyika in 1961 and the revolution of Zanzibar in 1963

¹² According to the 1st Schedule of the Constitution of the United Republic of Tanzania (1977), affairs of political parties are Union matters. [as noted from TACCEO Report of Tanzania General Election, 2010, pg. 15]

¹³ LHRC (2009): *Tanzania Human Rights Report, 2008, incorporating specific part on Zanzibar; Dar es Salaam; pg. 43*

¹⁴ LHRC (2010): *Local Government Elections Report, 2009; pg. 3*

- (a) The General Elections:- for electing the President of the United Republic, President of Revolutionary Government of Zanzibar, Members of the Union Parliament of Tanzania, House of Representatives and the Councillors;
- (b) The Local Government Elections for electing Village Chairpersons, Members of the *Mtaa* and Village Councils;
- (c) The by-elections for re-electing leaders the above mentioned leaders in case of a declared vacancy due to various reasons as stated under the National Elections Act. Over the past two decades Tanzania has managed to sustain a somewhat a functioning democracy with political stability, peace, respect for human rights and rule of law following the implementation of numerous political, economic, legal and social reforms. This has in a way, ranked Tanzania in a better position among other African countries in good governance.¹⁵

(ii) Legal and Institutions Framework

There are several laws and institutions that guide the conduct of elections and legal frameworks. The principle ones for the general elections on the part of Tanzania Mainland include: the Constitution of the United Republic of Tanzania (1977 as amended), the National Elections Act (1985), the Local Authorities (Elections) Act (1979), the Political Parties Act (1992), the Elections Expenses Act (2010) and the Prevention and Combating of Corruption Bureau (2007).

It is important to note however that Article 5(1) & (2) of the 1977 Constitution as amended, spells out fundamental rights and duties of individuals as it states:

“Every citizen of the United Republic of Tanzania who attains the age of 18 is entitled to vote in any election held in Tanzania according to the laid down procedures.”

The related political rights in Tanzania entrenched in the said Constitution includes human rights as provided for under Article 13 including right to vote, right to equality before the law, right to personal freedom, right to freedom of expression, freedom of association, freedom to participate in public affairs and other related rights. Article 8(1) provides further that, the sovereignty resides in the people and it is from the people that the government through the Constitution shall derive all its power and authority.

By-election, in which people re-vote for their Parliament Representatives, is one of the ways in which people exercise their Constitutional right to vote for the leader they want in the governance of the country.

(v) Political Players

¹⁵ The National Strategy for Growth and Reduction of Poverty (MKUKUTA II), pg. 19

- Political Parties

The Constitution of URT and the National Elections Act do require that, the candidate vying for any political post must be nominated and sponsored by a registered political party.¹⁶ All registered political parties in Tanzania are main players in any electoral process whereby the Constitution allows any member of a registered political party who wants to vie for any political post in Tanzania.

- The National Electoral Commission

NEC is the only institution with constitutional mandate to manage presidential, parliamentary and councillor's general elections in Tanzania. It is established under Article 74 of the URT (1977) as an independent body. This body is headed by the chairperson, assisted by the vice chairperson and other five commission members. The NEC functions at national and district levels through its appointed officials according to the law.

- The Office of Registrar of Political Parties

The Registrar of Political Parties is the presidential appointee under the Prime Minister's office mandated to:

- i. Register political parties under the Political Parties Act (1992);
- ii. Supervise and coordinate elections expenses, under the Elections Expenses Act (2010);
- iii. To revoke registration of any political party this has contravened any provision of the law.¹⁷

- Candidates

It is obvious that the vibrancy of any election race depends on informed citizens who come out bold to contest for political post(s). Section 38 of the National Elections Act provides that:

“In order to be validly nominated as a candidate for parliamentary election, a person must be nominated in writing by not less than 25 nominators who are registered voters in a respective constituency for which that person is a candidate”

- The voters/electorates

¹⁶ Article 67 (1)(b) of the Constitution and Section 36 of the National Elections Act

¹⁷ The Political Parties Act (1992)

Since it is a constitutional right for citizens aged 18 years and above to enjoy the freedom to participate in public affairs and other related rights, the polling day at every election is meaningfully celebrated due to voters turn out.

CHAPTER 3

ELECTORAL PROCESS (Description of the eight stages)

Demarcation of constituencies/Declaration of vacancy

Section 61(3) of the National Elections Act, Cap. 343 of the laws of Tanzania entitles the National Electoral Commission to be the body responsible with declaration of vacant constituencies. This Section reads,

“Whenever an MP resigns, dies or otherwise relinquishes his/her office, the Speaker shall in writing to the chairman of the National Electoral Commission, and by notice published in the government Gazette, declare that there is a vacancy in the seat of the member.”

On July 19th 2011, the Speaker of the National Assembly, Ms Anne Makinda, declared vacant the Igunga parliamentary seat formerly held by Mr Rostam Aziz, who resigned the post on 12th July, 2011.

According to the National Election Act, the NEC must organise a by-election for a vacant seat within 50 days of receiving the Speaker’s notification. The NEC declared the Igunga constituency to be vacant and thus political parties set pace for the race. These parties included the ruling Chama Cha Mapinduzi (CCM), Chama cha Demokrasia na Maendeleo (CHADEMA), the Civic United Front (CUF), the United People’s Democratic Party (UPDP), Chama cha Ustawi Tanzania (CHAUSTA), Sauti ya Umma (SAU), the Union for Multi-party Democracy (UMD) and the Alliance for Tanzania Farmers’ Party (AFP).

Description of the nine stages of Electoral process

A democratic election normally passes the following stages; demarcation of constituency, provision of voter education to electorates, registration of voters, nomination of candidates, hold campaigns casting of votes, counting of votes, declaration of results and filing of referrals (if any) . This is also the requirement of the law, specifically The National Elections Act¹⁸ .

Demarcation of constituency and declaration of vacancy

The mandate to divide any constituency into polling district is vested to the National Electoral Commission as provided under The National Elections Act, section 5(1).

“The commission shall divide every constituency into polling district and shall publish in the gazette, a notice specifying such polling districts”.

For the purpose of the conduct of parliamentary and presidential election in Tanzania, the commission (NEC) has to announce the vacant posts for the political parties to compete. The National Elections Act¹⁹ requires that when a member of parliament resigns, the speaker in writing to the chairperson of the NEC and by notice published in the Gazette, declare the vacancy in the seat of Member of Parliament.

Civic and voter’s education

The commission (NEC) is the only institution that is responsible for providing voter’s education throughout the country.²⁰It also plays the role of coordinating and supervising persons who conduct such education. CSO’s do have the duty to provide civic and voter education to the public although the law does not impose direct responsibility.

Civic and voter education is provided to the public to enable them understand the electoral processes, their rights and responsibilities. Education to the public is vital, without which the nation will continue to observe low voters turnout.

Registration of voters

Every citizen of 18 years and above is entitled to be registered in the Permanent Voters Register and to be provided with voter’s identity card.²¹

NEC is mandated with the responsibility to ensure that citizens are registered and the Permanent Voter Register is regularly updated. In addition NEC is required to set time and review registration of voters in every polling district within the constituency.

Nomination of candidates

¹⁸ Cap 343 R.E. 2010

¹⁹ under section 37(3) of the Act

²⁰ As provided under The National Elections Act, CAP 343 R.E 2010, section 4A of the Act.

²¹ As provided under section 11A of The National Elections Act, CAP 343 R.E 2010.

The nomination process is done at two levels; the intra party nomination and finally the confirmation of candidates by the NEC. All eligible voters are entitled to apply as candidate through their parties under a well coordinated democratic mechanism. The National Elections Act provides that;

“ In order to be validly nominated as a candidate for Parliamentary election, a person must be nominated in writing by not less than twenty –five nominators who are voters registered in the polling districts within the constituency for which that person is a candidate”.²²

With regard to the by – Election, the law requires NEC to notify stakeholders and the general public about the date set for the conduct of the anticipated election.

The nomination of candidate is done within fifty days after declaration of vacancy by reasons of which the election is to be held.

Campaigns

Where there is contested election in a constituency; Candidates, Political Parties are allowed to organize and conduct campaigns. The candidate and his her supporters are required to supply the Returning Officer with a schedule indicating the proposed programme for the public meetings of the candidate’s campaign specifying the time and places.

The Returning Officer has to convene a meeting with political parties to agree on the timetable of campaign meetings to avoid collision and unnecessary upheavals amongst them. Further to that, the Returning Officer has to distribute copies of the programme to the police for security reasons.

Voting

This is the most important activity within the electoral process whereby voters cast their votes to choose their leaders.

NEC has the obligation to appoint a voting day after the process of nomination candidates has been finalized.

The commission also has the obligation to make sure sufficient number of polling stations is identified, set and supplied with all voting materials and voting names on time. Also the public should be notified on where the polling stations are situated, voter names are fixed and opening time and closing time.

²² Refer section 38(1) of the law.

Vote counting

Vote counting is the harvesting moment for any candidate at the peak of any election. The law provides that the exercise be done honestly and in a transparent manner to prepare the competing parties to later on accept the results. While several people are legally allowed to physically witness the counting exercise after the closure of the polling exercise, electorates and unauthorised persons are prohibited for confidence building and making the exercise concise.

The presiding officer has an obligation to ensure that, before the commencement of the vote counting, all persons recognized by the law (Political Party agents, Candidates, Police Officers, Presiding Officer, Polling Assistants, polling agents, Regional Election Coordinator, Member of Commission, Director of Election and Observers) are allowed to enter in the counting room and the non authorized persons are out of the room at least 100m away just after the polling station has changed into a counting centre.

Furthermore, the electoral law requires that, every polling agent appointed by the political party, at the close of poll and during the counting of votes, be the counting agent of the appointing candidate.

Declaration of results

The Returning Officer is required by the law²³ to immediately declare a candidate with majority of valid votes as a winner and send a notification to a successful candidate before submission to the NEC.

The Returning Officer has to identify complaints which may have had risen at each stage of the election and possibly take measures when the need arise.

Filing of referral /appeals

Political parties, their candidates and or the electorates have the rights to petition the election. The judiciary is the only organ that has the authority and final decisions in dispensation of justice in the United Republic of Tanzania.²⁴ Thus cases related to election issues are entertained from the level of High Court. Section 110(1) of The National Election Act, states that every election petition shall be heard and determined in the High Court.

²³ Under section 81 of the National Elections Act, R.E 2010.

²⁴ Under article 107A (1) of the Constitution of United Republic of Tanzania.

CHAPTER 4

OBSERVERS' FINDINGS

Some irregularities, especially in observance of human rights, political tolerance and general civic and voters' education were reported to have hindered the right to vote.

Declaration of Vacancy

Section 61(3) of the National Elections Act, Cap. 343 of the laws of Tanzania entitle the National Electoral Commission to be the body responsible with declaration of vacant constituencies. This Section reads,

“Whenever an MP resigns, dies or otherwise relinquishes his/her office, the Speaker shall in writing to the chairman of the National Electoral Commission, and by notice published in the government Gazette, declare that there is a vacancy in the seat of the member.”

On July 19th 2011, the Speaker of the National Assembly, Ms Anne Makinda, declared vacant the Igunga parliamentary seat formerly held by Mr Rostam Aziz, who resigned the post on 12th July, 2011.

According to the National Election Act, the NEC must organise a by-election for a vacant seat within 50 days of receiving the Speaker's notification. The NEC declared the Igunga constituency to be vacant and thus political parties set pace for the race. These parties included the ruling Chama Cha Mapinduzi (CCM), Chama cha Demokrasia na Maendeleo (CHADEMA), the Civic United Front (CUF), the United People's Democratic Party (UPDP), Chama cha Ustawi Tanzania (CHAUSTA), Sauti ya Umma (SAU), the Union for Multi-party Democracy (UMD) and the Alliance for Tanzania Farmers' Party (AFP).

Civic and Voters Education

While in Igunga, TACCEO observer mission did not see let alone come around a specific civic and voter education programme conducted to the public. If there were any deliberate initiative by any stakeholder on delivery of voter education, it was too subtle to the extent of having no impact.

For instance, in various stations, TACCEO's poll monitors witnessed low turnout of voters as was the case in the 7 wards of Sungwizi Ward indicating that Wananchi lacked civic and voters education and did not believe in polls as a solution to their problems. For instance the number of registered voters at Zahanati Mwalala - 2 stations was 410 compared to the 89 people who voted during that day. Similar and even worse scenarios were observed in other wards, including Nyandekwa, Mbutu and Choma. The most critical situation was noted at St. Tomas Aquinas polling station where only 26 people voted out of the 307 registered.

There are all signs that the person beaten was from a different political ideology. It is also evidently that something is amiss it may have to do with lack of faith in the system or a sense of despair that has led people ignore to utilize their chance to exercise their democratic rights.

There were allegations among the Igunga communities that Wananchi had enough knowledge on civic and voters issues but did not want to vote because they sold their cards at different prices ranging between 10,000/- and 20,000/- as witnessed by the TACCEO observer in Ntobo and Mbutu Wards. While as at Igunga ward, people sold their cards at between 10,000/- to 15,000/- as well as t-shirts caps and scarf bearing colors of the particular political party.

(Insert illiteracy experience and the role of media)

Registration of Voters

Before embarking further in an election process, it is important that electorates are registered in the permanent voters' register and their particulars are updated for the purposes of elections. It is provided that, the National Electoral Commission shall review the permanent National Voters' register twice between a period commencing immediately after the general Elections and the date proceeding the nomination day.²⁵ Further, the National Elections Act empowers the Commission to keep, maintain, and update the Permanent National Voters Register.

The Speaker wrote to the NEC chairperson on July 20th 2011 notifying him on the vacancy in Igunga constituency. Later on, the chairperson of the commission notified the public and all political parties on the date set for the conduct of by-election. The commissioner informed that the information contained in the 2010 National Permanent Voters' Register shall be used in Igunga by-election without any alteration. However, there was no updating of the register or alteration of information contained therein, despite of being legally empowered to do so.

Contrary to the legitimate expectations of the PNVR records to be used in Igunga, the number of registered voters in the 2010 register was 171,077 while the current number of registered voters for Igunga verified by the Returning Officer in the final declaration of results was 171,019. In an exclusive interview with the District Returning Officer, Mr. Magayane, Protace on the differing statistics, he said and insisted that he had nothing to respond to as the proper authority to be asked was the Director of Elections of NEC.

The posting of the registered names two days before and some even on the Election Day made it difficult for voters to verify denying eligible voters the chance to vote.

Nomination of Candidates (Parties and NEC)

At least nine political parties showed interest to contest the Igunga by-election as dully filled in the nomination forms. Those were AFP, CCM, CHADEMA, CUF, CHAUSTA, DP,

²⁵ Section 15(5) of the National Elections Act, Cap.343

UPDP, UMD and SAU. Out of the 9, only UMD did not turn up for election race. Each political party had its own modality of nominating the contestant for the race. In the final stage of nomination, all forms were returned to the District Returning Officer for confirmation and none was turned down despite contestants of CHADEMA and CCM facing objections by CUF on grounds that they were still civil servants. The Complaints Committee resolved on their merits that they had satisfactory qualifications after having followed proper procedures.

| Sn. | Party | Candidate |
|-----|---------|-------------------------|
| 1. | AFP | Steven M. Mahuyi |
| 2. | CCM | Dr. Kafumu Peter Dalaly |
| 3. | CHADEMA | Kashindye J. Mwandu |
| 4. | CHAUSTA | Hassan R. Rutegema |
| 5. | CUF | Mahona L. Lucas |
| 6. | DP | Saidi M. Cheni |
| 7. | SAU | John M. Maguma |
| 8. | UPDP | Hemedi R. Dedu |

The Constitution of the United Republic of Tanzania makes it mandatory requirement for any person who wish to contest in election to be supported by his or her political party. Let it be known that the laws of Tanzania do not allow an independent candidate to vie for any political post. However, this practice has left little to be desired, due to the system involving the selected few who end up representing party interests to the detriment of the general public.

TACCEO observer mission noted some comments from the public that some of the contestants were not familiar to them, as they were just brought by their parties for the sake of elections. Majority of the political parties do not have offices in Igunga, they were co-incidentally met in streets and campaigns grounds. Sometimes it was very difficult for the Returning Officer to address letters and share information with parties that had no permanent address. For example, SAU had its offices temporarily at the bus stand, a room which was shared by bus conductors. UPDP had their office within a bar where followers and campaign team were allowed to have a drink at their own costs before campaigns starts.

CAMPAIGNS

During the Igunga by-election process TACCEO observed the use of abusive language among political parties and their supporters, against clause 2(2) (b) of the Electoral Code of Conduct of 2010 which prohibits political party leaders, candidates and their supporters from the use of abusive, defamatory, belittling, ridiculing, threatening or any other languages which can lead to the breach of peace in political campaigns. For instance the Code provides for punishments for those found to use abusive language on their campaigns. Punishment for such offences includes but not limited to; public apology, public notice on media, suspension of a candidate campaign for a specific period or fine.

During campaign rallies in Igunga, both, the ruling and opposition parties spent most of their time attacking each other with mud-slinging statements and talking of private lives instead of the party manifestoes. TACCEO observer attended CCM campaign at Simbo Ward and observed use of abusive language against CHADEMA and CUF. One of the CCM campaigners was heard saying, “*CHADEMA wana mimba ya CCM watajifungua 2nd October*” literary meaning that, CHADEMA was impregnated by CCM and would deliver on 2nd October, “*Dr. Slaa ni Padri mzinzi*” translated as Dr. Slaa is a promiscuous priest and called “*CUF (KAFA) tumemmaliza Maalim Seif Zanzibar*”, meaning CUF is dead and we are done with Maalim Seif in Zanzibar.

Residents of Igunga had so many issues that they wanted to hear from the candidates on their proposed solutions instead of weaknesses or internal affairs of their opponents. One wonders why political parties wasted their precious time and resources as if campaigns were meant to level allegations against other individuals. For instance, CCM campaigners were heard making ill comments about weakness of CHADEMA as if it were the only opposition party in the race and used the old ghost scandal for Dr. Willibrod Slaa Presidential Candidate of 2010 of adultery issue as a propaganda although the case is still at the High Court; though, Dr. Slaa was not a candidate in this by-election. Likewise, CHADEMA, CUF AND UPDP parties confronted Mr. Benjamin Mkapa, the former president (CCM) accusing him of poor governance during his tenure in the State House and using it for private business.

Some campaign meetings did not abide to the campaign calendar as required by the law. At one point, the Returning Officer was forced to rearrange the timetable with political leaders to avoid collisions and misunderstanding between the parties. On 1st October while campaigns were being winded up, the fight broke between the CUF candidate and the police at Iborogero, when his party wanted to stage a meeting at the same venue as CHADEMA. There were some incidences of followers of parties interfering campaigns and attempting to destroy party flags which was reported at the police. [PICHA – Mahona na Polisi]

In one of the CCM campaigns at Sabasaba grounds, the Minister of Infrastructure, John Pombe Magufuli asked how many people would vote for CCM. Only few raised their hands while the majority showed the CHADEMA sign, an act which triggered his anger calling for their arrest. This was against equality before the law as provided under Article 13 of the Constitution of the United Republic of Tanzania.

There was an allegation that Tabora (U) MP; Hon. Aden Rage went to campaign with a pistol at his waist, (save for the security officers) an act which is contrary to S. 84 of the Penal Code, which reads;

“[A]ny person who goes armed in public without lawful occasion in such a manner as to cause terror to any person is guilty to an offence and his arms may be forfeited”.

There were signs of unrest as it was seen at Simbo Ward, where a poll monitor reports that on October 1st, 2011 at around 9 some youths wanted to beat 2 guys at the bus stand who were found dishing cash to coherence Wananchi to vote for a certain party. The two are said to have been receiving cash from the elderly who were at a restaurant nearby.

It was observed that different Government officials including Ministers, intimidated the voters and gave promises which is reflected the ministerial budgets. These were noted through Honourable Stephen Wasira (Minister of State in the President’s Office) and Magufuli (Minister for Infrastructure Development) campaigns.

VOTING/POLLING DAY

Most stations were opened on time save for the few ones. Moreover, there were sufficient voting materials in each station as observed by the several TACCEO’s monitors and by respondents to the several questionnaires issued to different people in the constituency. Most polling stations had no signs or names of voters until the voting day a situation which could have led some voters fail to locate them.

Moreover, inadequate civic competence among voters as observed at Mwanzugi secondary school and Igogo polling station where some people came with party Ids instead of voters’ Ids.

Some political party leaders with CHADEMA brought their party members to the polling station on a polling day as observed at Nanga and Isakamaliwa stations.

Major handicap was observed through the high rate of illiteracy from among the voters, thus posing a challenge to the electoral official to frequently providing help to the needy.

Furthermore, in gender perspective, women turned out in a large number as compared to men.

INSERT A PICTURE SHOWING WOMENS IN QUE

The constitutional principle of the right to vote was exercised, whereby the voting process was normally conducted through a secret ballot to ensure the freedom of the right to vote.

However, there were reported incidents of poll monitors being denied the chance to enter at the voting stations as was witnessed at Nguliti centre. A Poll monitor at Nkinga primary school station was barred from entering the station on account that he was a CCM follower,

while as at the Njiapanda primary school, a poll watcher was barred from carrying his duties following claims raised by an agent with CHADEMA that he was campaigning for CCM due to passing from one station to the other. Experience at Nguvu Moja centre indicated that the life of a poll monitor was endangered due to some aspirants of a certain political party wanting to set ablaze the monitor on account that she had been sent by CCM party to dish out cash to bribe voters to vote for it. Fortunately, a ten cell leader rescued the situation.

In some areas there were no security guards during the Election Day as was the case at Njiapanda primary school station where poll watchers and agents raised concern to the supervisor.

Moreover, several voters who had lost their cards appeared at the voting stations and were denied the chance to vote, while as some of those who had lost their cards found their names and pictures placed at the stations. On the other hand at Nkinga and Malagamo primary school, voters who had no voting cards were denied the chance to vote

However in other areas such as Kitangili Primary school, a poll monitor reports that those without voters' card were allowed to vote after they had filled form number 17. The same applied for those whose voters' cards had errors in numbers as witnessed at Register number 00015166(3) of Ndembezi primary school.

The illiteracy level in the area seemed higher among women than men and not to mention of a language barrier where most of them seemed to be conversant with their mother tongue (Kinyamwezi, Kisukuma, and Kitaturu) than Kiswahili which is the national language.

There were noted campaigns at the polling stations as reported by poll watchers at Igumi, Ibutamisuzi and Mngondavela.

On the material day, Tabora urban MP (CCM), Ismail Rage was found in a car with PA system in Ngulu ward, announcing that CHADEMA candidate had pulled out of the race while it was not true.

In some areas, party agents were only in certain stations with only the ruling CCM and CHADEMA having an agent in each of the station, with some having even extra agents who stayed 100 meters from **the voting area to protect votes.**

Poll stations were housed in government buildings forcing voters to walk between 2 - 5 kilometers to and from the centers as was the case at Ziba Ward, Mbutu, Nyandekwa and Nguvumoja wards.

There was delay in opening up some of the polling stations as was the case at Mwawala primary school where voting began at around 8.00 am. Each polling station was opened at different time with the timing ranging from 7.10 to 7.15 for no specific reason. For instance Mwamubele station at Ntobo Ward was opened at 7.22 on account that party agents had failed to fill their forms on time. The same problem occurred at Mwamoli 2 and 3 polling

stations which were opened at 7.36 while as Mwamoli 1 as well as Ziba Primary School at Ziba Ward were opened at 7.25 respectively.

Furthermore, some ballot lacked secrecy due to the high illiteracy level of voters around forcing them to seek help from others. Some of the political party agents left the stations immediately after the counting of the votes and closure of the stations before they could escort the ballot boxes to its final destination.

Indeed, it was surprisingly noted that some people were clad in CCM uniforms as was seen at Isakamaliwa station where a CCM voter identified by registration number 05277375 had won a CCM T-shirt. CUF banners were also noted at Mwenge polling station.

There seemed to be no practical training of electro officials on materials to be used during the voting day as was seen at the Sungwizi primary school station where an assistant electro officer could not assemble let alone switch on the lamp.

Uninformed presiding officers complicated the matter by allowing the use of Forms, No. 17 & 19 in some stations while prohibiting the same in other stations; and thus raised issues of double standards in the same elections. The prohibition of the use of these forms was noted in Mbutu ward office polling station and Kituo cha Ujenzi and Stoo ya Pamba polling stations in Igunga ward.

In some stations there were two different voters' registers as was seen at Station 3 at Ndembezi primary school. "There were two voters registers one for parties agents and the other one for electro officers. One register indicated that there were 455 eligible voters while as the other indicated the number of eligible voters as 457. Surprisingly, both of the registers had been updated on October 15th, 2010. Party agents reached consensus that they should use the register with 457 as the number of eligible voters for counting and finals results. For instance statistics provided to TACCEO by the Igunga District Returning Officer Protas Magayane, indicated that there were 171,019 voters who had been registered while we expected that the number of voters would be 171,077 corresponding to the statistics used in the 2010 general elections as informed by the NEC.

Moreover, there were some other incidences noted in Mwashiku Ward, such as lack of help to the disabled who went to the polling stations, missing of form No. 17 & 19 to authenticate the voters noted in Mondo primary school and notable low turnout of men compared to women.

Forms number 17 and 19 which were supposed to be used by voters who had lost their cards or whose names could not be found on the list were reported to be missing. Some voters had their names on the list but had lost their cards while some names appeared more than once in different polling stations. This led to majority of the eligible voters fail to exercise their constitution rights to vote.

Some of election officers were ignorant of voting procedures, for example at Mbutu ward, polling station of Mgondavela polling station, and five people were identified to have not dipped their fingers in the ink. The incidences of this nature were noticed at Choma ward.

View: Life hardships tend to make people shun away from participating in civic and political life as observed at Mwanzugi and Nanga where men were scarcely seen in the polling stations compromising their constitutional rights with their livelihood.

Views; The low turnout of voters compared with the list of eligible voters registered in the voter's register could be due to lack of civic and voter's education as some of them were ignorant and unaware of voting procedures and who they should vote for. Those who were illiterate were assisted without being asked whom they wanted to vote for a situation which amounted to those assisting voting on their own behalf instead.

Vote Counting and Results Declaration

Vote counting and announcing of election results exercise in the polling stations in Igunga was perfect and timely in most of the stations.

However, the challenge remained in collection of the ballot boxes back to the central point in Igunga district council and declaration of consolidated results.

There were some inconsistencies in closing polling stations as some were closed before the required time which is 4.00 pm as was the case at Ziba Primary school station, with most of them using low turnout as a reason for earlier closure.

There was delay in announcing final results, as it was not until the following day that is October 3rd at 3.00 pm when NEC announced final results a situation which led to tension and unrest. Regina Katabi, TACCEO's, observer at Ndembezi centre said, "The police force used a lot of tear gasses to disperse people. CCM members /followers were the source of unrest as they had gone to the CHADEMA office with a vehicle blasting music while mocking the later that they had lost."

Lack of political tolerance was evident as most political parties failed to control its followers as witnessed by Magreth Makinge, a poll observer at Sungwizi ward. "While escorting ballot boxes I passed at Mwanzugi road near the Igunga district council where I saw people parade with machetes, wire paddocks, while clad in CCM uniforms. I saw them beat a person whose post or name I could not tell until the police came to his aid," she said.

Above all it was observed that the delay in announcing results came due to the poor infrastructure as well as the means of transportation of ballot boxes from the stations to its final destination. This led to failure by the tallying officers to authenticate the results from the polling stations and went ahead posting ward results instead of each station due to being too tired to do so.

Views; TACCEO is of the view that most of the post elections violence and mistrust result from delay in announcing final results. Apart from that, transporting ballot boxes at night could be very risky and hazardous due to those responsible being too tired a situation that could compromise the quality of the work, and not to mention of unforeseen incidents that may arise while on transit taking into considerations of the current political atmosphere where each party strives to win against all odds.

Pressing of immediate release of the results by CHADEMA followers and the CCM's act of armed celebrations was a bad signal in political tolerance and culture of democracy.

After Declaration of Results

In most of the polling stations, the election results declarations were positively accepted by those who were around the stations. There were no notable incidences of either breach of peace or violation of other people's rights.

Unlike the polling stations, the situation at the central tallying center was chaotic as CHADEMA followers were pressing for immediate announcement of results as CCM followers on the other side celebrated amid wielding machetes and other local weapons.

However, CHADEMA refused to sign the by elections final results and declared that they would file their complaints against the ruling CCM.

During the by elections in Igunga one could not spot the difference between government activities and the campaigns conducted where some cabinet ministers used public resources such as government vehicles to campaign for the ruling party.

Views- The refusal by five opposition parties to sign the forms on final results may have something to do with suspecting that the elections had been rigged due to delay in announcing the results as it had been promised by the returning officer.

CHAPTER 5

SUMMARY OF MAJOR FINDINGS

TACCEO's observation mission noted several incidents of human rights violations during and after the election. Some of the most notorious acts of human rights violations were reported on September 9th, 2011 where unknown people poured liquid suspected to be acidic to a follower of the ruling CCM Mussa Tesha. Media reports indicated that Tesha had gone to collect billboards of his party when he met the ordeal. The incident shocked most of peace lovers in the country and left them wondering on where the country was heading to in terms of sustainability of its culture of political tolerance.

Worse still there were reports of followers of an unknown party stealing from a member of the ruling CCM while at the same time raping his daughter. The situation raised alarm to the police force forcing them to deploy more officers to maintain peace and tranquility in the area.

Tanzanians were still trying to recuperate from the shock of the above incidents however before they knew it, members of the opposition CHADEMA sparked a heated public debate threatening to distort the religious harmony in the country when they ruffled up before they pulled the *hijab* (later on named scarf by critics) that the Igunga DC Fatuma Kimario was wearing. DC Kimario was reported to have disrupted campaigns meetings by CHADEMA at Isakamaliwa ward on September 15th, 2011, however it was later established by TACCEO that CHADEMA members began the campaign meeting so late that they ended up colliding with the delegates from the district authorities who had gone to the village to ponder on development issues.

Corruption incidents were also reported to be taking place with some members said to belong to the ruling CCM buying voter's registration cards. In fact, the situation was so tense that it forced NEC through its District Returning Officer Protace Magayane to issue a warning that should those involved into the dubious game be caught, they would face the wrath and possibly fines of up to 300,000 or a jail term not exceeding two years or both.

During its mission, TACCEO noted the massive use of public resources such as government vehicles and the prevalent of various cabinet ministers in the area with each using office car to ply around. The issue raised a lot of questions over who paid for the maintenance costs of the said vehicles. Moreover, some of the Cabinet Ministers were reported to have been using their post threatening voters to vote for their party failure of which would mean being denied access to social services.

Perhaps one of the most notable issues in the election would be the high costs spent by the major political parties in the whole exercise inclusive of the use of helicopters in the

campaign where each major party seemed to want to show its muscles to impress the electorate. This once again raised doubts on the efficiency of the Election Expenses Act (2010) when it comes to monitoring the amount spent in the electoral process, and not to mention of making small parties feel inferior.

Once again, civic competency remained to be a hurdle in the Igunga by-election as the number of voters who turned out was too low leaving a little to be desired for. However, the most notable thing in the exercise would be to notice more women show up to vote than men, a situation raising an alarm that perhaps now the gender parity was taking a turn. This could also mean that unlike in other areas where women have been told to remain behind, around Igunga the situation was rather different as most of them indicated their willingness to cast their votes despite their high illiteracy level being a hindrance to their pursuit.

Having observed the numerous abusive languages and the several human rights violations in the area, TACCEO is of the view that something ought to be done before the coming of any other election. The recurring of several abuses of human rights leaves a little to be desired for it does not get into one's mind when one decides to rape or pour acid to another, simply because of the difference in political ideologies and one wonders what has that got to do with one's right to exercise their constitutional rights.

Last but not least, the media attention in Igunga was so cumbersome indicating that the political competition in the country was now at its peak. The several television stations, radios and newspapers indicated that each party was striving to steal the show and sadly, the strong political parties' reigned dominance while as some went unnoticed. The whole attention was on the two major rivals; the ruling CCM and CHADEMA, a trend that was also noticed by TACCEO during the 2010 General Elections in the country.

Overall, the democratic process in the country has made a great stride although there are several issues in need of redress which have been identified in this report.

Notably, it is only fair to commend the police force who unlike in previous elections. This time around they managed to do a commendable job by showing maturity and tolerance at a higher level than it has ever happened in the history of this country. TACCEO pays homage to the police force for their efforts and hope the trend will be sustained in future elections.

Having identified the issues, TACCEO hopes that there will be major improvement to avert all the flaws identified in this report. It is evident that the price of democracy can be expensive and the evil things we have seen in Igunga ought to be worked upon before our country succumbs into chaos.

Peace is what we must all strive to achieve against all odds. Let all stakeholders play their role to ensure coming elections are a force to reckon with in terms of peace and tranquillity and not in leaving traces of chaos and killings.

CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

6.1 CONCLUSIONS

Electoral institutions in Africa and elsewhere around the world are interested to receive a ‘free and fair certificate’ at the end of each electoral exercise. This certificate is based on a number of factors both infrastructural, logistical and more importantly, observance of all ingredients that contribute to free and fair election.

The discussion, analysis and recommendations under this report have clearly reflected a number of strength and best practices that the Tanzania’s NEC can be proud of. These include but not limited to; availability of the most important voting materials, guaranteed peace and security, presence of a reasonable number of well informed and trained electoral officials and the evident tireless coordination of the entire exercise. This is a reflection of freedom and a sign for impartiality.

However, it is pitiful to learn from this report that a number of election malpractices, violation of Human Rights and denial of several democratic principles were noted. This is a reflection of injustice within the electoral process.

It is under this context that TACCEO observer mission would like to conclude this report by saying that the Igunga by-election deserves a certificate of **‘FREE BUT NOT FAIR’** election.

6.2 RECOMMENDATION

Recommendations - religious and political leaders should teach their followers to maintain a culture of tolerance towards people with different political ideologies. NEC, civil societies and all stakeholders should join hands to provide civic and voter’s education to citizens so as to raise awareness on democracy as well as human rights issues. Furthermore they should educate citizens on voting procedures while as political parties should educate its supporters on civic education in the multiparty system to improve the number of voters in coming elections and reduce violence. Political party leaders should always strive to calm down followers of their political parties to shun away from violent acts that may distort peace.

They should also avoid uttering instigating remarks to voters but instead should show an exemplary example for them to follow.

For the smooth handling of the elections, the electoral principles should be observed in order to encourage the voters' turnout.

TACCEO recommends that the government should come up with viable policies and relevant programmes to improve the lives of people in the area.

Recommendations: NEC should verify its records by updating its voter's registers more often to reduce the confusion and mistrust that may arise due to each book having different records. Furthermore, it should post a list of registered names at least a week before election day as required by the law on each polling stations to enable voters verify their names and find a solution in case they are some ambiguities.

Ruling party leaders, government officials and people with authority should ensure that they do not use their titles and status to influence and intimidate people especially those with low level of education.

PCCB should be bold to enough to curb bribes during elections.

Recommendations; There is a need to create awareness on elections regulations as well as to deploy translators conversant with both languages to help voters who are not conversant with Kiswahili.

More importantly, the government should find a modality to fund small parties with little financial muscles to enable them pay for agents as it is evidently that lack of resources led to most of them failing to deploy agents in each station.

The government should also find a way to revive its adult education program for its citizens to reduce the escalating rate of the illiteracy in the country to curb the unnecessary inconvenience during elections. This will help to observe secrecy in ballot as required by the laws.

There should be proper training and legal knowledge on electoral matters and processes to lower cadre of the commission to avert the noted flaws.

Recommendations;

NEC should propose amendment of election procedures including the announcement of final results. The electro body should also eliminate all unfavorable laws (the Constitution and the National Elections Act) as the current set up of supervisors of elections who in most cases are officials from the government in power creates mistrust with some opposition parties perceiving that the elections are neither free nor fair.

NEC should also find the available technology to relay the results by using the phone or motorcycles which can move at faster speed to deliver elections results to curb delay.

TACCEO recommends for an independent Electoral Commission to restore trust by competing parties.

Recommendations: All political parties should adhere to Elections Expenses Act. NEC should ensure that there is a level field for political parties particularly by funding to create free and fair competition.

NEC should also increase the time frame for campaigns to reduce chances of corruption as was the case in Igunga where money circulation was high.

TACCEO recommends to the general public and relevant authorities to fight selling and buying of voter's registration papers is a necessary action within war against corruption.

An enactment of the new constitution should go hand in hand with a law that will call upon a representative to be voted in office with more than 50 percent of voters.

Annexure:

- Police Report
- List of Observers
- List of Poll Watchers
- Questionnaire
- Newspapers Cuttings

References

1. FES, 2011 & 2010,: *Political Handbook and NGO Calendar*
2. Igunga District Council: *Socio-economic profile of the district*
3. LHRC, 2009: *Tanzania Local Government Elections Monitoring Report*. Dar es Salaam
4. LHRC, 2011: *Tanzania Human Rights Report 2010*
5. LHRC & TACCEO, 2010: *Report on the United Republic of Tanzania General Elections of 2010*, Dar es Salaam
6. TEMCO, 2005; *Report of the Tanzania Election Monitoring Committee*; Dar es Salaam
7. The Local Authorities (Councillors Elections) Act; Cap. 292 of the Laws of Tanzania
8. The National Elections Act; *Cap. 343 of the Laws of Tanzania, R.E 2010*
9. The NEC, 2010; *Taarifa ya Tume ya Taifa ya Uchaguzi kuhusu Uchaguzi wa Rais, Wabunge na Madiwani*, Dar es Salaam
10. The Penal Code; *Cap. 16 of the Laws of Tanzania, R.E 2002*
11. The Uganda Electoral Commission 2011; *A Handbook for Observers*
12. The Uganda Electoral Commission; *Candidates' Agents, Pocket Facts, Multipal Voting Process*
13. The United Republic of Tanzania (1977): *The Constitution as amended from time to time*
14. UNDP, 2005; *Elimu ya Uraia na Upigaji Kura Tanzania, Uchaguzi Mkuu, 2005*

