



Local Government Election Monitoring Report - 2014

BY THE TANZANIA CIVIL SOCIETY CONSORTIUM ON
ELECTION OBSERVATION
[TACCEO]



REPORT ON THE LOCAL GOVERNMENT ELECTIONS IN TANZANIA 2014

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ISBN:

978-9987-740-18-5

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2015

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Acknowledgements

The Legal and Human Rights Centre (LHRC) and TACCEO would like to convey our sincere gratitude to the Prime Minister's Office Regional Administration and Local Government (PMORALG) for accreditation granted to monitor and observe the election as national observers. We also thank and recognize the support extended to monitors in the course of monitoring the election by the District, Township and Municipal Directors, Tanzania Police Force, Government officials and the general public in the areas where the election was conducted.

The entire program could not have been successful without the support of staffs from LHRC, MPI, Actions for Democracy and Local Governance (ADLG), ForDIA, TANLAP, TAHURIFO and YPC who worked tirelessly to ensure the Local Government Election Observation was conducted for the purpose of highlighting issues of advocacy for improvement of the coming elections. The efforts by LHRC team that worked hard in ensuring the report was finalized on time are highly acknowledged.

Last but not least, we would like to acknowledge and extend heartfelt gratitude to Swedish Embassy (SIDA) for their immense collaboration and support which facilitated the LHRC/TACCEO to coordinate and monitoring of the 2014 Local Government Election of Tanzania Mainland.

About LHRC

The Legal and Human Rights Centre (LHRC) is a private, autonomous, non-governmental, non-partisan, not for profit sharing human rights organization envisioning a just and equitable society. It has a mission of empowering the people of Tanzania, so as to promote, reinforce and safeguard human rights and good governance in the country. The broad objective is to create legal awareness among the public and in particular the underprivileged section of the society through legal and civic education, advocacy linked with legal aid provision, research and human rights monitoring.

LHRC was founded and registered in 1995 under the Companies Ordinance, Chapter 212 of the Laws of Tanzania, as a company without shares limited by guarantee. Before its registration in September, 1995 the LHRC was a human rights project of the Tanzania Legal Education Trust (TANLET).

Since then LHRC has grown to be known as a leading human rights organization, human rights watch dog, pace setter, bold and serious organization and a flag bearer of human rights in Tanzania. LHRC headquarters are based in Dar es Salaam and has a sub office in Arusha. LHRC is a member of different national, regional, and International NGOs Networks and human rights bodies. LHRC has an observer status with the African Commission on Human and Peoples Rights since 2000.

About TACCEO

Tanzania Civil Society Consortium on Election Observation (TACCEO) is a loose non-governmental, non – partisan and non - profit consortium formed by 17 Civil Societies Organizations in Tanzania. Members of the consortium are National Civil Society Organizations (CSOs) registered under various laws of Tanzania. The purpose of TACCEO is to monitor democratic processes in the country. Currently there are 16 active members in the consortium.

The founding members of the TACCEO are the Legal and Human Rights Centre (LHRC), Zanzibar Legal Services Centre (ZLSC), Tanzania Gender Networking Programme (TGNP), Tanzania Media Women Association (TAMWA), Women Legal Aid Centre (WLAC), The Leadership Forum, Women in Law and Development Africa (WiLDAf), Southern Africa Human Rights NGOs Network (SAHRiNGON), Tanzania Network for Legal Aid Providers (TANLAP), Policy Forum (PF), HakiMadini, Tanzania Mine Workers Development Organization (TMWDO), Tanzania Human Rights Foundation (TAHURIFO), Youth Partnership Countrywide (YPC), Concern for Development Initiatives in Africa (ForDIA), Lawyers’ Environmental Action Team (LEAT), ACCORD, and Mwanza Policy Initiative (MPI).

This consortium came into being in 2010 after the need for more efforts to improve democratic processes in the country by having CSO actively participating in monitoring and observing the organs that manage and administer elections processes so they be more democratic, participatory and minimize violence and grievances in the process. TACCEO participated in monitoring the General Election, 2010. Moreover the consortium participated in monitoring Igunga (2011), Arumeru East (2014), Kalenga and Chalinze by-elections (2014).

TACCEO aims at advocating government and its institutions to manage election process effectively abide by laws and practices that are just and guarantee human and political rights to all public reaffirming government intentions to fight against elections malpractices. TACCEO also aims at equipping Tanzanians with knowledge and awareness on their civic and political rights; empowering law enforcement officials; supporting transparency in the Prevention and Combating of Corruption Bureau (PCCB); and working with the Registrar of political parties so as to enforce and uphold election laws that are in place to work to guarantee equality and fairness in the electoral processes.

TACCEO realizes the need for a new and practical approach in addressing the problems in elections by working in partnership with the National Electoral Commission, the Zanzibar Electoral Commission, political parties, and other stakeholders for improvement of elections processes in the country.

Acronyms and Abbreviations

ACHPR	African Charter on Human and Peoples Rights
ACT	Alliance for Change and Transparency
ADLG	Actions for Democracy and Local Governance
CCM	Chama cha Mapinduzi
CHADEMA	Chama cha Demokrasia na Maendeleo
CUF	Civic United Front
DED	District Executive Director
ForDIA	Concern for Development Initiative in Africa
ICCPR	International Covenant on Civil and Peoples Rights
ICT	Information and Communication Technology
LGE	Local Government Election
LHRC	Legal and Human Rights Centre
MPI	Mwanza Policy Initiative
NCCR MAGEUZI	National Convention for Construction and Reform – Mageuzi
PMORALG	Prime Minister’s Office Regional Administration and Local Government
TACCEO	Tanzania Civil Society Consortium in Election Observation
TAHURIFO	Tanzania Human Rights Foundation
TANLAP	Tanzania Network for Legal Aid Providers
TANLET	Tanzania Legal Education Trust
TCD	Tanzania Centre for Democracy
TLP	Tanzania Labour Party
UDHR	Universal Declaration on Human Rights
UKAWA	Umoja wa Katiba ya Wananchi
URT	United Republic of Tanzania
YPC	Youth Partnership Countrywide

Executive Summary

LHRC/TACCEO envision election process that is citizen driven, participatory and fair, that is based on the core principles of justice and accountability .A process where citizens and leaders understand their roles, rights, and responsibilities. Election observation entails greater public transparency and participation in the election process including pre–election, election and post-election periods. The process involves enactment of election rules, voters registration, voting, vote counting, announcement of results and post election incidents that are overseen by media, civil society organizations and citizens who are able to monitor and report irregularities.

The Constitution of United Republic of Tanzania does not provide for specific dates for the Local Government Election as required by the African Charter on Democracy and Election of 2007.¹ This caused uncertainty on the election dates among key stakeholders including The Prime Minister’s Office of Regional Administration and Local Government (PMORALG). The announcement of the election date was sudden after the country being in limbo for a year awaiting the conclusion of the Constitutional Reforms Process so as to determine whether or not the elections will take place under the provisions provided in the new Constitution. It was envisaged that, the new constitution would address some critical governance challenges that cause voter apathy and that can undermine the credibility and validity of the election process as governed by key election institutions.

However, it was observed that the new constitution will not be enforceable in 2015 even if adopted. The same was agreed in a meeting between members of TCD and President Jakaya Mrisho Kikwete. The meeting agreed that minor amendments be done on the United Republic of Tanzania Constitution of 1977 and the National Elections Act to guide the voter registration process, local government and to guarantee free and fair general elections. However, unexpectedly the PMORALG unilaterally announced the 14th of December, 2014 to be the LGEs date. The elections were held at the following levels countrywide:

Level	Number of Posts
Wards	3802
Streets	3741
Villages	12443
Hamlets	64616

The LHRC/TACCEO Local Election Observation Mission observed the electoral process from stages of enactment of election rules, voter’s registration, voting, vote counting, and announcement of results.

The election observation team was comprised of 25 Regional Coordinators and 165 District Observers. The observers originated from LHRC Secretariat and TACCEO Members. In total

¹ Tanzania has never ratified it.

during campaign and election days, the team made visits to polling units in order to observe accreditation, voting and counting where they later observed announcement of results at polling station and post election period. The Team's findings and recommendations are based on its observations. The Team has maintained its independence in its undertakings, findings and conclusions. It operated autonomously under its specific mandate, in compliance with the Declaration of Principles for International Election Observers, adopted at the United Nations in New York in October 2005. This election was held pursuant to the provisions of the Local Government Authorities Act Cap 288 (Urban Authorities) and Local Government Authorities Act Cap 287 (District Authorities) and Codes of Conduct issued by PMORALG as well as the regulations vide Government Notices G.N 320, G.N 321, G.N. 322 and G.N 323 respectively.

The 2014 LGEs marked an important step towards strengthening democratic elections in Tanzania, but challenges remain overwhelming. Overall, the legal framework for the 2014 LGEs provided inadequate basis for the conduct of democratic elections in accordance with international principles and with the international instruments ratified by the United Republic of Tanzania. The fact that elections were not supervised by an independent electoral body is sufficient evidence of breach of international democratic principles and standards.

LHRC/TACCEO believes in monitoring all the stages of the electoral process because elections can be rigged or corrupted at any of the seven main stages: registration, nomination of candidates, campaigns, voting, vote counting, vote tallying and finally, declaration of results. This gives LHRC/TACCEO a solid basis for making an assessment of the freeness and fairness of the elections.

According to the report issued by PMORALG,² there were a total of 11,491,661 (62%) voters among 18,587,742 expected voters registered. The failure of people turning up in registration could be explained in many factors including the low level of sensitization done to the public by CSO's, political parties, religious institutions, government and non government institution. The few that managed to register had time and the desire for change in. The mission was optimistic that the number of registered voters could be higher if the registration time was extended to at least three weeks or more. Following the registration period which was done in a rush, LHRC/TACCEO noted that the short registration period was a problems faced by aspirant voters and candidates alike. In addition some candidates did not understand the forms they were required to fill.

The legal provisions for the registration of political parties are reasonable and in line with international and regional commitments regarding the freedom of association. With this we report that the registration of voters and transmission of results – were not effectively conveyed to stakeholders and the general public thus creating unnecessary mistrust in the process. In some places, voters names were hand written and were not arranges in alphabetical order for easing the identification of names, areas were the same was not done it was confusing and in some places some voters were frustrated resulting to chaos in some places.

The election campaigns started on 30th November, 2014 and lasted for two weeks ending on the day proceeding Election Day. New regulations to control party finances, the presence of a code of

² <http://www.pmoralg.go.tz/> downloaded at 11st December 2014.

conduct for political parties and the overall calm campaign environment contributed to the conduct of elections which were mostly not observed. At some places candidates were killed; in others there were hostile campaigns and incidents of violent events especially during or soon after the declaration of results.

Candidates addressed the electorate with similar messages, promising to tackle corruption, and address needs for peace, economic prosperity, employment and empowerment of the less privileged. Promises of roads, medical infrastructures, education services and access to basic needs such as water and food were the most promises given to the electorates raising the concern about the capacity of local government to finance and tackle all of them. Such promises were also a clear violation of the Code of Conduct. Unlike previous LGEs, this time around, the campaign were schedule to commence at 0800 Hrs and ends at 01700hrs. Almost all parties managed to conduct campaign, however all parties such as the Ruling Party Chama cha Mapinduzi (CCM), opposition parties CHADEMA, CUF, and NCCR- MAGEUZI violated election rules regulating the campaigns. It was noted that the campaigns in most areas ended after statutory time; in some occasions campaigns continued up to night.

Election Day was peaceful and generally orderly. Generally, polling stations procedures were not applied evenly across all regions and voting was conducted in a calm manner with only a few incidents in some observed polling stations. Unfortunately, the principle of secret ballot was compromised in some observed polling stations and LHRC/TACCEO observers reported that in some polling station the layout did not guarantee secret ballot. Several improvements were done to the electoral process, like new regulations to control party finances and a code of conduct for political parties contributed to increasing transparency, which was, however, tainted by the procedures in the electoral decision-making and aggregation of results processes that excluded observers and political parties' agents.

The legal framework both for the LGEs provides a reasonable basis for the conduct of democratic elections in line with international and regional principles ratified and agreed to by the United Republic of Tanzania. However, there are a number of provisions that raises concerns regarding conformity to international and regional principles, namely the Inclusion of Ward Executive (WEO) and Village Executives Officers (VEO) in the electoral processes contrary to the Provisions stipulated under the codes of conducts and the Guideline issues by PMORALG. It was unfortunate that these officials were allowed to register voters contrary to the provisions of the election regulations.

The control exerted by the ruling party through the Union government to place party cadres in key positions in the national administrative structure –all the way down to the so-called “ten-households cells”– allows it to influence practically all social and political activities throughout the country, thereby fostering a system where advantages can be awarded in exchange for political loyalty.

The position and size of the polling stations was also not conducive for voters, where by long distance between one polling station and another was observed. Moreover, some of the polling stations in some areas were close to the road/bars hence violated the rule of people staying 100m from polling stations after voting as one could not tell whether these are passersby's or people

drinking. Majority of people used this advantage to solicit voters or in other incidences to let people assemble near polling stations for prevention of vote rigging.

Despite the logistical challenges due to the size of the regions/district and the high number of registered voters, the local government officials were also not efficient nor was there proper preparation for the election and largely endangered the universal suffrage. The TACCEO/LHRC observers used internationally accepted benchmarks to assess the performance of the election administration at local level on whether they were efficient, organized and well prepared. In short the LGE was mismanaged and the government was not prepared to hold the 2014 LGE at all. A comprehensive list of suggestions and recommendations is included at the end of this report for consideration by the authorities in order to promote further improvements in areas where shortcomings were observed. Key recommendations included:

- A stern prohibition by the constitution forbidding the LGE from being organized and coordinated by any other public body other than an independent electoral body
- An extensive review of voters' register should be undertaken to ensure better quality, greater reliability and accuracy.
- The period of registration, civic education and campaigning should be increased so as to have extensive sessions and increase public participation in the process.
- The public instead should be given sufficient time to engage in the processes - dates should be set by law and should also be made clear to the general public.

Introduction and Background Information

LHRC realizing the importance of elections as a vehicle to have a democratic state and accountable leadership established an election unit to follow up and monitor the democratic processes happening inside and outside the country.³ It is also meant to influence the effectiveness of the election process in the country and increase people's participation for improved governance.

It is in that spirit that in 2009 LHRC became the first CSO in Tanzania to monitor the local government elections in Tanzania Mainland. It is that spirit that encouraged LHRC and other 16 Civil Society Organizations (CSOs) in 2010 to form the Tanzania Civil Societies Consortium on Election Observation in short known as TACCEO. This consortium is a loose non- governmental, non – partisan and non - profit sharing of 16 election observing NGOs in Tanzania. Members of the consortium are National Civil Society Organizations (CSOs) registered under various laws of Tanzania.

LHRC/TACCEO is pleased to present this local government election monitoring report to stakeholders of the 2014 Local Government Elections (LGEs). The stakeholders include a long list of actors who participated in the elections in one capacity or another: the supervisory body The Prime Minister's Office - Regional Administration and Local Government (PMORALG); Government agents namely the Police Force, Regional and District leaders and administrators; Civil Society Organizations (CSOS) engaged in voter and civic education; political parties; candidates, voters; media people who covered electoral activities; donors community and others..

The report covers the elections for the Local Government in Mainland Tanzania for Village, *Mitaa* (Street), Hamlet Leaders and Special Seats for women which were held on 14th December 2014. LHRC/TACCEO's monitoring of the 2014 LGEs started in December 10th, 2014 when the election campaigns were almost at the conclusion stage and on the election/polling day ,managed to observe this in all 25 Regions and 165 District Authorities of Tanzania Mainland.

LHRC/TACCEO believes in monitoring all the stages of the electoral process because elections can be rigged or corrupted at any of the seven main stages: registration, nomination of candidates, campaigns, voting, vote counting, vote tallying and finally, declaration of results. This gives LHRC/TACCEO a solid basis for making an assessment of the freeness and fairness of the elections. LHRC/TACCEO placed Regional Coordinators and District Observers in all 25 Regions of the Tanzania Mainland. The Regional Coordinators were deployed and trained before trickling down to the District Observers within their respective regions. Information and Communication Technology (ICT) was used as a mechanism for observing the election where a Central hub was mounted at LHRC Headquarter in Dar es Salaam where Observers mission and General Public could send messages regarding the LGEs

As stated above, TACCEO/LHRC had four objectives in monitoring this election. The first was to provide feedback to the stakeholders after election observation. The second was to be able to make suggestions for significant improvements in the electoral system and processes. The third

³ These include the general elections; local government elections; referenda; by-elections and any other such processes that requires public vote.

was to provide indications on the extent of democratic consolidation achieved; and the fourth was to be able to pronounce after consideration of all things that, the elections were free, fair and credible. We believe that this report has achieved these objectives.

CHAPTER ONE

Observation and Monitoring of Local Government Election

1.1 The Essence of Election Monitoring and Observation

The objective of election observation is to assess the extent to which the electoral process complies with the national and international standards governing elections. Thereby, observe any shortcomings or irregularities from the nomination processes, campaigns, voting, counting and tallying of votes, announcement of results, and other matters incidental thereto and to ensure that the election is free and fair.

Therefore, Election Monitors used some guiding principles prepared by LHRC/TACCEO to observe elections,⁴ and determine whether there was the following:

- (a) Transparency in the electoral process;
- (b) Smooth inter-party nomination process and peaceful election 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 groups (women and men) and people with disability;
- (g) Equal access for candidates and political parties to state resources;
- (h) Equal access for candidates and political party's coverage by state and other media;
- (i) Elections are conducted in a peaceful atmosphere and that; they are free from violence and intimidation;
- (j) Conducive environment 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;
- (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.

1.2 Objectives of Election Monitoring and Observation

Local government is a form of public administration which in majority of contexts, exists as the lowest tier of administration within a given state. The term is used to differentiate offices at state level, which are referred to as the central government, national government, or (where appropriate) federal government which deals with governing institutions between states.

Local governments generally act within powers conferred to them by the Constitution, Principal Legislations and other specific laws relating to Local Governments. In Tanzania the Local governments are established by virtue of Article 145 of the URT Constitution, 1977 and The Local Government (District Authorities) Act, 1982 *and* The Local Government (Urban

17. Training Guide for Regional Coordinators, Constituency monitors and Poll Watchers for monitoring 2010 General Elections in Tanzania mainland and Zanzibar, pp. 3-4

Authorities) Act, 1982. The Laws established local authorities with the aim of making people participate effectively in the affairs of their government at the lowest level. The laws also established democratic principles of elections.

Local Government Election is among the three electoral activities in Tanzania that focuses on electing Village Chairpersons, members of the Village Councils and Special Seats Representatives of the Village Councils, Street Chairperson and Mtaa/Street Council.

LHRC/TACCEO election observation was aimed at assessing the extent to which the electoral process complied with national and international standards governing elections and observed there was any shortcomings and/or irregularities,⁵ in terms of preparation of required materials, nomination processes and criteria, participation of all eligible groups and political parties in elections, modality of campaigns, voting procedures, counting process, announcement of the results and other related issues. The end result was to ensure that there is free and fair elections.

TACCEO/LHRC had four objectives in monitoring this election. **The first** was to provide feedback to the stakeholders. **The second** was to be able to make suggestions for significant improvements in the electoral system and processes. **The third** was to provide indications for the extent of democratic consolidation achieved; **and the fourth** was to be able to pronounce whether, all things considered, the elections were free and fair. We believe that this report has achieved these objectives.

1.3 Methodology of the Work

(a) Composite/Hybrid Method

LHRC/TACCEO employed hybrid methodology to observe and monitor the 14th December, 2014 local government elections. It used conventional tools for election monitoring and in addition, used ICT tools for election monitoring. It should be noted that, it was for the first time in Tanzania that local government election monitoring used mobile, wireless and web-based technology in observation and reporting as done by LHRC/TACCEO.

(b) Regional and District Observers

The observation and monitoring processes have been done through the 165 LHRC/TACCEO's Electoral Observers and Monitors deployed in 160 Local Authorities. However, lack of sufficient funds and the size of geographical locations of the constituencies limited deployment of more observers.

The selection of LHRC/TACCEO's election observers was based on a number of factors including, familiarity of the geographical areas, experience of election monitoring, education background, and ability to use ITC systems that LHRC designed for December, 2014 Local Government elections. There were 25 Regional Coordinators and field observers called District

⁵ James Jesse 'Key Issues for Election Observation', Concept Note submitted on 23rd September, 2010 to the Tanganyika Law Society (TLS)'s Human Rights Committee.

Observers. Also there were ICT administrators at the LHRC ICT Hub located at the Legal and Human Rights Centre (LHRC) Headquarter.

The role of the field observers was to inform the ICT Administrators of what was going on the ground. The ICT Hub was there to record, verify and post information, while the Coordinators ensured that all administrative and technical issues were handled properly. Further, they acted as response mechanism to responsible authorities such as Prime Minister's Office – Regional Administration and Local Government, Police Officers, Returning Officers and Assistant Returning Officers.

(c) Use of ICT

The use of ICT technology has enabled the community at large in one way or another to amplify their concerns, and participate in election observation and issues mainly through social media. Social Media Section in the LHRC election Observation hub opened a Facebook page titled "*Taarifa za Uchaguzi Tanzania*". The same day a twitter account with "*@ChaguziTanzania*" identity was created. Face book, *whatsapp* and twitter account were commenced mainly to serve the purpose of public communication during election process. LHRC election Observation hub had developed special system for monitors to report what is observed in the field. It involved the use of SMS syntax with specified codes for reporting.

1.4 Training and Deployment of LHRC/TACCEO Observers

LHRC/TACCEO managed to train and deploy first a total of 25 regional observers in 25 regions of Tanzania Mainland. Regional observers were also responsible for the training of the District observers before being deployed to their Districts for the purpose of keeping an eye on the entire exercise. All 165 District Observers were deployed in wards and polling stations. LHRC/TACCEO selected poll watchers who are familiar to the geographical areas, experience of election monitoring, commitment and dedication to work under minimum supervision.

During the training the observers were trained on how to use monitoring tools designed by LHRC/TACCEO basing on its monitoring guidelines prepared in 2010 and updated in March, 2012. They were also trained on the use of ICT systems (SMS syntax with specified codes for reporting) that LHRC designed for December, 2014 Local Government elections.

The training of district monitors in almost all regions was held on 11th and 12th December, 2014. That was the initial stage of equipping the district monitors with knowledge on how best they can participate in election observation. The training was facilitated by the Regional Coordinators. The key actors in observation process were LHRC paralegals, human rights monitors and TACCEO members' officers who were assigned the role of districts observers in their respective districts.

1.5 Free and Fair Elections – Setting and Adhering to International Standards

It is always important for an evaluation to be made to measure the fairness of the exercise at the end of every electoral process. This evaluation is important as it determines the legitimacy of those who have been elected and the confidence of the electorate and the rest of the world on them.

It is important to note that elections are not about the polling day. It is a process which begins quite early. Therefore, any evaluation of an election must take into account factors, activities, decisions, actions and omissions that have taken place long before the election it, which have bearing on the outcome of the relevant elections. Therefore, in setting-up a criterion for free and fair elections, matters which might look remote to the elections are taken into account because their influence cannot just be dismissed. It is important to ascertain whether the ground is leveled in order to provide equal and fair chances to all contestants. For that to happen, the following factors need to be closely observed:

- (a) Whether there have been efforts by the government in power to ensure public and state institutions are not used or utilized in a manner that will influence the outcome of the elections;
- (b) Whether the ruling party is clearly separated from the state and that it does not abuse its political position, and that support to political parties is made on an equal basis to all political parties;
- (c) whether the registration of political parties is free and unhindered and that there is no any form of discrimination of political parties and all legally registered parties are afforded opportunity to develop and propagate their policies and political ideas;
- (d) Whether there exists a strong legal and constitutional basis to support democratic principles and emphasize free and fair elections;
- (e) whether the population in general and political parties in particular have total confidence in persons who have been appointed to form the electoral body in that they are persons who can render just decisions;
- (f) Whether all those who are eligible to vote are allowed, without any restriction, to register as voters so that they can participate in the elections;
- (g). whether in the registration of voters, the nomination process and management of the whole electoral exercise, gender equality are strictly adhered to;
- (h). whether during the nomination process within the political parties a fair and just system of nomination of candidates is established and followed;
- (i) Whether political parties, candidates and the civil society have been able to access the population for purposes of providing civic and voter education without any restriction;
- (j) Whether political parties and candidates have been afforded equal access to both public and private media;
- (k). whether there has been sufficient voter education to the population as well as officers of the electoral institutions and the candidates;
- (l) Whether political parties have been able to propagate their policies and manifestos sufficiently to enable voters to make their choices from a point of knowledge of whom they are voting for;
- (m) Whether all political parties have been transparent on their sources of funds to finance the party activities and operations as well as the election campaigns;

- (n) Whether the vote is secret and the voters have been enabled to elect candidates of their choice;
- (o) Whether there is a reliable system of counting and tallying of votes as well as announcing the results;
- (p) Whether there is a proper and reliable system of settling disputes arising out of the electoral process;
- (q) Whether the whole electoral exercise has been conducted in a peaceful manner; and
- (r) Whether the election results have been received well by political parties, candidates, the international community and the people in general.

This list is not exhaustive but it provides LHRC/TACCEO a necessary threshold, criteria and checklist for a free and fair election. Its ingredients have been captured in various international instruments on elections and the right to participate in national affairs or the right to participate in the governance of one's country. Therefore, in evaluating the local government elections that took place in Tanzania Mainland on Sunday, 14th December, 2014, these criteria of a free and fair election as benchmarks were used.

CHAPTER TWO

Election and Democracy: A Human Rights Issue

2.1 Human Rights and the role of election in Promotion and Protections of democracy

Human Rights are basic entitlements and freedoms to which all human beings are entitled by virtue of them being human beings. The entitlements include the right and duties relating to politics, economic affairs and well being. In a democratic country like Tanzania, people have political rights to participate in the governance of their country in the manner and the extent provided in its basic law. For a democracy to work, it is important for the people to have a realistic say in what is taking place.⁶ That is to say, they have to be involved in the determination of their future and the future of their country.

The URT Constitution, 1977 provides that, people shall participate in the affairs of their government in accordance with the provisions of this constitution.⁷ Thus, the right to participate in political affairs is a much needed political right although there are other important political rights such as freedom of association, freedom of expression and assembly which together with participation are basic principles of a growing democracy. The citizen participation in democratic governance mostly revolves around electoral processes in which people have to register themselves in permanent voters register, campaign for their political parties manifesto, vote or be voted for in order to get representation rights and mandate from the citizenry. A combination of all these stages is what completes the election process or election cycle.

2.2 Meaning of Election and its Essence as a Human Rights Issue

Election provides framework for citizens participation in decision making in which people choose individuals, with specific qualities and quantities to hold public office on their behalf. The URT Constitution, 1977 provides that, sovereignty resides in the people and it is from the people that the Governance through this constitution shall derive its power and authority.⁸ In a country like Tanzania which follows the democratic principles, it allows its citizens to take part in matters pertaining to the governance of their Nation. That is among fundamental rights which are guaranteed in the Bill of Rights as well as International Treaties and Conventions.

International Instruments such as the Universal Declaration of Human Rights (**UDHR**), 1948; International Covenant on Civil and Political Rights (**ICCPR**), 1966 as well as African Charter on Human and Peoples Rights,⁹ recognize the right to franchise as fundamental right specifically in respect of citizen's rights to take part in the government of the country. The instruments also put the requirement of having periodic elections which are universal and equal suffrage and the election should be in the form of secret ballot.

⁶ Peter Chris M - Human Rights in Tanzania; Selected cases and Materials pg. 655.

⁷ Article 8 (1) (d) of the URT Constitution.

⁸ Article 8 (1) (a) of the URT Constitution

⁹ Articles 21, 25 (2) and 13 (1) of the UDHR, ICCPR and ACHPR respectively.

Therefore, democratic elections are not only an important part of any political processes, but are one of the key prerequisites for social justice. Social Justice is one of the pillars of adherence to human rights in a democratic state. The process of having democratic elections in the Tanzania is adherence to human rights principles as the country had already ratified a number of International Human Rights Instruments thus have duty to fulfill its international obligations.

2.3 Human Rights Standards Regarding Elections

Article 3 of the African Charter on Democracy, Election and Governance of the African Union of 2007 requires African Countries to adhere to democratic and human rights principles including the respect for human rights and observe democratic principles such as; to hold regular, transparent, free and fair elections, and to have effective participation of citizen in democratic and development processes and the governance of public affairs.

Moreover, The United Nations Human Rights instruments provide for the following Human Rights standards regarding to democratic elections:

i. Basic Standard:

That elections as a combination of three central rights; the right to take part in the government, the right to vote and to be voted, and the right to equal access to public service.¹⁰

ii. Non-discrimination:

The enjoyment of the rights listed shall be without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, nation or social origin, property, birth, or other status.¹¹

iii. Self-determination:

The notion of democratic election is rooted in the fundamental concept of self determination in all aspects including civil and political rights.¹²

iv. Political participation:

The right of all people to participate in the politics of their country.

v. Other Basic Human Rights:

Freedom of expression, information, assembly, association and movement.¹³

¹⁰ Articles 21 and 25 of the UDHR and ICCPR respectively.

¹¹ Articles 2 of the UDHR and ICCPR respectively.

¹² Articles 1 of the ICCPR, ICESCR and Article 1 para 2 of the UN Charter of 1945

¹³ Articles 18 and 19 of the ICCPR and Articles 18 - 21 of the UDHR.

It should be noted that, most of these principles are embodied in the Tanzanian legal framework; however, there have been a call to deal with factors that currently inhibit the full enjoyment of those rights as established under the international instruments above.

2.4 Fundamental Role of Elections in a Democratic State

Generally, elections have the following major roles in a given democratic State:-

- i. Peacefully resolve competitions for political power
- ii. Serve as a vehicle for citizens to express their will as to who has the authority to govern
- iii. Allow the people to choose those whom they believe will best represent their interests.

CHAPTER THREE

The Local Government Electoral Processes

3.1 The Essence of Election - Electoral Process

Free, fair and credible election entails three major stages: Pre- election stage, electoral period and post-electoral period. The pre-election period of the electoral process is vital for laying down firm foundation towards free and fair elections. The process involves key issues such as budget fund,, electoral calendar, operational work plan, operational training for electoral officials, logistics issues such as financial and human resources, enhancement of civic and voters awareness to prospective voters and candidates; Candidates nomination and voters registration, observers accreditation and stake holders liaison.

In electoral period the major activities involved nomination of candidates, campaign coordination, objections and appeals (dispute resolution), printing and distribution of ballot papers, voting, vote counting, and declaration of official results.

In Post –election period major activities include review of the whole process whereby an audit and evaluation is conducted, reform of the legal framework, and strategy for reforming electoral body.

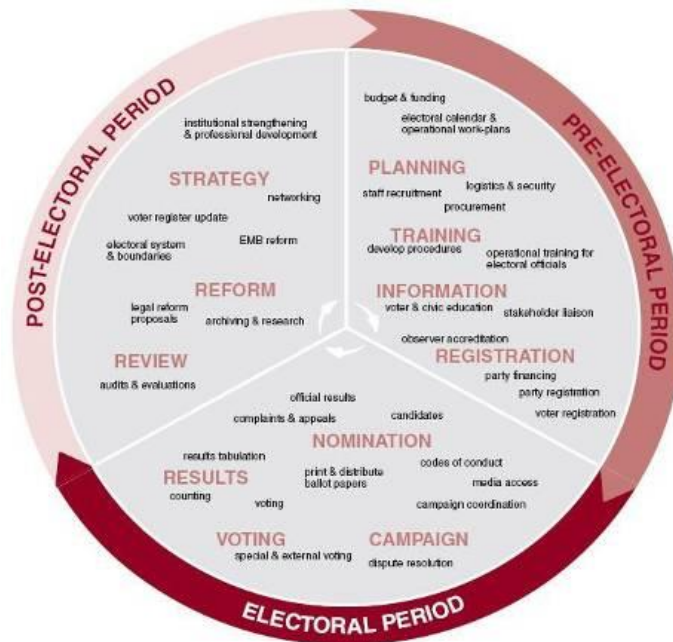


Figure 1: Electoral Cycle

3.2 Election, Electoral System and Democracy in Tanzania

Tanzania election, electoral system and democracy operate within the framework of multiparty democracy which was re-introduced in 1992. In Tanzania, currently there are more than 20 registered political parties.¹⁴ The operation of these political parties and election processes is governed by electoral laws. The main institutions involved in coordinating and managing the electoral national processes include the National Electoral Commission (NEC), Registrar of Political Parties, Tanzania Police Force, Prevention and Combating of Corruption Bureau (PCCB) and Political Parties. As for the local government elections in Tanzania, the Prime Minister's Office - Regional Administration and Local Governments is responsible for managing these election elections. The following diagram illustrates the Tanzanian Government Structure.

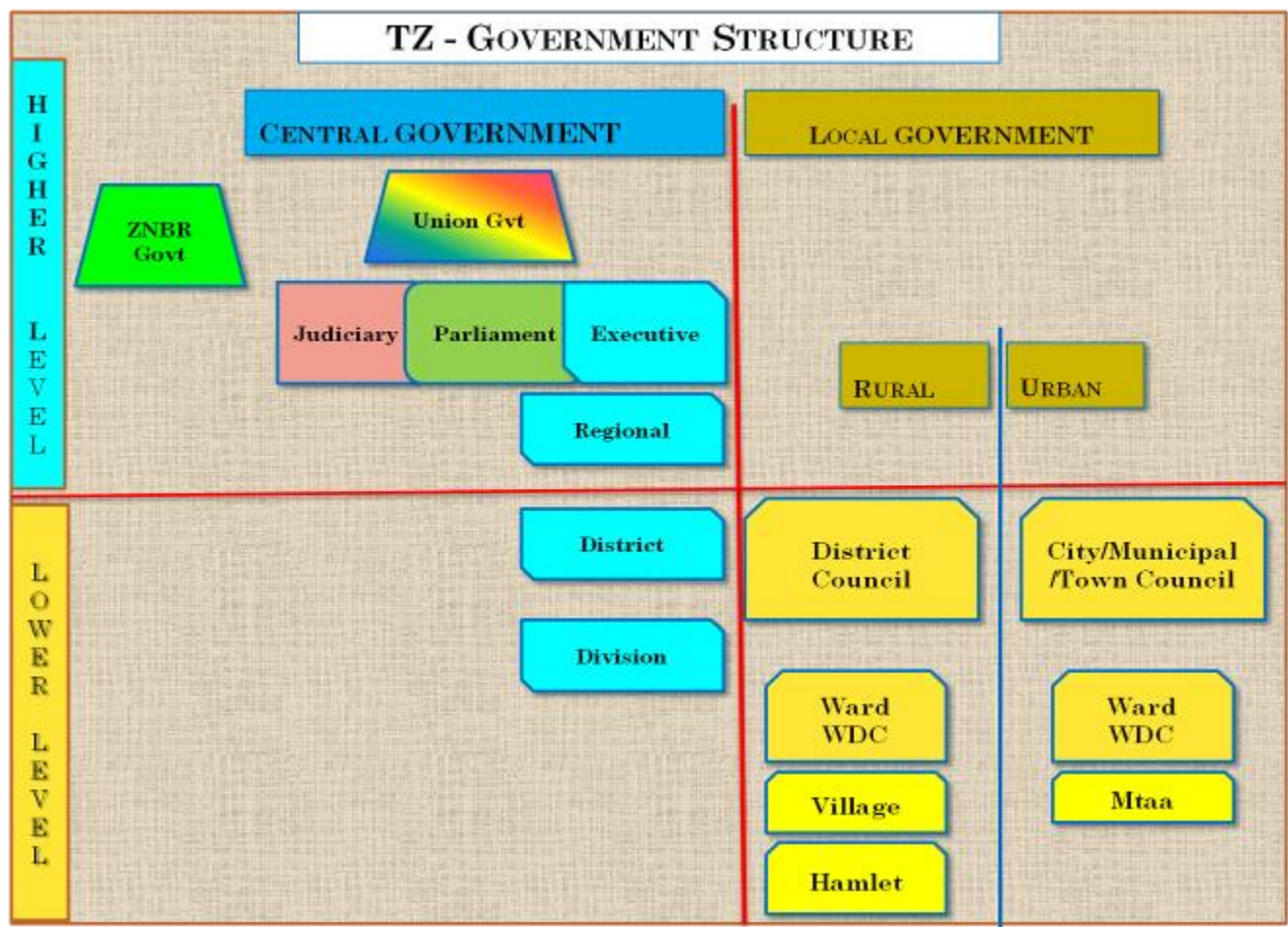


Figure 2: Tanzania Central and Local Government Structures

¹⁴ Among the registered political parties in Tanzania are NCCR-Mageuzi, CCM, CUF, CHADEMA, TLP, CHAUSTA, DP, UDP, UPDP, SAU, APPT – MAENDELEO, JAHAZI ASILIA, PONA, TADEA, DEMOKRASIA MAKINI, NLD, NRA, CCK, and ACT.

For purposes of this report, the local government elections means the elections held for purposes of electing Village Chairpersons in Urban Authorities;¹⁵ Election of local government Chairpersons in Urban Authorities;¹⁶ Election of Chairpersons of Hamlets in Townships;¹⁷ and Election of Village Chairpersons and Village Councils in District Councils.¹⁸ All these elections were done at the lowest level of governance at Villages and hamlets in rural areas and streets in urban areas. Every Village or local government elected representatives in their villages or streets for village councils or local government committees.

Tanzania is one of the democratic states in Africa which respect the rights of the citizens to take part and participate in the governance of the state. It is through elections that the right to take part in governance is realized for most citizens where free and fair elections are observed.

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.¹⁹ For election to be free and fair the basic minimum requirements for such elections include: an independent, transparent and impartial election body, freedom of expression, freedom of movement and that of assembly, violent free, free from harassment, intimidation, and observance of human rights as a whole. All these can be realized through political and a democratic leadership committed to attaining sustainable socio-economic development in the country.

3.3. Types of Elections in Tanzania

The elections in Tanzania comprise three types of elections. These are as follows:

a) The General Election

This is an election for electing the President of the United Republic of Tanzania, President of the Revolutionary Government of Zanzibar, Members of Parliament, Members of House of Representatives and Ward Councilors.

b) The Local Government election

This is an election for electing Local Authorities leaders. In rural areas leaders elected are village chairperson, hamlet leaders, and members of the village council. In urban areas leaders elected are local government chairperson and local government committees. This type of election is for Tanzania mainland only.

c) The By-election

This is an election for electing leaders mentioned in (i) and (ii) above after either the death, resignation, termination by his/her party or by any reason which forces the post to be vacant.

¹⁵ GN 321.

¹⁶ GN 322.

¹⁷GN 320.

¹⁸ GN 323.

¹⁹ FES; 2010 Political Handbook.

3.4 Coordination of the Local Authorities Election

The Local Authorities Elections are governed and coordinated by the Prime Minister's Office, – Regional Administration and Local Government through the Minister for Regional Administration and Local Government. According to Local Authorities Election Rules, 2014 Executive Directors (City, Municipal, Township and District) are designated as Returning Officers, while Ward, Village, and Local Government Executive Officers or any Government Official appointed are person qualified to be appointed as Assistant Returning Officers.²⁰ The Minister for Regional Administration and Local Government in the Prime Minister's Office is the one who is responsible for coordination of the election from the stage of making rules to the election stage. This has been criticized for lack of independence and impartiality from Government and the ruling party.

3.5 Laws Applicable in Local Government Election, 2014

The electoral processes in Tanzania are governed by the Constitution of United Republic of Tanzania, 1977, Principal Acts, Subsidiary Legislations, Government Circulars and guidelines issued by Electoral Management bodies. The Constitution of the United Republic of Tanzania of 1977 provides for universal suffrage. It states that, every citizen of the United Republic of Tanzania who have attained the age of eighteen years (18 years) is entitled to vote in any election held in Tanzania.²¹

The Principal laws which govern Local Government Elections are Local Authorities (Elections) Act, (Cap 292 R.E 2002); The Local Government (District Authorities) Act, 1982 and The Local Government (Urban Authorities) Act, 1982. These laws have given powers to the Prime Minister to make regulations and issue guidelines for local government elections. Hence in 2014, local government elections, the Prime Minister by Notice published in the gazette on 5th September, 2014 and issued a notice and date for Local Government Elections. That followed issuance of Local Government Election Rules for District and Urban Authorities by Prime Minister which was used to govern and conduct Local Government Elections in 2014. The regulations made under Local Authorities (Elections) Act, (Cap 292 R.E 2002); The Local Government (District Authorities) Act, 1982 and the Local Government (Urban Authorities) Act, 1982 for 2014. Local Government Elections are; (The same reads in Kiswahili as ;.Kanuni za Uchaguzi wa Mwenyekiti wa Kitongoji katika Mamlaka za Miji Midogo za Mwaka, 2014²²; Kanuni za Uchaguzi wa Mwenyekiti wa Kijiji, Wajumbe wa Halmashauri ya Kijiji na Mwenyekiti wa Kitongoji Katika Mamlakaza Miji za Mwaka, 2014²³; Kanuni za Uchaguzi wa Mwenyekiti wa Mtaa na Wajumbe wa Kamati yaMtaa Katika Mamlaka za Miji za Mwaka, 2014²⁴; Kanuni za Uchaguzi wa Mwenyekiti wa Kijiji, Wajumbe wa Halmashauri ya Kijiji Na Mwenyekiti wa Kitongoji katika Mamlaka za Wilaya za Mwaka, 2014.²⁵

²⁰ G.N 320, G.N 321, G.N. 322 and G.N 323 of 2014 respectively.

²¹ Article 5 (1) of the United Republic of Tanzania Constitution, 1977

²² G.N 320

²³ G.N 321

²⁴ G.N 322

²⁵ G.N 323

3.5.1 Legal Framework Governing Election in Tanzania

The Laws which govern electoral process in Tanzania includes:

- i. The Constitution of the United Republic of Tanzania of 1977;
- ii. Political Parties Act, Cap 258 R.E 2002;
- iii. Elections Expenses Act, 2010;
- iv. National Elections Act, 1985 (Cap 343 R.E 2010);
- v. Local Authorities (Elections) Act, (Cap 292 R.E 2002);
- vi. The Local Government (District Authorities) Act, 1982;
- vii. The Local Government (Urban Authorities) Act, 1982;
- viii. Penal Code 1985;
- ix. Prevention and Combating of Corruption Act, 2007;
- x. Regulations made under National Elections Act, 1985 (Cap 343 R.E 2010);
- xi. Regulations made under The Local Government (District Authorities) Act, 1982;
- xii. Regulations made under The Local Government (Urban Authorities) Act, 1982;
- xiii. Regulations made under Local Authorities (Elections) Act, (Cap 292 R.E 2002).

These laws provide for the qualification of voters and candidates and procedures for registrations, candidates nomination, and election campaigns, voting, tallying, and declaration of results during the electoral processes. As for candidates, the laws require them to be sponsored by registered political party.²⁶ Further, the laws provides for the election offences and penalties.

The above mentioned election rules provides notice for; demarcations and boundaries for local government election, , villages, hamlets, voters registration, nomination of candidates, objections, appeal procedures for sustained objections, campaign procedures, voting, vote counting, declaration of results and election offences.

3.5.2 Local Government Election: Shortcomings of the Laws and Regulations

The laws which govern local government elections, 2014 had the following shortcomings:

- a) Firstly, the principal laws which govern Local Government Elections²⁷ gives powers to the Prime Minister to make regulations and issue guidelines for Local government elections is still questionable and contrary to democratic principles of impartiality and independency of Election Management Body. It is obviously that the government in power cannot make rules in favor of the opposition party; rather the rules are prepared to favour the ruling party and the government in power. A good example to these facts is that of 2014 Local Government Elections Rules.²⁸ These shortcomings have been from the nomination stage to the administration stage of oaths for those who won the elections.

²⁶ Articles 21,39, and 67 of the United Republic of Tanzania Constitution, 1977

²⁷ Local Authorities (Elections) Act, (Cap. 292 R.E 2002); the Local Government (District Authorities) Act, 1982 and the Local Government (Urban Authorities) Act, 1982.

²⁸ Government Notices 320, 321, 322, and 323

- b) Secondly, the nomination forms were prepared in such a manner that it caused difficulties to the candidates to fill them which entertained objections to most candidates who were suspended and allowed the remained candidates to be declared as winners without being voted. This raised doubts as to impartiality of the rules as most of those who benefited during the election were from the ruling party. Moreover the ballot papers were prepared in such a manner that it caused confusions during the election and resulted into the postponement of the election. Example, Form No. I part A in sections 8 and 9 of the GN. 320 required a candidate to fill in logo of his/her political and council. This caused confusion and complaints from both candidates and the opposition parties. The problems also were in the Form No. I and II part B of the GN. 323;

FOMU YA UCHAGUZI NA 1

FOMU YA MAOMBI YA KUGOMBEA UENYEKITI WA KITONGOJI

(Chini ya Kamuni ya 7(2(d))

Kitongoji.....

Mji Mdogo.....

SEHEMU A: MAELEZO YA MGOMBEA

(Ijazwe na anayeomba kugombea)

1. Jina.....
2. Jinsi (Me/Ke).....
3. Uraia
4. Tarehe ya kuzaliwa.....
5. Kitongoji.....
6. Kazi/shughuli yako halali.....
7. Uwezo wako wa kusoma na kuandika
 - (a) Kusoma Kiswahili Ndiyo/Hapana*
 - (b) Kuandika Kiswahili Ndiyo/Hapana*
 - (c) Kusoma Kiingereza Ndiyo/Hapana*
 - (d) Kuandika Kiingereza ndiyo/Hapana*
8. Jina la Chama cha Siasa.....
9. Nembo ya chama cha siasa.....
10. Nembo ya Halmashauri.....
11. Namba ya kadi yako ya uanachama..... tarehe ilipotolewa.....mahali ilipotolewa.....

*Kamuni za Uchaguzi wa Mwenyekiti wa Kitongoji katika Mamlaka
za Miji Midogo za Mwaka, 2014*

Tangazo la Serikali Na. 320 (linaendelea)

SEHEMU B: UDHAMINI WA CHAMA CHA SIASA

(Ijazwe na ofisi ya chama cha siasa)

1. Hii ni kuthibitisha kuwani mwanachama na amedhaminiwa na
.....
(Taja jina la chama)
2. Jina la aliyeidhinishwa na Chama cha Siasa
3. Saini..... Tarehe.....
4. Wadhifa.....
5. Anwani.....
6. Mhuri wa ofisi ya chama cha siasa.....

Figure 3: Sample of the Forms for the Kitongoji

- c) Thirdly, the appointment of the Executive Directors as Returning Officers and WEOs and VEOs as Assistant Returning Officers was contrary to democratic principles of impartiality and independency of Election Management Body and officials for election to be credible, free and fair. Since VEOs are working closely with (in fact under) the Chairperson of the Village Council and the Local Government Chairperson, doubt were being casted over whether the incumbent would not favored other candidates in the election.

3.6 Nomination of Candidates for Election

The Local Authorities who contested must have been a member/ sponsored by registered political party.²⁹ Despite the order by the African Court on Human and Peoples Rights that there should be independent candidates, however the government of Tanzania did not adhere to such requirement but allowed only contestants for political post only in Tanzania.

According to Local Authorities Elections Rules, 2014 political parties were required to submit the nomination forms to the returning officer who would work on the forms immediately

²⁹ Rules 11 (1) (f) of G.N 320 and Rule 12 (1) (f) of Government Notices 321, 322, and 323 respectively.

thereafter within 20 days before the Election Day. The returning officer will display the names of contestant to the designated areas.³⁰

3.6.1 Shortcomings of the Nomination of Candidates Process

Nomination of Local Government Elections, 2014 had a serious challenges and it caused a lot of complains from both the opposition parties and their candidates. Election forms caused a number of confusions example: Form No. I part A in sections 8 and 9 of the GN. 320 required the candidate to fill in a logo of his/her political party and the local government council which caused a lot of confusion and complaints from not only the candidates but also the opposition parties. The forms were prepared in such a manner that it caused difficulties to the candidates to fill it and this attracted objections to the candidates most of which were sustained and allowed the remained candidates to be declared as winners without being voted. This raised a lot of doubts as to the impartiality of the rules as most of those who benefited were from the ruling party. This is the repetition of the sentences from line 3 above. Some of the aspiring candidates for instance, CHADEMA in Mbeya faced objections which lead them to go to the court to apply for review against those objections after failed in administrative stage but unfortunately their applications failed in the Court and caused the Candidates from CCM to be elected uncontested. These kinds of incidents happened in different areas such as Meatu District alone 49 villages were taken by CCM.

3.7 Voters Registration

In every electoral system the registration of voters is the first stage of the entire election process. Unlike in the previous LGEs where registration was held for three weeks from 4th to 24th October, 2009, the registration of voters for 2014 elections had an objective of identifying and determining the legally entitled voters. This was held for one week from 23rd November to 29th November, 2014. The most nagging question was how credible, transparent and authentic would the Resident Voters register be as a legal document that would ensure and guarantee free and fair elections in the country without undermining the principles of democratic elections. One of the most important requirements is the establishment of such document as an effective and proper management of the entire process of voter registration.

This part of report focuses the following issues:

- (i) Preparations for voter registration;
- (ii) Voter registration process; and
- (iii) Complaints, objections and their resolutions.

The establishment of register for voters required a lot of preparations on the part of PMORALG, and all other stakeholders who were invariably involved in the registration process. One of the vital activities involved in these preparations was the estimation of eligible voters who were to constitute the electorate for 2009 general elections.

³⁰ Election Timetable (*Ratiba ya Uchaguzi TAMISEMI*).

Estimating eligible voters is vital pursuant to other activities such as procurement and distribution of registration materials and so forth. The estimation in the whole nation was far beyond the actual number of registered to vote. It was reported by PMORALG that a total of 11,491,661 million people were registered equivalent to 62% far beyond 59% (8,778,523m) registered in 2009 though this was beyond the expectations of 8,700,00 people. However the Northern Zone had a bad record in most of the District as reported by PMORALG, whereby Babati district scored among the highest (101%) while same district registered (22%) and Kilindi (21%) which was among the lowest registration percentage in the same zone.

On another case, most of the people in Lindi region were not aware of the registration process, this is because the time provided for the registration was very short, therefore resulting from low turnout of the people for the registration. One of the opposition leaders from Kilwa Masoko, had the following to say about the registration process;

“.....hili zoezi ni kama walikurupuka au halikua kwenye mipango ya serikali maana wakati wa uandikishaji wala hatukutangaziwa, ni juhudi zetu binafsi za kuwaambia wanachama wetu pamoja na wapenzi kujitokeza, lakini wananchi hawakutangaziwa kabisa.”

Meaning, “this exercise is as if there was a panic or that the government did not even plan for it because during the registration period people were not informed, It was through personal efforts to inform our members and supporters to participate, but public was never informed.”

Also we had a chance to interview some people from the Lindi municipal and the reaction was the same. For instance Mr. Maulid Juma had this to say...*mimi nimejua kuhusu uchaguzi nliyooona kampeni zinaendelea, sikuwa na habari kabisa kama kulikua kuna kujiandikisha, pia nlijua tutatumia vile vitamulisho vya zamani.*

Meaning, “I just knew about the LGE when I saw the campaign going on. I was not aware at all if there was a registration of voters. I also knew that I would have used my normal electoral voters ID.”

In Pwani and Lindi regions it was apparent clear that there was no civic and voter’s education provided during registration process. Critically some people though few, claimed that the registration process was overtaken by the discussions about the ESCROW saga which was discussed in the Parliament within the same period where registration process was taking place.

It should be noted that LHRC/TACCEO did not monitor the registration process. Most of complaints about the registration process were noted during the subsequent interventions by LHRC/TACCEO during monitoring of the campaigns.

3.8 The Campaigns

Campaigns are important part of the election cycle because they give contestants an opportunity to express their political parties manifesto as well as pursuing the voters to prove their competence. In order to accord equal playing ground for all contestants, the laws of our country prohibit some practices which would unfairly induce voters to support candidates. The

LHRC/TACCEO observers generally noticed that there was no civic and voters education conducted within the area to educate voters on the importance of voting in the Local Government Election. Despite the provision of local government election rules which were provided when campaigns were started still there were some candidates who began the campaign during the registration of the residents exercise. Party candidates used to pass from house to house encouraging people to go and register so that they can vote for them and their parties.

Observations on the campaigns in the 2014 LGEs focused on a number of issues such as the rules and procedures guiding campaigns in Tanzania; ways political parties/candidates and their agents prepared and carried out their campaigns; the issues raised, challenges and problems experienced during the campaign period, the role of different actors, such as the government and its organs in campaigns. Furthermore, LHRC/TACCEO observation mission examines campaign financing, problems related to the amount of resources political parties/candidates had, and other important issues which were peculiar to these elections.

LHRC/TACCEO observed election campaigns a week before the Election Day in Dar es Salaam, Mwanza, Mbeya, Arusha and Pwani Regions. The intensive observation in all Local Authorities became more effective during the last three days before the Election Day.

A common practice required candidates to submit their campaign programmes to the returning officer with schedules indicating the proposed programme for the public meetings of the candidate's campaign specifying the time and place(s) of those meetings. Essentially, this was meant to avoid collision between candidates' campaign rallies on the one hand and assurance of peace and security on the other. The CCM and UKAWA (coalition of CHADEMA, CUF, NCCR – MAGEUZI and NLD) formed campaign teams which, besides managing their campaign programmes provocatively responded to any attacks against their party's candidate(s) through public campaign rallies and the media wherever possible. The major issues observed during the campaigns were as follows:

3.8.1 Campaigns Rallies to Exceed Statutory Time

The exceeding of the statutory time for the campaign rallies was one of the election rules which candidates and political parties found difficult to abide especially the time when campaign meetings should come to an end. In previous elections campaign meetings started at 8:00 am and were supposed to end at 5:00 pm. This happened in most places of Tanzania and involved at least all contesting parties but it was mainly observed in CHADEMA, CUF and CCM campaigns rallies. The statutory closing campaigning time was 5.00 pm but in most areas campaigns ended up to 8.00 pm. This violation of rules regarding with the campaign was mostly observed in urban areas especially in Dar es Salaam, Mbeya, Mwanza, Tabora and Arusha regions.

For example at CCM ward in Songea town the campaign which was led by a person contesting via CCM ended at around 06:35 pm against the proper time stipulated under the law which is 05:00pm. In Rukwa at Anglican B and A and Kizutwe Ward in Sumbawanga Municipal the campaign of the last day of 13th, December 2014 were closed at 6:45, and 6:55 respectively. The LHRC/TACCEO, ICT report on the LGE shows that 46% of the issues reported were incidences related to non compliance with the statutory time.

Moreover, the political parties and their candidates came up with new campaigns strategy in 2014 LGEs and managed to observed new systems of campaigns which started from morning time to evening time. Therefore, LHRC/TACCEO observed four (4) types of campaigns in 2014 Local Government Elections:-

a) Day Time Campaign

This started from 10.00 am where party members and their fans passed off the streets singing and dancing with trumpet from one street to another motivating and convincing people to participate in the local government election and vote for their party. This kind of campaign involved cars carrying party members and or group of people with loud music passing around streets, wearing party emblems, clothing, scarves. This type of campaign was known as '**Campaign Hamasa**'. This type of campaign was popular to CCM, CHADEMA and CUF and was mainly used in Dar es Salaam.

b) Conventional Rallies

Conventional rallies were political party's campaigns which came at the arranged statutory time. These were normal campaigns for selling political parties manifestos and party candidates. The conventional rallies were dominated by abusive languages and cheap politics.

c) Night Dance Campaign

This was the new type of campaigns which were similar to the first one though this had always started after the closing of the normal campaigns. This kind of campaign, political party members used loud music passing around streets, wearing party emblems, clothing, scarves. Always these campaigns started after the official time of the campaign and ended up to 9.00 pm and in some places at 10:00 pm. These campaigns were called **KIGODORO**.

d) Door to Door Campaigns

Lastly, door to door campaign was popular known as '*nyumba kwa nyumba*' where candidates and leaders of political parties moved from one household to another begging for votes. These campaigns were common during the night time, though in other places it was conducted during the day time and in most cases it was associated with malpractices and perceptions of bribery, and corrupt transactions.

3.8.2 Low Turnout of People during the Campaign Rallies.

This was one of the major issues that happened during the local government campaigns in 2014. In most parts of Tanzania very few people attended these campaigns. Campaigns attended by a crowd of people were the one addressed by the political parties' National leaders.

There was political apathy – very poor attendance and few people who were asked on why there is low turnout they were of the view that there was lack of civic education awareness, others were

of the view that they were not aware that there will be election this year as the authority wasn't clear until a month before the campaign when it decided that there will be election this year.

The people in most places did not attend the political campaigns for example in Lindi regions, and this was due to the fact that people are tired with the politics of the region, most people who we interviewed had the same answer to our question that *'even if we attend the campaign we know who is going to win the election'*. At Kilipwike village very few people attended and most of them were men. This shows us that most people are not confident with the authorities of the government on election matters.

LHRC Election Monitors also reported that with the exception of CCM, CUF, and CHADEMA, NCCR – MAGEUZI, many of the small political parties were not able to conduct campaign meetings at all. It was only in isolated areas in given districts that candidates of small parties mounted serious campaigns and organized and conducted campaign meetings. This was the case with CHAUSTA, DP, UDP, UPDP, SAU, APPT – MAENDELEO, JHAZI ASILIA, PONA, TADEA, DEMOKRASIA MAKINI, NLD, NRA, and CCK

Lack of resources was the major factor for the party's failure to engage in effective campaigns. The fact that small parties were also not popular and lack of election programme denied political parties and candidates opportunities to conduct campaign meetings in places and time which were allocated to them.

3.8.3 Violence During and After the Campaign Rallies

a) General Trend of Violence

The violence was reported between the parties, party members and police, and sometimes all of the three were involved i.e. police, political parties and between members. In some areas like Arusha, Tunduma, Mwanza, Musoma, Karagwe, Sumbawanga and other areas it was reported that police had to intervene to avoid further violence. The reported violence occurred when people believed to be members of either CHADEMA or CCM met and abruptly engaged into fighting. There are reported cases that people were injured in one of the incidents that happened in Musoma where police had to use tear gas to disperse people after election campaign.

b) Arusha Incident

Incidents of actual violence in elections were reported in various places in the country. One incident involving members of CHADEMA and CCM was reported in Arusha at Unga Limited where one supporter was stabbed with a knife by CHADEMA followers.

c) Karatu Fighting

Violence was also reported in Karatu, Arusha involving CCM and CHADEMA supporters. One incident took place at Mang'ola Barazani, in Karatu town. It involved throwing stones and sands. In the ensuing fracas, one CCM and two CHADEMA supporters were injured and two vehicles belonging to both CCM and CHADEMA were destroyed. The police in the area did not show

enthusiasm in following up on the matter. It is important to note that violent related cases were reported in areas where competition was high between candidates.

d) Misunderstandings in Manyara

Quarreling and fight between followers of political parties rose in areas example **Sawe Street, Babati Town** whereby a fight between CHADEMA and CCM followers occurred. The reason for the fights was a CHADEMA fan who had taken away a hand flag of a CCM follower.

e) Causation of Bodily Harm in Iringa

In Iringa Municipal Council, at 'Kihesa kwa Mwang'iongo', A driver of CCM campaign by the name of Jose Mgongolwa when passing at the area called Check point/Zahanati ya Mwang'ingo saw some youth sitting in a group conducting their activities. He then pointed one finger (CCM sign) to them and one young man who were sitting down pointed two fingers back to him. This act made the CCM driver- Mr Jose Mgongolwa to get angry and as a result he reversed his car, got out of the car and started fighting with the guy who pointed out the two fingers to him. In the cause of fighting, another person by the name of Mr Gudi Lugala, tried to urge them to stop, Jose-the CCM man went back to his car and took a machete (Panga) and decide to smash Mr Gudi Lugala who sustained some injuries in the head and in his hand. If that is not enough, Jose went on threatening Mr Gudi Lugala when he was on his way to the police station and hospital. The case was reported to the police who acknowledged to have received the report of the incidence and the order of arresting Mr Jose was issued.

Moreover, on 10/12/2014 at around 06:30 p.m. at Madaba Ward the three young men believed to be the followers of CHADEMA when were coming from the campaign they met on the way one Joyce Lupumbwe (47 years) who is a follower of CCM and the three young men attacked Joyce who had put on a CCM t-shirt and tore away her t-shirt, a CCM card and as a result she lost her 15,000/= Tanzanian Shillings and she was badly injured at her chest and hands. One of the accused was arrested by the police and two of them managed to escape. Investigation is still taking place.

f) Attack in Songea

On 9/12/2014 at around 4:30 pm at Matarawe Ward in Sabasaba Street, Songea six people were suspected to be the followers of CHADEMA and alleged to have attacked and assaulted one Agatha Komba who was contesting via CCM and caused injuries to her chest. The attack happened when Miss Agatha was going for her campaign and met the accused on the way. The accused are; Thomas Emmanuel (25 years), Hassan (28 years), Beichoma Ponera (25 years), Ezekiel Chachaka (22 years), Mei Haule (31 years) and Rashid Sandari (38 years). The accused were taken to Songea District Court to face criminal charges.



Picture 1: **Ms Agatha was admitted at Songea Hospital after being attacked by allegedly CHADEMA followers**

g) Acid Attack

A day before the Election Day at Nyalikungu Village in Maswa District one Peter Sebastian was splashed with liquid acid on his face by the people who alleged to be a CCM follower. Mr. Peter's wife is a candidate of CHADEMA.



Picture 2: **Mr Peter Sebastian victim of an allegedly acid attack in pain**

3.8.4 The Clashes of Political Parties Campaign Timetable

One of the areas of observation was to see whether campaign timetables are made public and if there was clash of campaign timetable/venue. In its observation LHRC/TACCEO observed the following:

There were incidences where members of other parties interfered on other parties campaigns, a good example of which happened in Momba District at Tunduma Town where a CCM follower passed with CCM dress when the CHADEMA followers listen to their contestant she was beaten and the matter was reported to Police Station at Tunduma for further Legal action. The same happened at Kyela District at Uwanja wa Siasa when a man riding bicycle with CCM flag passed where CHADEMA conducting its campaigns, he was beaten by CHADEMA followers and the same was reported to Police for further legal actions.

a) Clashes in Musoma

In Musoma Some CHADEMA supporters quarreled with those of CCM during the last day of campaigns, where the CHADEMA supporters were marching with the Musoma Urban MP, Vincent Nyerere, and intended to pass where the CCM was finalizing their campaigns. Several supporters of CHADEMA were arrested by the police following their rejection to obey the police

warnings. Although some of them were released, others were retained in custody pending investigation.



Picture 3: *Police Force observing the peace when CHADEMA's followers attempted to disrupt a CCM campaign rally at Musoma Rural District*

b) Confrontations in Njombe

Incidents of confrontation or conflict between rival candidates and their supporters were very high in Njombe compared to Wanging'ombe town centre where there was very little opposition.

In the rural areas of Wangingombe no campaign were conducted due to main reason that there was no opposition in those areas. The response of the authorities to avoid violence was very low especially in Njombe Town Council, Njombe District Council and Makambako Town Council.

c) Election Campaign/rallies Interferences in Mpanda

Another incident observed was CHADEMA campaign rally held at Semulwa kwa Mkumbo in Miganzini ward, in Mpanda being interfered by CCM supporters and resulted into conflict hence member of CCM and CHADEMA were injured.

The same incidence of interfering the CHADEMA rally occurred on 13/12/2014 at Msufini Street, Kashaulili Ward and Central Mpanda province. This rally was interfered by CCM member who were at the motorcycle with CCM flag.



Picture 4: ***Police Officers intervening clashes between CCM and CHADEMA followers in a campaign rally in Mpanda***

The incidents of violence and assault occurred also to LHRC/TACCEO Observer. Example the Observer at Siha District (Ms Rehema Kitaly) was attacked, searched and her cellophane was taken after being suspected to be a spy ‘shushu shushu’ by CCM Members lead by Hon Agrey Mwandri.

3.8.5 Intimidation by State Organs and Non-State Actors

a) Verbal threats in Kigoma

Intimidation from political party’s candidate was also observed in 2014 Local Government Election. The incidents of intimidation was observed during the final campaign at Kisangani-Msufini street in Kigoma municipal whereby one Candidate from CCM, during the campaign she intermediate the citizen that if they will elect the candidate from ACT, the said party will cause the bloodshed.

b) Life threatening in Geita

In some places such as Geita and Simiyu some people reported threats and intimidations from opponent supporters. For instance in Maswa District Rev. Simon Makeja reported to be intimidated by the retired chairman of CCM and received death threats that, he will be killed if he wins and expose CCM plans.

The same happened at Msalala road, Geita Municipal where a woman (name undisclosed) who reported that she faced life threatening intimidations for campaigning against CCM chairmanship contestant at Msalala road.

c) Green Guard threats in Iringa

In Iringa there was no intimidation from state organs, however, there were few incidents of intimidation reported from non-state actors. Example at Mwembetogwa Chadema complained of Green guard moving around the pooling station and intimidating people, we went and observed the situation and reported the matter to the Municipal Returning officer for further action. The campaign timetables were said to be made public. However most people interviewed were not aware of the campaign timetables. It appeared that the time tables were only made public to the leaders of the parties.

d) Abductions in Maswa

In Maswa District one Isaka Songaoi, a candidate of CHADEMA was abducted by the people who alleged to be CCM members and forced him to write a letter of withdraw from election which later was sent to the electoral Director.

Moreover, another incident was reported by CHADEMA where by one of its member was reported to have been forced to sign letters to withdraw themselves from the election pre-processes. Example in Molo and Malonje Village four nominee of the chairman position wrote the letter under the Supervision of the Sumbawanga Municipal Council MP to withdraw them from the election process on 10th December, 2014. However after consultation with CHADEMA Regional office they wrote another letter to quash their decision on 12th of December 2014.

3.8.6 The Use of Abusive Language and Hate Speech During Campaigns

a) Insults in Lindi

During the campaigns there was great use of abusive language especially in places where there was tough competition between CCM and CUF. This was highly experienced in Liwale district where the CCM candidate was attacking the CUF candidate by using abusive language, and sometimes they were attacking even family members of candidates who were not parties to the election. Also in Nachingwea, it is reported that CHADEMA was used abusive language to CCM candidates which was about to turn into physical conflicts.

b) Character Assassinations

Character Assassination was a fashionable campaign strategy instead of campaigning for party manifestos. This campaign strategy aroused wide jeers and warm applause of approval from compassionate listeners. Character assassination ranged from ridiculing opponents as being underage, of low integrity and poor, corrupt and possessing all sorts of problems. Character assassination mainly aimed at destruction of opponent's symbols and image before the public.



Picture 5: A poster Alleged to have been placed by CCM supporters portraying a Negative Image for Arusha MP's Godbless Lema

c) Use of Hate Speeches

During the campaigns LHRC/ TACCEO observed that there was great use of abusive language, hate speeches and immoral campaigns. For example at Makambako Town, Njombe Region election, observation team observed the group of youth who believed to be CHADEMA followers after campaign rally they carried a coffin and praying that they are going to burry CCM.



Picture 6: **CHADEMA Followers Carrying a Moot-coffin clad with a CCM Flag at Makambako Town, Njombe Region**

3.8.7 Corruption during Campaigns

Incidences of corruption were also reported. In Chato District and Itilima District at Kambasingo, Simiyu region some voters were bribed with items such as packets of salt, match boxes and money by CCM and UDP contesters. This was reported to be done at evening time especially one day before the polling day.

Corruption practices were observed in Muheza and it was evident in a form of the so called gift, on 12/12/2014 at Kigonga mawe village when councillor of Mgomeni ward addressing people during public rally he said:

“Nimetumwa na mbunge wa jimbo la muheza ndg Herbert Mtangi kuwa kila kitongoji na kijiji kitakacho chagua wagombea wa CCM na kisha wakashinda basi kitongoji kitapata mipira miwili na jezi seti moja na kila kijiji kitakachochagua mgombea kutoka CCM akawa mwenyekiti kitapata mipira miwili na jezi seti moja, na akaongeza kuwa yeye kama diwani atatoa mipira mmoja kwa kila mahali ambapo CCM watakuwa wameshinda katika uchaguzi huo, hivyo kama wananchi watachagua wagombea kutoka vyama vya upinzani basi shukrani hizo za mipira na seti za jezi watazisikia tu”.

Literary meaning that I was sent by the Muheza Constituency MP Herbet Mtangi to tell voters that every hamlet and village that would elect CCM candidates as chairpersons will be given sports gears . He also added that as a councilor he will donate a ball to every place where CCM would be winners in the election. Thus people who would vote for the opposition candidates will only hear about the donation from the rest.

3.8.8 The Use of State Resources in the Campaign

In some of the areas government vehicles were used in the campaign rallies which were against the law. There were notable uses of the Rukwa region RC's car in CCM campaign whereby the Regional Commissioner was attending the campaign by using the said vehicle which is designated for the official government activities. Also CCM District Chairman used **SM 6150** in Kangesa, Pui, and Kaoze Ward on 4th of December 2014 in CCM campaign rallies.

In Muheza in Tanga region, CCM were observed using government officials and resources to facilitate their campaign. Example Muheza DC observed several times speaks in CCM campaign and he was using the government vehicle.

For campaign to be easy different ways of transport had been employed such as: use of surface transport (cars and lorries to move from place to place); use of pedestrians, internal meetings and for the first time in local elections campaigns, used helicopters which was used by the CCM Deputy Party Secretary, Hon Mwigulu Nchemba to campaign for his party. Hon. *Mwigulu Lameck Nchemba* Member of Parliament for Iramba West constituency campaigned by using a helicopter which alleged to be owned by the Government Tanzania. He made a campaign on 13th December, 2014 in every District of Simiyu Region.



Picture 7: **Combo pics: Hon. Mwigulu Nchemba addresses a public rally in Babati on 11/12/2014 with an allegedly state owned Helicopter used by the latter.**

CHAPTER FOUR

Information Communication Technology Contribution in Election Observation

4.1 Election Observation by Using ICT

In 2009, the LHRC monitored the Local Government Elections through conventional methods and thereafter, in 2010, TACCEO introduced the use of ICT in observing and monitoring the general elections for the first time ever in Tanzania.

The strategy meant to provide space for citizens to use ICT devices mainly being their cell phones; as well as to effectively engage in monitoring/observation of elections throughout its cycle. The results were amazing and very credible as the process was not only very interactive but also cost effective.

The cell phone penetration in Tanzania is significantly high as at least 61% of Tanzanian's have phone.³¹ This penetration is all over the country and thus Tanzanians have the means to provide feedback in elections using ICT. The electoral commission in Tanzania recently indicated that it can adopt use of technology in conducting future general elections.

LHRC/TACCEO sought to leverage on existing (traditional) activities around electoral observation. ICTs can assist in the creation of a more rapid reporting and early warning or alert system in traditional electoral monitoring, as well as bring in the voice of citizens as a new dimension in electoral monitoring through crowd sourcing, (a technique using multiple channels that apply open source principles such as short messaging to easily gather information from a large group of people). This means enabling citizens to become part of the electoral monitoring exercise. ICTs was leveraged to bring together citizens, civil society, media and other partners into a truly citizen-oriented process of electoral cycle monitoring, before, during and post-election period.

Records obtained from TCRA indicated that the mobile networks in December 2009, shared some 17,481,432 subscribers an increase of 34.4% compared to 2008. The market exceeded the 50% penetration barrier during 2010 to attain 61% by March 2013. Cell phones are mainly used for short text messages and for calls. However of recent, most mobile phone users also use variety of applications such as *Facebook*, *Tweeter*, *Skype*, *BBM*, *Whatsapp* and internet. All such applications are very useful for the monitoring of election if properly coordinated as the case will be for this intervention.

LHRC/TACCEO considered the use of technology as a golden opportunity to ensure maximum public participation at affordable cost in the process and effective monitoring to the electoral cycle. The process with use of available ICT devices ensured that people's concerns in and during the elections was timely reported and responded unto.

³¹ www.trcra.go.tz

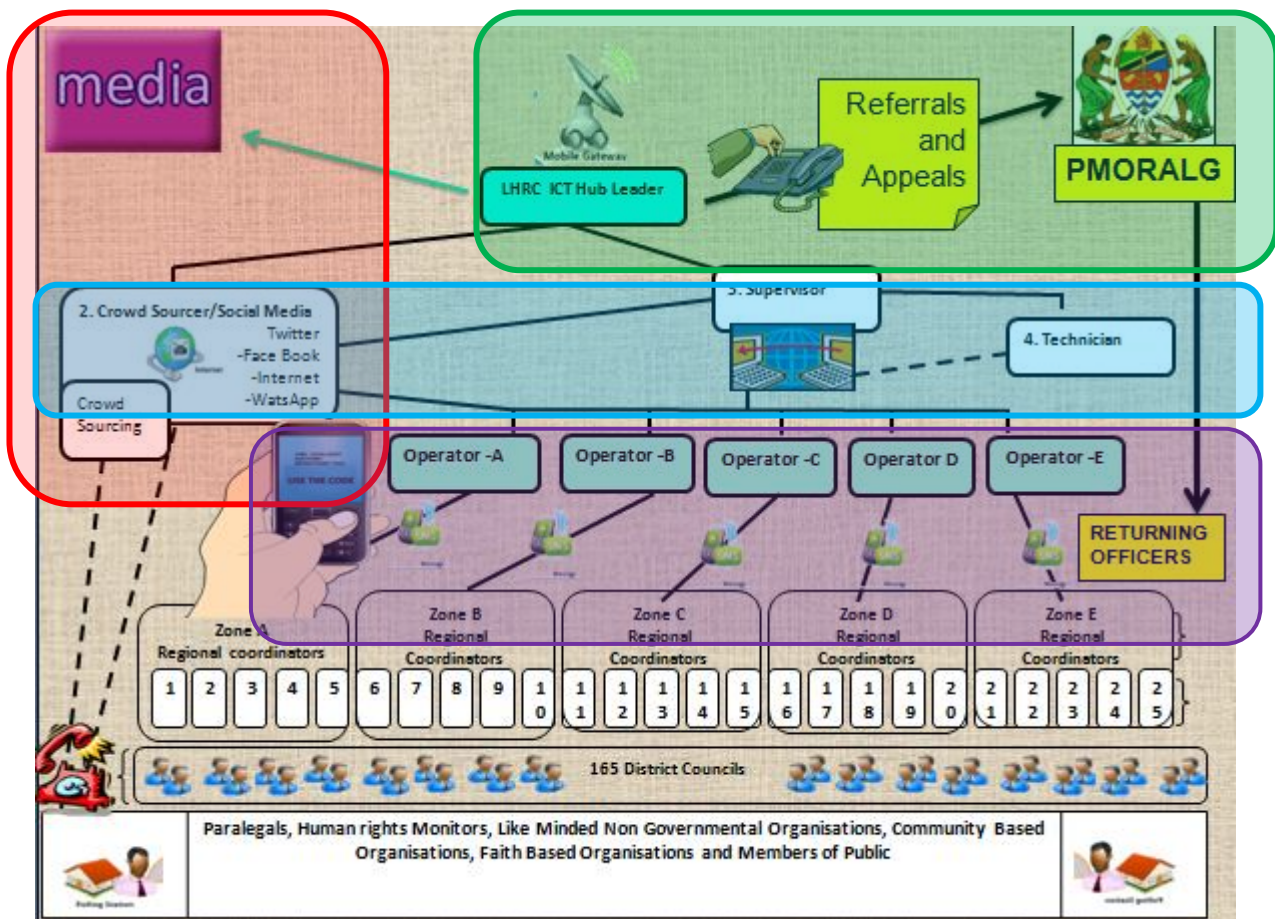


Figure 4: A Diagram set up of the LHRC/TACCEO ICT Hub

The hub was in operation for fourteen days and received information from the rest of the 25 regions of Tanzania Mainland. Its structure was:

- A. **ICT technical Section**
 - this ensured that all ICT devices were working properly – a sound back up in place – an immediate trouble shooting
- B. **Observation Section**
 - Communicated 24hrs with Monitors in the Field – receiving information- and suggesting for action.
- C. **Crowd Sourcing and Filtering/Verification**
 - LHRC got in touch with the public – and verified information through regional coordinators – communicate back to the public
- D. **Appeals and Referrals Section**
 - LHRC communicated with authorities for purposes of sorting out irregularities and challenges encountered – and informed the public through the media.

From the said use of ICT, LHRC/TACCEO was able to capture the following as major issues on the days monitored through ICT, for instance, on the Election Day:

Table 1: Issues Gathered on Election Day

Incident	Frequency in %
Delay in opening poll centres	15.6
Shortage of ballot papers	12.1
Missing names at polling stations	9.8
Prevalent of ongoing campaigns at polling station or /voters/candidates with party attires	8.8
Postponement of election	8.1
Unopened stations	7.2
Violation of voting procedures	5.9
Lack of a guideline to those in need of assistance	5.5
Low turn up of voters	5.5
Long distance from Polling stations.	4.2
Prevalence of political party members groups intimidating others	3.9
Voters coming to vote with political party appearances	2.9
Absence of party polling agents	2.6
Prevalence of fraud and/or misrepresentation	2.3
Unauthorized persons allowed into a polling stations	2.0
Prevalence of intimidation and/or heavy presence of police/military/para-military personnel	1.6
Party polling agents barred from getting into the station	1.0
Permission to vote after 4pm	1.0

Issues Reported Most

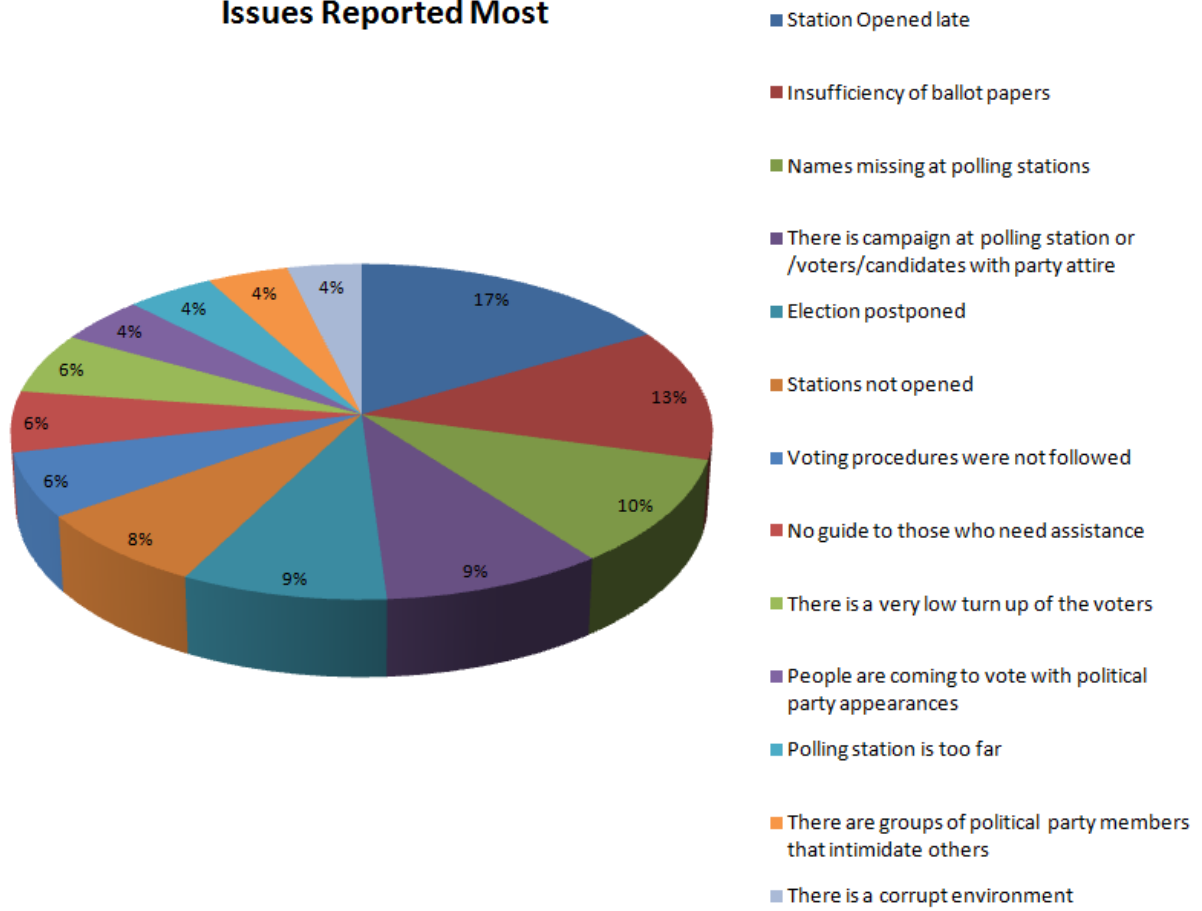


Figure 5: Percentage of Issues Reported Most

Issues Rarely Reported

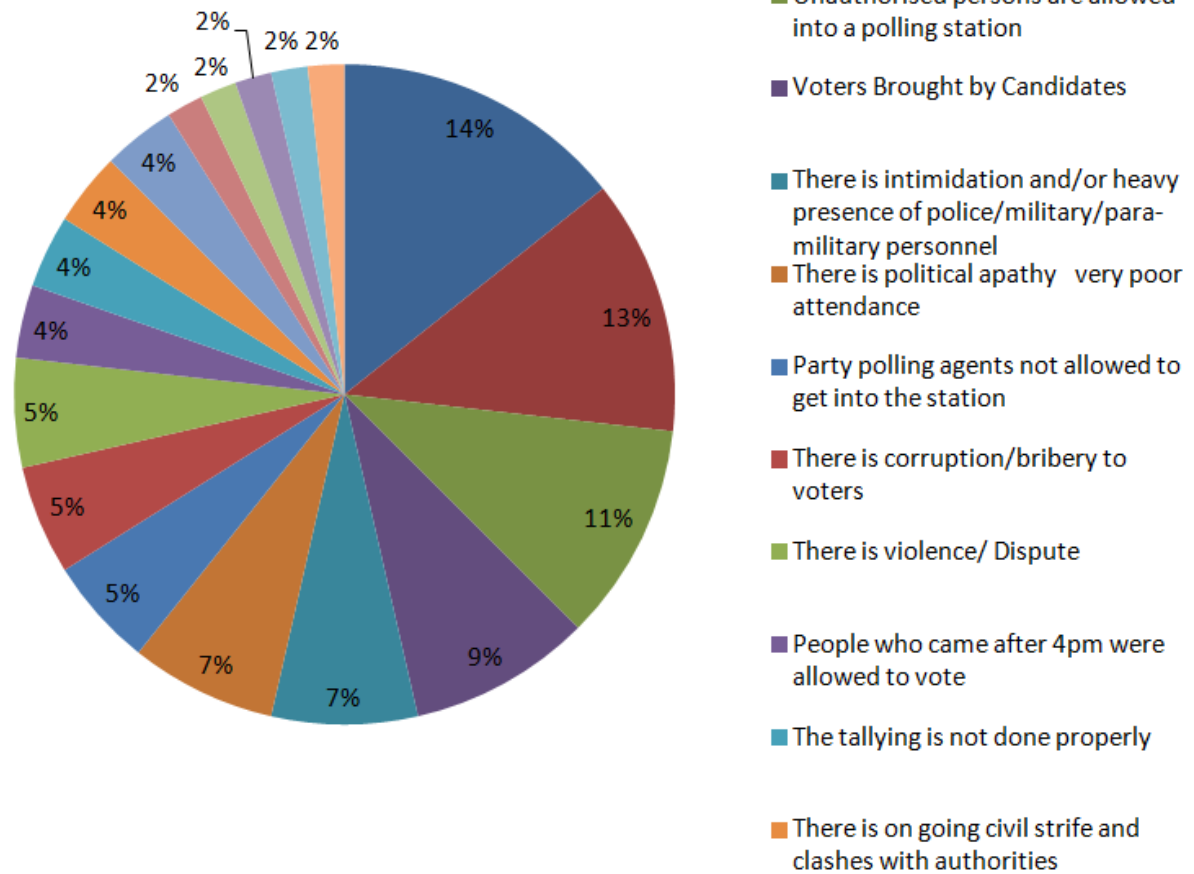


Figure 6: Number of issues Rarely Reported

4.2 Conceptualization of Social Media Section in the LHRC Election ICT Hub

During the 2014 Local Government Election processes, LHRC meticulously made use of social media to monitor and observe the election as part of the use of ICT. (Correa T et al, 2009) define Social Media as the utilization of digital media which are not similar to traditional media instead serve as an online communication tool to facilitate peoples relations, communication, interaction, with their mutual friends. (TechTarget, 2014), provides that Social Media is a joint online interaction tool designed specifically for community based input, communication, collaboration and content sharing. These communication tools are such as *Face book, Twitter, LinkedIn, Instagram, Google+ to name a few.*

Social Media Section in the LHRC election Observation hub opened a Facebook page titled "*Taarifa za Uchaguzi Tanzania*". The same day a twitter account with "*@ChaguziTanzania*"

identity was created. **Face book, Whatsapp** and **twitter account** were established mainly to serve the purpose of public communication during election process.



Picture 8: *Social Media Crew/Section in the ICT HUB*



Showcase Face book Page Created for Election Observation Purposes



Figure 7: Showcase Twitter Account Opened for Election Observation Purposes

Social Media communication in the hub was done in two ways; firstly, was the communication between the public and the Election ICT hub. This type of communication was instigated for the purpose of giving and receiving election information tips. The information received from the public was then communicated to LHRC observers and/or authorities in respected areas for verification.³² After verification the same information was posted back on social media platforms for public knowledge and awareness on the ongoing election process.

Secondly, social media was meant to be a communication tool between election observers in the field and the ICT hub. Election observers used social media to send videos and pictures and their stories which were then shared on Face book and Twitter account for public consumption.

Up until 15th December 2014, the face book page set for election observation had attracted and impressed about 682,142 people worldwide. There were 12,659 Face book subscribers who were interested to send in and receive election reports. This number rose in 6 days after the promotion of the page to the public. On the other hand, there were only 190 followers on the twitter account.

³² LHRC election Observers were sent all over the Tanzania mainland and were divided in zones, regions and districts. At the local level there were monitors who were trained to observe election prior, during and post election.

Nevertheless, the debate was so engaging despite the low number of followers on twitter. It was observed that twitter followers were actively taking part in dialogue on issues posted as well as reports on development of election processes in their respectively areas. One of the interesting debates raised on twitter was the demand for a compiled election report as shown in the picture below.



Figure 8: Demand for a Compiled Election Report

4.3 Types of Information Received and Sent Via Social Media

The content shared in the social media was mainly picture, and videos of the election situation in the field. Based on the social media interactions, the general public at the field is considered to be among the immediate sources of information giving. They collect information but in most cases do not have proper infrastructure to share it. Therefore, social media platform established was the best option. The content communicated was strictly based on election and it was divided in three categories, period before election commonly known as campaign period, the voting period or election period and post election period.

4.3.1 Information Received before Election- Campaign Period

During the pre-election period, the public was able to send and receive information on the campaign at their local areas. Based on the video and picture analysis, new type of election campaign was observed and this is called mobile campaign. Campaigners were seen moving from one street to the other to mobilize people to vote for them. Groups of people, women, men and

children were spotted to have taken an active part in the campaign process. Social media reaction to this shows concern on the way these campaigns were conducted. Mostly were observed to be conducted after normal campaign time and without proper authorities' supervision.

Another concern was on children involvement in election campaigns. One face book subscriber named Rama Eya aired his disappointment saying that *“The only thing remaining now is to campaign to children, and this is because they (Politicians) lack policy”*



Picture 9: **Children line up during the Campaign Process**

4.3.2 Information Received During the Election

The most re-occurrence events observed during the election period was the lack of ink for and voting papers, with agents in some of the stations agent being late. Moreover, there was a serious mishandling of voting ballot and prevalence of violence. Social media response in regards to election period showed some disappointment that the Ministry had failed to organize the election as required by the law.



Picture 10: **A voting ballot left with a child under a tree**

4.3.3 Post Election Information

Another event that caught social media attention was a video taken in Sumbawanga where voters burnt down a voting poll station which happened to be an office for the Ward Executive Officer. They destroyed government documents including voters' registration book. Besides, it shows a group of children at the scene without guidance, playing and destroying the remaining documents. This video has 564 views and it was the most watched video. Thus, Social media users were concerned with the safety of children and property as indicated in the picture below.



Figure 9: Public Dialogue on video

Generally the use of ICT was very interactive between LHRC/TACCEO and members of the public.

4.4 Significance of Social Media on Election Observation Processes

One of the most important areas in this section of the report dwells upon the need to use social media for election observation. Social media has shown the importance of communication as it serves as an evidence based outlet for information sharing from and to the public. The *Face book* and *twitter* account opened showcased evidence of the situation in the field during the election.

For instance field observers in Kimara, Dar es Salaam sent information reporting on violence at polling stations immediately after voting. The information was later on shared to authorities such as the police who were able to go to the site and assist. In another scenario, observers at Tegeta Pwani in Dar es Salaam managed to capture a video interview with a voter who was prohibited to vote because his name was used by another person to cast a vote. Ironically, four people within the same area faced a similar problem. This information was shared on social media platforms. Not only were some of the cases resolved but people were also able to dialogue, share and become aware of the situations in the voting places. Traditional Media was not left behind as from time to time its journalists paid a visit to the Hub for information inquiries. Therefore,

Social Media in this case was used to showcase evidence based events in the election processes. Below is a picture of the *Face book* page and over how people engaged on a video posted. About 1,630 people were reached.

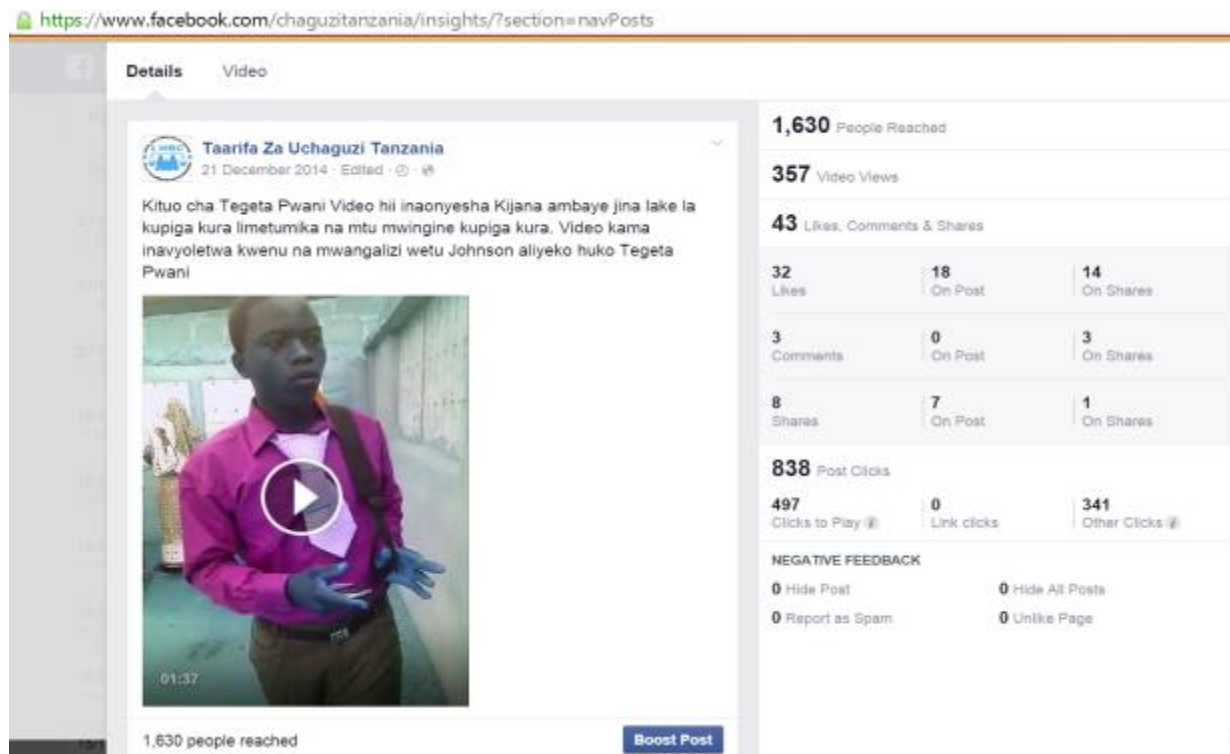


Figure 10: Public engagement on a video Post on Face book page

Social Media proved to be a cost effective tool of communication sharing compared to tradition ways of communication. It was cheaper to run in terms of costs when compared with electronic and print media such as television and newspaper. The content previously aired and published by tradition media can now be promoted in social media.

The platform was mobile and could easily be accessed anywhere and anytime as long as one had a mobile phone. Anyone could easily tap information and easily share it at the platform within the same time.

However reaching out the majority of rural population was one among the biggest challenges in social media as its users are more prevalent in urban cities compared to those in the rural areas. This is so due to the platform requiring usage of smart phones, gadgets which are rather expensive for most people in rural areas.

LHRC/TACCEO strongly recommends that there should be an implementation of science and technology policy in rural areas and emphasis on creating and developing of infrastructure for technologies advancement.

4.5 Coverage and Outreach of Social Media for Election Information in Tanzania

Based on the interaction in social media, *Facebook* page was used to assess the coverage and outreach of the election content from and to the public. There are about 12,751 subscribers to "*Taarifa za Uchaguzi Tanzania*" Facebook page where 9% out of this number of subscribers are women while as 91% are men. In both women and men, the most engaging age is between 25 -34 whereby the number of men engagement is 44% and women engagement is 4%. On the other hand, the group that is less interested in the online engagement on local election information is the age between 13-17 in both men and women. In this case men between 13-17 age were found to have been engaging in giving and receiving information accounting to 0.29% while the number of women was 0.0549%. The analysis on all subscribed and non subscribed Face book users page shows that 46% are women while as 56% are men. This means women are less interested in subscribing but follow the dialogue as non subscribers. Further research is needed in this area in order to understand reasons that kept women away from subscribing in social media.

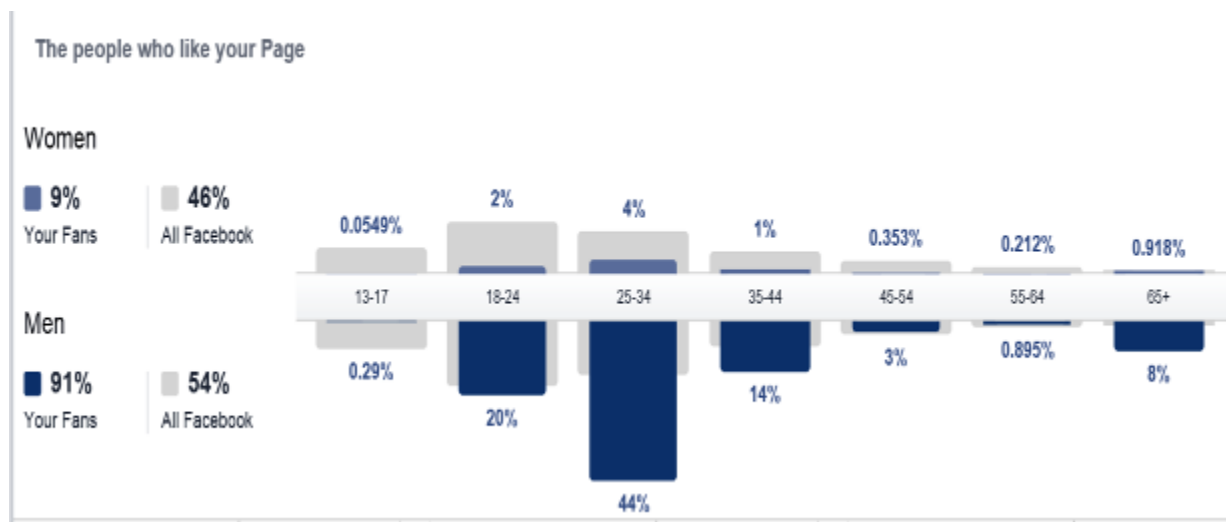


Figure 11: Public Engagement on Face book Page

In terms of coverage, urban community was seen to be more active and engaged in interaction with social media on election issues compared to those in rural areas. More than 6000 subscribers were found to have been in Dar es Salaam, the major city in terms of population in Tanzania. Other major cities such as Arusha and Mwanza were both found to have had more than 1000 subscribers. Contrary, cities such as Mpanda in Kigoma and Tarime in Mara were found to have had 25 and 23 followers respectively.

Generally, with Social Media it was easy to engage the public on election process receive and share information as well as understand public reactions on certain issues. It is an effective way of communication and has proven to be among the best platforms that promote citizen's participation. It has mainstreamed the marginalized since they can now dialogue, debate, question and create common goal on their agenda.

CHAPTER FIVE

Voting Day Processes

5.1 Voting, Vote Counting and Declaration of Results

Voting, vote counting and declaration of results are intertwined activities which are at the heart of elections. Anecdotal evidence reveals that the level of “freeness and fairness” of the election exercise depends largely, on the manner and extent to which the three interrelated activities are carried out. The activities mark the climax of the election exercise, and are conducted on the Election Day which may correctly be referred to as the “D-Day” of elections.

The discontents and disagreements which, in many cases, degenerate into unhealthy political conflicts largely emanate from voting, vote counting and declaration of results. Experience shows that the three interrelated activities are the most sensitive areas of elections to the electorate as well as other stakeholders, including election managers, candidates, political parties and observers. Voting, vote counting and declaration of results presuppose, among other things, a just and impartial legal regime and institutional framework, effective planning, transparency and openness, as well as high degree of integrity, accuracy, diligence and mutual trust.

5.2 Pre-Election Day Arrangements

5.2.1 Procedural Requirements

Voting, vote counting and declaration of results in 2014 Local Authorities Elections were governed by Local Authorities Elections Rules, 2014. The rules provided for voting procedures, ballot papers, vote counting and declaration of results.³³ In regard to pre Election Day arrangements, observations made by LHRC/TACCEO revealed that several arrangements were made in all districts before the Election Day and they included the following:

- a) Lists of names of voters and corresponding registration/voter cards’ numbers assigned to each polling station were displayed at majority of polling stations.
- b) The lists of names and physical addresses of all polling stations in the constituencies were made available to all participating political parties.
- c) All selected clerks were endorsed by participating political parties. Those who were rejected by political parties on reasonable grounds were dropped.
- d) Review training sessions for Polling Officers, Polling Assistants and Direction Clerks (DCs) were carried out for one day in order to prepare them for their duties and responsibilities on the polling day.
- e) Participating political parties appointed polling agents, and these took oath of secrecy which was administered by Returning Officers (ROs) and Assistant Returning Officers (AROs).
- f) All election equipment and materials were distributed to Assistant Returning Officers in the wards, from where they were further distributed to polling stations.

³³ Rules 19-22 of G.N 320; Rules 20 – 24 of G.N 322; and Rules 20 – 25 of G.N 321 and 323 respectively

- g) Strategies and arrangements for deploying security personnel (the police and militia) to polling stations were made, including awareness creation regarding their job description on the polling day.
- h) Transport arrangements, including allocation of vehicles to specific routes for delivery of voting materials were made.

5.2.2 Shortcomings on Pre-Election Day Arrangements

In most areas of the Lake Zone³⁴ most of the electoral officials were trained a day before the voting day. One day training was inadequate because of the package of materials and other requirements. There are various different forms for electoral staff to understand and use them properly. The regulations for managing elections are also so many with technical issues for the electoral staff to observe. Obviously, it was not easy to grasp all these just within one day. Therefore, despite the fact that they were given simplified guidelines, it was not easy for all the electoral staff to grasp them and make efficient use of them during the voting and counting/tallying of votes, contributing to some of the reasons for late announcement of the results and declaration of the winner(s).

In other areas election materials though were available but were not delivered on time. That was observed to be a vital problem in all regions. Example was areas such as Momba, Kyela, Mbarali and Busokelo in Mbeya Region. Also at Mshikamano street – Mbezi/Kimara, Sinza, Mwenge, Kawe and Mbezi Beach Wards in Kinondoni District voting materials were delivered at 10.30 am besides, other materials which were not supplied such as ink and ballot papers. In Dar es Salaam, names of the voters were hand written and not arranged in order.

Apart from that some voters could not see their names in the voters' Registration Books, some names were posted at other different polling stations and it was really difficult to solve all the complaints on the Election Day. That were reported in Ruvuma and Iringa the names for those qualifying to vote almost all the stations the names were already fixed at polling stations prior to the election day but in most stations such fixed names were so faded and could not be read properly. In most polling stations insufficient voting materials such as ballot boxes ink and ballot papers were observed.

The situation was evidenced by observers at Sigino Chini voting station at Sigino Ward within Babati town council whereby ballot boxes were brought at the station on 10:00 am. The boxes had no seal.

At Kabungu ward in Mpanda district; there were no transportation of the election materials such as ballot boxes where as the preceding officers were to transport the boxes and other materials over their head from the ward offices to their polling stations; example from ward headquarter Kabungu ward to Kamjuguju polling station, about 6 kms away. (Picture attached). Other preceding officers transported boxes through motor bikes and some through bicycles.

³⁴ Geita, Mwanza, Shinyanga, Simiyu, and Kagera.



Picture 11: Polling Officer carrying a ballot boxes on the head from Mpanda D.C - Kabungu ward to Kamjuguju polling station about 5.5 Kms

Some of the election officials in Tabora Municipal and Uyui were given ballot papers one day before the election in open boxes and without formal security and transport. The picture bellow demonstrates.



Picture 12: Election Officials with their Ballot Boxes at Uyui - Tabora

Insufficient voting materials such as ballot boxes ink and ballot papers, confusion of names and party logos between the candidates and political parties necessitate the postponement of election to later dates from 16th – 21st December, 2014 as provided by the election rules.³⁵



Picture 13: (Combo pics) Registered Voters attempt to find their names at the polling station, with names poorly pasted on a tree in Musoma (Rural) District.

The ICT report shows that names of persons who were missing constituted 9.8% of all problems reported during the polling day.

5.3 Election Day and Voting Exercise

Voting is the ultimately crucial stage after the voter's registration and election campaign by the candidates. It is a decision making stage after campaigning period where people had to choose who should be their leader after assessing the potentiality of that person during the campaigns. The general principle of the right to franchise is that, voting should be conducted in a form of secret ballot to ensure that a person exercises his/her freedom of choosing the right candidate of his/her choice. The voting exercise normally ends with vote counting and declaration of results.

The Local Government Election Laws and rules require that a person who eligible to vote must be a registered voter of the place where the election is taking place. Every voter who wishes to vote shall present himself at the polling station allocated to him in the place for which he/she is registered and shall satisfy the presiding officer or a polling assistant at the polling station that he is the voter he/she claims to be and that he has not voted already at that polling station or elsewhere. A person may satisfy the presiding officer or a polling assistant that he is the voter he claims to be by producing to that officer or a polling assistant such documentary evidence as to

³⁵ Rules 24, 26, and 27 of Government Notices No. 320, 321, 322 and 323 respectively.

his identity as the officer or assistant may think satisfactory.³⁶ Failure to that automatically disfranchises voter's right.

Observations do not reveal acute or significant deviations from the legislation governing the voting process at polling stations. However, there were a few isolated incidents in which the legal requirements for voting were not adhered to. As such, several exceptional irregularities which were observed were noteworthy to opines, freeness and fairness of the election.

5.4 Irregularities Observed on Voting Exercise

Several anomalies/irregularities were observed on voting exercise, and that are such as:

5.4.1 Polling stations allocated in unofficial places

LHRC/TACCEO observed that some polling station were places which became dangerous to voting exercise and polling officials. That was extraordinary to the usage where voting exercise is to be taking place in public places such as schools, VEO, WEO offices. Example of those irregularities was observed in the following areas;

For instance, at Mabasi ya mikoani polling station; Kashaulili ward, Katavi the polling station was organized under the tree. This was terrible as during counting the ballots because it rained, therefore the counting process had to stop, people were to move and continue counting the ballots in the bar. To this point, the counting process could be problematic as cheating/rigging was easy. In some places untrustworthy person used that weakness to riot and disrupt the election exercise by kicking and running with ballot boxes. That was observed at the National Transport Institute (NIT) polling station at Mabibo Ward in Kinondoni District, Dar es Salaam



Picture 14: The construction of a polling station at Mkanaledi in Mtwara Municipal being conducted on Polling day, as Voters await for the construction to be complete so as to cast their votes.

³⁶ Section 62 of the Local Government (Elections) Act, Cap 292 R.E 2002.

5.4.2 Insufficient Voting Materials

Many polling stations were opened late due to insufficient voting materials such as ballot boxes, ink and ballot papers, and the situation was evidenced by observers in almost every district. There was no ink in almost all polling stations throughout the country something which caused voting exercise to delay and in some places election officials had to come up with some alternatives on how to mark the voters. Example at Kituo cha mabasi ya mikoani polling station voters were marked using maker pen instead of official ink. The same was observed at Dar es Salaam in the polling stations of Mpakani primary school, Jitegemee street, Kanuni street in Mabibo ward, Tabata primary school, Migombani street, Tabata street in Tabata Ward. In Vingunguti Ward in Ilala District Council, Dar es Salaam election was forced to be postponed due to insufficient voting materials.

The ICT reporting showed that late opening of the stations constituted 15.6% of all irregularities reported. Moreover 12.1% reported that their polling stations did not have ballot papers at all.



Picture 15: Voters had to use maker pen instead of official ink as observed at Kituo cha mabasi ya mikoani polling station, Kashaulili Street in Kashaulili ward, Katavi.

5.4.3 Lack of Secret Ballot

There was no privacy to the voters as there were no voting booths; therefore voters had to vote openly. This practice is contrary to international principles that required secret ballot. To some stations, voters had to vote in groups. Therefore, there was no privacy and voters could influence

each other on whom they have to vote for. Example, at Kituo cha mabasi ya mikoani polling station in Katavi region where voting process took place under a tree, voters voted in groups. Also at Mapinduzi primary polling centre Ilembo ward in Mbeya region, voters were also voting in groups. The same was observed in Dar es salaam at Mabibo Ward (kanuni, kwa Jongo street), Vingunguti, Tabata in Ilala.



Picture 16: The rule of secret ballot was not observed as Citizens voted in groups at Kituo cha mabasi ya mikoani polling station, Kashaulili Street in Kashaulili ward, Katavi Region.

5.4.4 Mal Administration

Another observed irregularity was the tendency of the returning officers to allow those that come after 4.00pm to vote using voter's registration list regardless of whether one came early on late. Therefore, the ones who registered themselves early were the ones who voted early. Therefore, some voter's came to the polling station very early in the morning but they were called to vote around 4.00 pm as their names were at the least position on the list. Example at Tabata polling station, Tabata Steet, Ilala system of calling voters according to the registration list was used.

5.4.5 Irregularities in the Ballot Papers

In some areas of Iringa Region especially at Kihesa some papers came without names while other names of contestant were mistaken and some names appeared in ballot papers while they were not in the list from the beginning. At Ndiuka pooling station in Ruaha ward, some ballot papers came without names of contestants hence the election had to be delayed while waiting for other names to be printed and brought back to the pooling station while at Ngome in Kihesa ward, the name of Fauster Kilave who was not a contestant appeared in the list of contestants. Irregularities

in ballot papers also forced the election to be postponed. That was observed in Kilindi District Council, Tanga and in Dar es Salaam that was observed in Kinondoni District Council especially in Mabibo and Kimara Wards. Example; In Mpakani Primary school polling station in Jitegemee street in Mabibo Ward the election was postponed due to irregularities in ballot papers.

5.4.6 Delay or Non Opening of Polling Stations

This was observed in Ruvuma region whereby there was a delay in opening the polling stations. Some stations were noted to have been opened very late. For example at Mpandanginde Ward in Songea Rural, the polling station was opened at 12:05 p.m. In Mlete ward the polling station was opened at 11:00 a.m. At Mpitimbi 'A' and 'B', and Mbwambwasi the stations were opened between 11:30 am -12:30 pm. In Ludewa District Council in Njombe region names of the Candidates from the opposition parties of CHADEMA and NCCR MAGEUZI, did not appear on the list and were not voted. Further, in Kipangala village, the election for members of village council was not held as all candidates qualified. The members of village council required for the village council were 20 and only 20 candidates contested thus all qualified for the post.



The election official from Uyui decided to closed the station and returns the boxes. There was no ballot paper in her station.

5.4.7 Confusing and Juxtaposed Names and Party Emblems on Ballot Papers

At Kazima polling station in Kazima ward in Mpanda Town Council, one of the CHADEMA candidates was associated with ACT emblem and not that of CHADEMA. Therefore, CHADEMA's agents agreed that their candidate had to use the ACT emblem just for that day. At the same time, , one of the CCM candidates in Rungwa polling station in Kazima ward in Mpanda Town council appeared twice on the list, one as CCM candidate and another for CHADEMA. Therefore, all the parties' agents in consultation with the preceding officer agreed to cancel one name with CHADEMA symbol list.

UCHAGUZI WA WAJUMBE WA KAMATI YA MTAJI MWAKA 2014
 MTAJI WA KAZIMA
 KATA YA KAZIMA
 HALMASHAURI YA MJI MPANDA









NO: _____

Nembo ya Chama	Jina la Mgomba	Weka (✓)
 CCM	ZENOBI SANANE NTAMPULA	
 CCM	ALYSEN GEORGE CHUNDU	
 CCM	CRETUS JOHN TUNDWE	
 CCM	DISIMENI SINDANI SARANGA	
 CHADEMA	DAUDI KABWILI MWAKAMBAYA	
 CHADEMA	HAMZA ISSA RUNIGANWA	
 CHADEMA	JONATHAN RAZALO KISHIWA	
 ACT-TANZANIA	PRISKA PASTORI KAGURU	

Picture 17: The picture shows **PRISKAPASTORY KAGURU**, a **CHADEMA** candidate at Kazima polling station, Kazima ward, under **ACT –Tanzania Emblem**.

UCHAGUZI WA WAJUMBE WA KAMATI YA MTAJI MWAKA 2014
 MTAJI WA RUNGWA
 KATA YA KAZIMA
 HALMASHAURI YA MJI MPANDA

NO: **0483**

Nembo ya Chama	Jina la Mgomba	Weka (✓)
 CCM	MWELELA GEORGE NKOKWA	
 CCM	MARIA JAMES SENYE	
 CCM	SELEMANI IMBARUKU HEMEDI	
 CCM	STELLA SABAS MWANANDOTA	
 CHADEMA	TRIFONI PETER LUGUSHA	
 CHADEMA	ABEL MAMBWE KITULA	
 CHADEMA	ALEX ZAKARIA GABLIERY	
 CHADEMA	MWELELA GEORGE NKOKWA	A

Picture 18: A ballot paper shows **MWELELA GEORGE NKOMWA**, a **CCM** candidate at Rungwa polling station, Kazima ward, who appeared on the first line with **CCM** emblem, and the last one with **CHADEMA** emblem.

5.4.8 Campaigns Conducted on Election Day

Political parties' representatives or party agents at the polling stations who were present at their respective voting stations were interfering the independence of voters by denying the voter privacy. They were also campaigning within the polling stations and/or nearby stations as observed at Kwa Jongo Polling Station in Mburahati ward in Kinondoni district, Mabibo in Mabibo ward in kinondoni district; Migombani street in Tabata ward in Ilala district, Tabata in Tabata ward in Ilala district. Other campaigning incidences were observed at Katesh 'B' polling station in Katesh ward in Hanang district while in Babati town, the party agent was observed escorting the voter to cast his or her vote in order to see if the voter voted for his party. In most cases this was done by CCM, CHADEMA and CUF. The ICT report shows that 8.8% of all polling stations had incidences of people campaigning

5.4.9 Lack of facilities to person with disability

Lack of facilities to person with disability like Tactile Template Ballot Folders for person with visual impairment. It was observed that, majority of the polling stations were not provided with facilities for persons with disabilities.

5.4.10 Voters' Register's Discrepancies

The observation team verified the voters' register and found that some of the names were ticked off in the register and their fingers marked. However, in a some polling stations, voters were allowed to be accredited either without being on the voters' register or without holding their voters' cards. Some people at various pling station in Kigoma Municipal Council, Ujiji complained that, their names were missing on notice board; for example at Kisangani street and Kibirizi ward about 5 people were found to be missing though they registered their names in a voter's registration book.

LHRC/TACCEO observed that, voters register had the following discrepancies as seen on the voting day:

- Some people registered but their names could not appear in the voters lists displayed at the polling stations.
- Some people could see their names but upon entering the ballot room they found their names had already voted against their numbers.

These anomalies though limited, deprived the people's constitutional right to vote, and efforts should be made to address them, as reported above this anomaly was rated 9.8%.

Other Irregularities

There were several isolated shortcomings observed in, or around, polling stations. These included the following:

- Several political parties did not deploy polling agents at polling stations. CCM and CHADEMA had agents almost in all polling stations but other political parties did not have one. CUF had few polling agents in Tanga, Mtwara, Dar es Salaam and

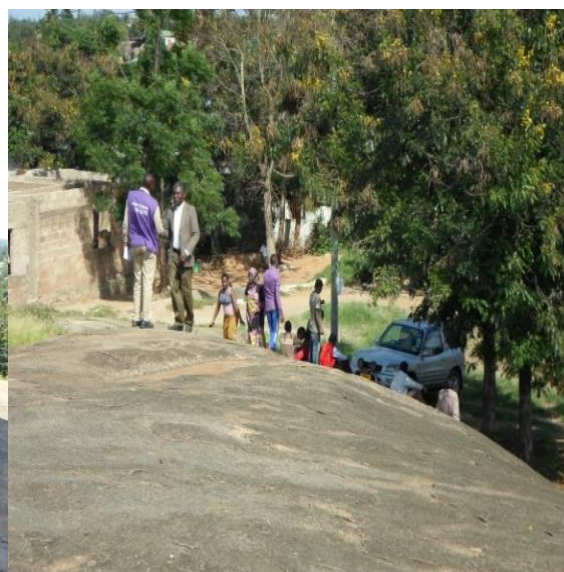
to the areas where the parties had their candidates. Other parties managed to deploy agents in their stronghold areas only;

- Lists of voters were displayed at polling stations but had some anomalies;
- A lot of people did not bother to check on their names on the voters' lists prior to polling day, but waited till the polling day. This caused a lot of congestion, shouting and confusion at many polling stations;
- There were a large number of voters who needed assistance due to being illiterate. A report by the Tanga regional coordinator revealed that in Handeni constituency as many as three quarters of the women and a quarter of the men had to be assisted;
- Some political party' leaders and candidates were observed by the team canvassing for votes and persuading people to vote for their candidates at polling stations.

5.4.11 Assistance to Person with Disabilities

No major cases were reported indicated that persons with disabilities, elders and pregnant women were not given priority to vote first as required by the law except in one polling station (Mkoani road). However, in some areas the persons with disabilities and especially elders were harassed by youths and denied their rights to vote. For example, some youth maliciously denied the elderly men and women from voting in preference for the fear that they are voting for CCM contestant. That irregularity was observed in Dar es Salaam in Buguruni Kisiwani primary school polling station.

Moreover, in some places the polling station was placed in areas which are not friendly to people with disabilities and especially the elders. For example, in Mwanza some polling stations were placed in houses builds over the rocks.



Picture 19: Nyakato Gederi polling station in Nyakato ward , Ilemela District, Mwanza was placed in a house built on top of a rock causing accessibility problems to people with disabilities, women, and the elderly.



Picture 20: An elderly woman going to vote in election day in Songea

5.4.12 Corruption and Corrupt practices during the Election

Corruption is illegal practice whatever used for any reasons. Corruption in election is not accepted. Corruption can bring incompetent and unacceptable leaders in the society. At kinyonga primary school polling station and matandu darajani polling station in Kilwa district in Lindi region, the team observed that, voters were given money while in a queue to vote for CCM candidate. Also in these stations the militias known as ‘mgambo’ were perceived as party agents because apart from witnessing this corruption no action was taken by them.

In Serengeti District, Mara region at Natta Mbiso Primary School polling station in Natta Ward, CHADEMA followers apprehended a school teacher for the reported allegations of corruption and handled him to the police officers. The incidents of corruption were also reported in various polling stations in Dar es Salaam especially at Mshikamano polling Station, Mbezi; Migombani polling Station, Tabata; and whole of Vingunguti ward. Owing to the nature of the offence and inadequacy of resources, several corruption incidences may not have been proved anywhere.



Picture 21: A Primary School Teacher under arrest after being accused of corruption at Natta Mbiso Primary School Polling Station.

5.4.13 Security at Polling stations

The security provided on the polling day was adequate to guarantee both voters and the public safety and order in many polling stations. Reports by observation team did not reveal serious incidents of breaching the peace in the observed areas. At least every polling station was provided by the Police and Militia. There were police officers and militia who dressed civilian at each polling station. Most of these did not carry weapons with them. Moreover, the observers' reports revealed frequent patrols of security staffs. The security was provided before, during and after the polling day.



Picture 22: Polices maintaining the peace at Daraja Mbili, Arusha Town

5.4.12 Close of the Polling Stations

Polling stations were closed at different poll intervals after the last person on the queues had casted their votes. The observation team recorded that most of the polling stations adhered to the rules governing the closure of the polling stations. Although there were some polling stations which failed to adhere to that, fortunately that could not affect the voting exercise.

5.5 Tallying and Vote Counting

In the light of the preceding account, we are convinced, beyond doubt, that the voting process was marred by serious irregularities. It seems plausible for us to conclude that, by and large, the voting exercise was not carried out smoothly, freely and fairly, as well was not in consonance with the most of key provision legislation governing the voting process.

An observation of the time when the counting commenced at some polling stations shows that some of the stations started counting earlier than others partly because the polling ended before 1600 hours. There was, arguably, a lot of paper work that needed to be done before the counting, including reporting useful information in a plethora of forms.

The observed anomalies were worth mentioning, and include the following:

- i. There were instances in which the candidates and counting agents' requests for recounting were turned down. This occurred in several polling stations.
- ii. There was no single understanding of what was a spoilt vote, marks other than ticks being allowed in some stations but not in others. Ticks extending beyond the relevant box were disallowed in some polling stations but accepted in others. Others accepted names of candidates written on ballot papers but some rejected such votes.

- iii. The counting process was generally transparent, in other measures and serious efforts were made to make the process as more transparent as possible. The number of complaints regarding the counting of votes was very small. The vote counting exercise was completed at different time intervals depending on the number of ballot papers cast and the time when the election started.

Counting of votes and tallying in most polling stations ended before midnight. There were few counting agents registered complaints in the prescribed forms, revealing that most of them were quite not satisfied with the counting methods and procedures as well as the accuracy of the results. The Presiding Officers gave each counting agent a copy of the report of the results. Another copy of the report was displayed at each polling station.

In the light of the preceding account, it is evident that where as some stations vote counting was carried out accurately, and in accordance with the methods and procedures prescribed in the electoral law as well as subsequent Election Regulations. The reports by observation team revealed some incidents of fraud, cheating or inaccuracy in the counting of votes which caused misunderstanding, riot and violence.

5.5.1 Reported Violence during Vote Counting

CCM Ward Councilor of Isakalilo ward (Mr. Kanyika) and a CCM Special Seat Members of Parliament of Iringa Municipal Council (Mrs Mtemi) forced their entrance into polling station at ‘Zizi la ng’ombe’ in Isakalilo ward in Iringa Municipal, Iringa region, the act which caused arguments and fighting between voters and Mr. Kanyika and Mrs. Mtemi.

In Mufindi, CCM District secretary of Mufindi and Deputy Chairperson of CHADEMA at Mufundi North fought due to misunderstanding during vote counting.

In Makambako Town Council in Njombe region, there was serious violence at the Town centre and in the polling stations of Makuvani ward, Mshikamo Street, Lumumba Street and Urigiri Street; the violence was between CCM and CHADEMA as they did not agree on the counting of votes. Also, in Njombe Town Council in Ulembwe Madati polling station there was another serious violence between CCM and CHADEMA. In Kinondoni District Council violence during vote counting was observed in Kimara ‘B’ polling station.

5.6 Declaration of Results

In most of districts especially rural areas where the opposition is not prevalent, then, the results were declared in accordance with the provisions of the electoral legislation. After the election results were ascertained, the Assistant Returning Officers immediately declared candidates who acquired majority votes elected. In some polling stations the declaration of results was made in the presence of observers and journalists. In some other cases, the defeated candidates, and counting agents of defeated political parties, had left before the official declaration of results and even before signing of the forms.

Lack of Understanding of rules and procedures for Counting and tallying of votes among few personnel which led in delaying of declaration of results, thus caused grievances to the people which resulted into riot and violence.

Up to December 17, 2014, the early results showed that Chama cha Mapinduzi - CCM led in both streets and village results securing total of 9,406, while opposition parties 3,211 streets and villages.

That showed an achievement in comparison with 2009 election where opposition parties had won 1,230 posts in both villages and streets. Meanwhile CCM decreased by losing 2,636 posts of Chairmanship in streets and villages in comparison to 2009 where opposition parties had won 12,042 posts in both villages and streets as summarized in table below

Village Results

Villages which had announced the results were 9,047 whereas;
CCM won in 7,290 villages equally to 80.58%,
CHADEMA won in 1,248 villages equal to 13.79%
CUF won 382 villages equal to 4.22%
NCCR-Mageuzi won 14 villages equal to 0.15%,
TLP won 2 villages equal to 0.02
NLD won 2 villages == 0.02%

Streets Results

Up to 17 th December, 2014 results for streets was;
Total number of streets declared the results were 3,231 whereas;
CCM got 2,194 == 67.90%
CHADEMA got 828 == 25.63%
CUF got 235 == 7.27%,
NLD got 9 == 0.28%,
NCCR Mageuzi got 8 == 0.25%,
TLP got 1 == 0.03,
UDP got 1 == 0.03% and
ACT got 1 == 0.03%.

Hamlets; TOTAL- NO. 42,824,

CCM won 35,564 == 83.05%
CHADEMA won 5,970 == 13.94%,
CUF 1,555 = 3.63%,
NCCR-Mageuzi won 80 == 0.19%,
TLP won 11 == 0.03%,
NLD won 1 == 0.00%,
ACT won 10 got 0.02% and
UDP got 21 == 0.05%.

a) Death of a Candidate

Due to the delays in ending the voting exercise, electoral staff and polling agents had to use their mobile phones and dim lightings for them to see the votes and fill in the required forms at night. Due to the absence of reliable sources of lights, this caused even the death of special seat contestant via CHADEMA, Ms. Bethar Nchimani Ngosha who drowned in a nearby pond within the Msalala Road polling compounds at 1:00 a.m.



Picture 23: Msalala Road residents near a water pit where a special seat contestant was reported to have drowned.

b) Violence in Mwanza

Delays in releasing the results, in most polling stations, such as Mkoani road in Geita rural district in Geita region, Dispensary kitangiri ward and mihama sekondari in Ilemela district, Molongo primary School in Milongo ward in Nyamagana district in Mwanza region), also Kariakoo in Nyabange Ward in Musoma (U) district, caused anxiety among the candidates and their supporters as well. The delays were mainly caused by reasons explained before. In the said stations, the counting/tallying of votes went up to 4:00 a.m. and the results announced later on, around 7:00 a.m. Furthermore, incidence of violence in other polling stations. Some of the sensitive cases sighted are such burning of the ballot papers and disruption of the voting process due to violence after delays in releasing the results.



Picture 24: Ballot papers burnt by furious voters due to alleged rigging in tallying at Ilemela Polling station, Ilemela ward offices.

c) Celebrations prior to declaration of the results

One notable incident occurred at Kibirizi ward in Kigoma Municipal, whereby before the announcement of the results; party members and some agent from both parties (ACT, CCM & CHADEMA) and other citizens started celebrating victory before announcing election results, holding their hands together (both CCM and CHADEMA) putting their parties' flags up regardless the fact that CCM won the election in those areas. Moreover, at Kibirizi street CHADEMA and ACT refused to sign the results after the third re-counting of votes for the reason that, the contestant of increasing of 12 votes compared to the total number of voters. Therefore the ACT candidate promised to appeal against the CCM.

d) Insecurity in Dar es Salaam

The announcement of results were accompanied by a lot of songs and sense of insecurity in various areas of Dar-es-Salaam region however after the announcement the party members departed peacefully from the area and went on celebrating in other places. There were some few places where CHADEMA also refused to sign the result papers but their refusal (both CCM and CHADEMA) did not deter the Returning Officer to announce and put the results on the notice board. One notable issue occurred at Staki-Shari Polling Station in Ukonga ward in Ilala District, where after the announcement of the results; party members from both parties (CCM and CHADEMA) and citizens started celebrating while holding their hands.

5.7 Post-Election Episodes

The election results were received with mixed feelings and reactions as follows:

a) Arrest of Political Party Leaders

One of incident observed in post election period is the arrest of some leaders and agent of political parties due to their act of violence at Kisangani Street and Kibirizi street in Kigoma Municipal before the announcement of election.



Picture 25: Some agents and political parties' leaders under police arrest at Kisangani and Kibirizi Street

b) Demolition of Houses

Following the announcement of the Rukuraijo Ward Chairperson results which were not accepted by the villagers and contrary to what the CHADEMA agents had summed up and this led to the demolition of the CCM candidate's houses and uprooting crops such as banana trees by a group of villagers in broad daylight at Kitoma village in Kyerwa District in Kagera region.

On 14th of December 2014, the local government election at Kitoma Village – Rukuraijo Ward was not successfully conducted due to the fact that there were no Village Chairperson Ballot Papers thus the voters were informed to vote for only the Special seat candidate and council members whilst waiting for the Village Chairperson ballot papers. Unfortunately, till late in the evening the said papers could not arrive hence the voters together with the Assistant Returning officers agreed to burn the casted votes and postpone the election to the 16th of December 2014 whereby on the said date, the voting process was successful but the results for reasons unknown were not announced at the same date by the assistant returning officer who afterwards left and said that he would announce the results on the next day that is on the 17th of December 2014 and on the material date, Mr. Nicholas Rugemalira (Village Executive Officer –VEO of Rukuraijo village) with the escort of the police, urged the villagers to stay away 100 metres from the him

and displayed the election results contrary to what the agents had summed up whereby according to the CHADEMA agents, the prior calculations were as follows:

Polling Station- Kitoma: CHADEMA 248 CCM 99
Polling Station- Ishembura: CHADEMA 146 CCM 132
Polling Station - Kizigilo: CHADEMA 81 CCM 89
Polling Station - Bulera: CHADEMA 93 CCM 182
Total Votes: CHADEMA 568 CCM 502

Based on the above figures, CHADEMA won the election but the victory was given to CCM and the CCM votes were given to CHADEMA and this was the main source of the saga, whereby over 35 men were arrested after the police together with the village militia searched for men all over the village and some of them sought for refuge in the neighborhood village and women being assaulted to state were their husbands and children being beaten under the auspices of the operation that aimed at finding the identified perpetrators whom were believed to be CHADEMA members and followers.



Picture 26: The demolished house of the CCM Candidate one Abdallah Rugamalira who was declared the winner of the Village Chairperson post on the 17th December 2014 local government re-election.

c) Clashes in Arusha

In Kaloleni Arusha, there were open skirmishes, which culminated into open violence between police and CHADEMA supporters who were not happy with the election results.

It seems the ruling party's supporters, zealots, activists and some of its "heavyweights" did not receive election results with a surprise. The indicators ushering in or predicting a landslide victory for CCM were on the ground since day one of the electoral process. The party had invested heavily in the elections; hence it expected massive returns from the investment. In many

areas, the results matched the peoples' expectations, and consequently the victory celebrations in most constituencies were, comparatively, at low scale levels.

Some political parties' agents did not know their roles and limitation of their role as agents. This situation caused interference between the agents and election administrators.

d) Deaths after Local Government Elections

Local government elections witnessed deaths of two people in separate incidents that occurred in Nzega District in Tabora Region and Bukombe District in Geita region.

In Bukombe District, a person named Bundara James (56) a resident of Kapela Street in Igulwa Ward was murdered by unknown persons after a ceremony followed the victory of his wife who was elected a Street Chairperson. The Wife of the deceased, who currently chairs the same street, Lucia Samuel said her husband, who is a servant of Mbogwe District Council was found dead after being slaughtered nearby his house when returning home after sent back the sound system used in the celebrations. Lucia Samuel, deceased wife, who was also a Chadema Candidate, won the election by 463 votes, and leaving his opponent at a distance from the party who received 230 votes.

in Nzega a young person named Bartholomew Edward was shot dead by Police when waiting for the declaration of results. The incident occurred in Majengo Street, Nzega following riots after a long waited results, whereas Police used bullets to disperse people in cause of that they shot Bartholomew Edward in a stomach who died in Nzega Hospital when received treatment. In that incident one Lucas Daudi was shot by Police and sustained injuries.

CHAPTER SIX

General Assessment of the Election Process, Challenges and Recommendations

6.1. General Assessment of the Election Process

A democratic society all over the world is interested to receive a 'free and fair certificate at the end of each electoral exercise. This certificate is based on number of factors such as infrastructural, logistical and more importantly observance of all principles that contribute to free and fair election.

Generally, the Government of Tanzania decided to go for a local government election without enough preparation. This has been evidenced by weaknesses illustrated in this report. Turnout of voters was big and showed enthusiasm but there was a lot of electoral shortfalls observed in some polling stations which led to the election to lose its credibility and fairness although it can be said to have been free.

In 2014 Local Government Election LHRC/TACCEO observation team evaluated the election and these are the general findings:

i. Increase number of Women and Youths in the Election

Unlike previous elections of this nature, youths and women showed unprecedented activeness by not only contesting for political posts, and showing up during campaign meetings, but also during voting. Their enthusiasm in participating in governance of their country by voting and being voted for has been increasing. It is also evidently noted that, the number of youths and women contestants/candidates for various seats in the local government has increased tremendously. It was time that youths and women considered it possible for them to elect and be elected as leaders. The move to entrust young leaders with major political posts could be another motivating factor.

Women are not easily attuned to politics because of socio-cultural, religious and economic limitations. Among the factors affecting women's aspirations and involvement in public life are patriarchal society, poverty, high level of illiteracy, conflict of domestic tasks and professional obligations.

Despite the fact that some political parties' constitutions and manifestos showed the inclusion of gender-friendly provisions, yet they did not heed to those documents in reality as they were not respected. In party primaries women were not able to compete on a level playing field with their male counterparts. Women's failures were attributed to lack of internal democracy within the parties and deficiency of financial resources.



Picture 27: Women waiting to cast their votes at Iyela II Ward in Mbeya



Picture 28. The high number of youths participating in a CHADEMA Campaign in Tunduma Town at Momba District Mbeya Region

ii. Few registered political Parties participated in the election

Despite having more than twenty (20) registered political parties in Tanzania³⁷, only a few of them CHADEMA, CCM, CUF, NCCR-Mageuzi managed to participate in the local government elections of 2014 by having some of their members as contestants and for the first time ACT-Tanzania participated in the election as well as small parties such as UDP and NLD. The act of CHADEMA, CUF, NCCR-Mageuzi and NLD forming the coalition (UKAWA) and stood as a united block increased competition against the ruling party CCM in the December, 2014 local government election. The general assessment shows that CCM still managed to get higher percent while CHADEMA, CUF, NCCR-Mageuzi and NLD, ACT, UDP got the rest. Despite the low percentage of votes and seats won by the opposition parties, generally observation shows an increase on their part in comparison to 2009 local government election results.

iii. Poor Preparations of the 2014 Local Government Election.

There were a lot of irregularities reported, during and after the polling largely because of poor arrangements by the PMORALG, who had five years of preparing by putting all facilities and resources in order to ensure that all electoral activities run smoothly from the start to the end.

³⁷ Among the registered political parties in Tanzania are NCCR-Mageuzi, CCM, CUF, CHADEMA, TLP, CHAUSTA, DP, UDP, UPDP, SAU, APPT – MAENDELEO, JHAZI ASILIA, PONA, TADEA, DEMOKRASIA MAKINI, NLD, NRA, CCK, and ACT.

In some areas of Iringa Region especially at Kihesa some papers came empty/with no names while other names of contestants were mistaken and some names appeared in ballot papers while they were not in the list from the beginning. At Ndiuka polling station in the Ruaha ward, some ballot papers came with no names of contestants hence the election had to be delayed waiting for the other names to be printed and be brought to the polling station. At Ngome, in Kihesa ward, the name Fauster Kilave who was not a contestant appeared in the contestants' list. The same happened in Ruvuma and there were also delays in opening polling stations. Some stations were noted to have been opened very late. For example at Mpandanginde Ward at Songea Rural the polling station was opened at around 12:05 p.m. Mlete ward the polling station was opened at around 11:00am. At Mpitimbi 'A' 'B' Mbwambwasi the stations were opened between 11:30 am -12:30 p.m. In Ludewa District Council at Njombe Region names of the Candidates from the opposition parties of CHADEMA and NCCR MAGEUZI, did not appear, they were not voted for. In Kipangala village also there was no election the candidates required for the village council were 20 and the 20 candidates contested.

Poor arrangements and preparations resulted into the riots and violence in some parts of the country.

Table 2: Case Study

In Rukwa Region the delay of supplying voting materials and equipments caused grievous violence in some of the area especially Kizutwe and Chanji Ward where the crowd of people invaded the Ward Office and set the office into fire. The violence, riots and other irregularities battered the election process in most parts of the region especially Sumbawanga Municipal Council. Due to that, the Executive Director of Sumbawanga Municipal Council after consultation with leaders of all political parties participated in the election agreed to postpone the election exercise till 17th of January 2015. In some areas such as Kizutwe the election will be conducted on the date to be set because registration was required to start afresh after the voters Register was set afire when the office was attacked and set into fire. The election observer stationed in Rukwa region made consultation with the Sumbawanga Municipal Director on account of the delay of the voting material. In his response he said the materials were delayed due to lack of sufficient fund and the disturbance caused by technical problems of the printing machine.



Picture 28: (Combo pics) A CCM office set ablaze by an angry mob in Sumbawanga as children collect the remaining of ballot papers.

iv. Violence was observed both during and after the rallies.

- These violence reported were reported happening between the parties, party members and police and sometimes all of the three were involved i.e. police, political parties and between members. In some areas like Tunduma, Mwanza, Musoma, Karagwe and other areas it was reported that police had to intervene to avoid further damages when people believed to be members of CHADEMA and CCM engaged into fighting, to the extent that there are reported cases that people were injured, in one of the incidents which happened in Musoma, police had to use tear gas to disperse people who were rising after the campaign has ended.

The fighting was also observed in Kitongani ward at Ujiji in Kigoma Municipal where a person was observed forced the entrance into pooling station at Wafipa street in Kitongani ward, where his name was not registered there, this act lead to a lot arguments and fighting between voters and political parties agent for CHADEMA. as shown in the pictures bellow.



Riots at Wafipa street polling station in Kitongani ward in Kigoma Municipal, Ujiji

v. Missing/faded/disorganization/of Voter's Names in Polling Stations,

This happened in many areas in polling stations, in Namtumbo two days before voting, the names posted on the polling station wall were faded as rain had dropped on the lists. People complained about this but until the polling day nothing was done. In Kinondoni district in some polling stations names were handwritten, it is sometimes difficult to read someone's handwriting, so there was an obvious stressful day of those who were going to a polling station only to find names handwritten, it did not sound well for the government to do this as it shows how lightly the like exercise had been taken. Such a situation could lead in justifying suspicions that the whole exercise was intentionally arranged to be rigged. Apart from that in some stations names weren't alphabetically arranged which caused lots of tension to the voters as it took time to go through more than fifty separate pages on the wall to find one's name and at the same time there were 50 – 100 people looking for their names. After finding the name one had to go to the voting line. This was one of the reasons for late closing of the polling stations as it happened in Mbeya at Mbalizi - Nzovwe polling station where polling went on until after 10 p.m. In Geita the exercise went on until after 7.00 pm contrary to the Local Government regulations which requires that at 4.00 pm the police/security officer will stand at the last person on the line to mean that that last person will be the last to vote and whoever comes after that won't be allowed to vote but this time around people voted even

after statutory closing time which led to the late counting and announcing of results, and this was much contributed by these defects mentioned.

6.2 Key Challenges

LHRC/TACCEO unfolded the following challenges Limiting coverage of observation:

- i. Lack of potential devices such as camera, uniforms, and tape recorder limited the process of gathering key information's. In Bumbuli, our observer David Chanyeghea was apprehended by CCM leaders and later taken to Lushoto Police Station despite following all procedures and identifying himself to proper authorities.
- ii. Limited coverage of observation due to limited funding
- iii. Last minutes deployment which encompasses untrustworthy observes, in Monduli, the observer's phone could not be reachable immediately after being paid his allowance
- iv. Network was poor for observer to send messages as if the server jammed, the matter is being communicated for further action
- v. Distance of Polling Station from Residential Areas. Some polling stations at Mbeya Region especially in Momba and Mbarali Districts were located far from residential areas therefore not accessible to pregnant women, breast feeding women, old people and disabled people.
- vi. Insufficient Training of Electoral Official as numerous electoral officials did not seem to have sufficient skills or knowledge to enable them tackle problems or complaints arising from the voting process.

6.3 The Government

The management of the voting process is a human activity. We know very few cases, if any, of human endeavors which attain a hundred percent perfection. We believe there are areas which the managers of elections in Tanzania can improve for the betterment of future elections.

LHRC/TACCEO advices for immediate constitutional measures to be taken that would alienate the LGE from the mandate/domain of the PMORALG and ensure that LGE are manned by an independent and professional election management entity. This entity thus will then ensure the following:

- a) That having fair and free election in Tanzania, needs a lot of political will from decision makers and politicians, otherwise it will remain to be a nightmare.

- b) Ensure that no kind of intimidation committed by police officers, ruling leaders and government leaders.
- c) Issue clear public instructions to police and state security agents that any officer alleged to have committed acts of violence and intimidation will be investigated and if deemed responsible for such acts prosecuted.
- d) Make clear through repeated public statements that any individual who carries out act of violence or intimidation, abuses power for political purposes, denies freedom of association or assembly to supporters of any party restricts freedom of information or commits other human rights abuses.
- e) Publicly and promptly condemn any act of violence by any political party, its supporters or members of the police and intelligence agencies, and call on all Tanzanian to respect fundamental rights as enshrined in the Constitution.
- f) Voter education is too important to be left in the hands of NGOs alone. Government has a noble responsibility to that end, and needs to do more in educating voters on the dos and don'ts pertaining to voting. It should devise the ways and means for coordinating and supervising, by way of follow up, Voter Education providers. By doing so quality can be achieved and, consequently, the rate of spoilt votes in elections can be reduced significantly; Government should revise and strengthen its voter and civic education programmes and develop an overall strategy that takes into account the focus of the educational campaign and the target groups, including special designed programmes for first time voters and women. The strategy should also include the development of the messages, their testing and the identification of the appropriate delivery mechanism.
- g) There were too many forms to be filled in the process of the preparations for vote counting, resulting into unnecessary wastage of time. Randomly chosen polling units, ballot papers, results and collation forms should be reviewed to identify errors, deficiencies and malpractice, if any. The audit could be of use for future regulations and training, and act as a deterrent against malpractice.
- h) The polling centers are not friendly, they are small, located either close to a bar or by the side of a road and they were very scattered (based on Ward offices). Government should ensure a much greater compliance with the elections procedures at all levels to minimize inconsistency in their implementation. Therefore, systems should be put in place to ensure institutional cohesion and sound intra-communication to adequately and timely informed all stakeholders.
- i) Authorities at all levels should make clear their commitment to continue electoral reform through an inclusive and transparent process. They should make all efforts to communicate and involve all stakeholders including political parties, civil society and the media.
- j) Ensure that all police officers and state agents act professionally and impartially during and after the campaigning period, and that they take no active part in campaigning.

- k) Allow all journalists to operate freely and without harassment all over the country and withdraw politically motivated charges and restrictions against all human rights defenders.
- l) The Government should strengthen efforts to implement the National Gender Policy which provides for a minimum of 50 percent representation of women at all levels of political participation.
- m) Government should continue to ensure that women are well represented among election officials at all levels throughout the country.
- n) Political parties should stop dirty campaigns with personal attacks that seek to undermine the opposite side.

6.4 Political Parties

All political parties seem to dislike the negative means of conducting campaigns and thus they agreed, in principle, that “leaders of political parties, candidates and their supporters shall not use any language which is abusive, defamatory, belittling, ridiculing, threatening or which may constitute an incitement to Public disorder or violence in campaign rallies or processions.

- a) Increase Women Participation in the Electoral Process
- b) Political parties should address the problem of violence and internal democracy within the parties, as this constitutes a hindrance to women’s participation in politics.
- c) Political parties should consider financial support for female aspirants in order to empower them to compete on a level playing field with their male counterparts.
- d) Publicly and promptly condemn any violence by supporters and call on party members and supports to act in accordance with the law.
- e) Educate their supporters on democracy, multiparty system and the importance and role of local observers so as to avoid chaos during pre- election, election and post election.
- f) Political parties should concentrate on selling their manifesto to voters and stop attacking individuals at campaign rallies and they have to know that, no good can come out of negative campaigns.
- g) Politicians/party members should be aware that political tolerance is part and parcel of democracy

Conclusion

Generally, Government decided to go for a local government election without enough preparation. This has been evidenced by weaknesses illustrated in this report. Turnout of voters were impressive although a lot of electoral shortfalls were observed in some polling stations. The election lost its credibility and fairness though it can be said to have been at least free.

Political Parties' mayhem especially between CHADEMA, CUF, and NCCR – MAGEUZI on the one side and CCM on the other side posed a serious challenge to the peace and security especially in urban areas.

Unlike previous elections of this nature, the youths and women showed unprecedented activeness by not only showing up during campaign meetings, but also during voting. Their enthusiasm in participating in governance of their country by voting and being voted for has been increasing. It was time that youths and women considered it possible for them to elect and be elected as leaders.

However, it is pitiful to learn from this report that LHRC/TACCEO observers witnessed a number of election malpractices such as violation of human rights, election laws and rules. This signified injustice within the electoral process. And it is under that context LHRC/TACCEO observer mission would like to conclude this report by saying that the Local Authorities Elections, 2014 deserves a certificate of '**FREE BUT NOT FAIR**' election.