

REPORT ON THE UNITED REPUBLIC OF TANZANIA GENERAL ELECTIONS OF 2015

Featuring Six Constituencies' Countermanded Elections



LEGAL AND HUMAN RIGHTS CENTRE (LHRC) & TANZANIA CIVIL SOCIETY CONSORTIUM FOR ELECTION OBSERVATION (TACCEO)



Dar es Salaam
TANZANIA

LEGAL AND HUMAN RIGHTS CENTRE & TANZANIA CIVIL SOCIETY CONSORTIUM FOR ELECTION OBSERVATION

REPORT ON THE 2015 GENERAL ELECTIONS OF UNITED REPUBLIC OF TANZANIA

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS.....	iv
TABLE OF CONTENTS.....	v
LIST OF TABLES.....	x
LIST OF FIGURES	xi
LIST OF PICTURES	xii
LIST OF MEDIA CLIPS.....	xvii
LIST OF ABBREVIATIONS AND ACRONYMS	xviii
PREFACE	xxii
EXECUTIVE SUMMARY	xxiv
CHAPTER ONE: GENERAL INTRODUCTION	1
1.1 TANZANIA: COUNTRY PROFILE	1
1.1.1 Location and Administrative Divisions	1
1.1.2 People, Culture and Demographic Features.....	2
1.1.3 Governance Structures	3
1.2 INTRODUCTION TO TACCEO	6
1.2.1 Inception and Institutional Setup of TACCEO	6
1.2.2 About the LHRC	7
1.2.3 TACCEO in a Stronger Grip with CEMOT	8
1.2.4 Essence and Rationale of Election Monitoring and Observation	8
1.2.5 Objectives of Election Observation	9
1.3 LOCAL AND INTERNATIONAL ELECTION OBSERVATION (AND MONITORING) STANDARDS	9
1.4 METHODOLOGY OF ELECTION OBSERVATION.....	11
1.4.1 Observation Sampling: Scope and Criteria.....	11
1.4.2 Observation Approaches: Intra and Inter Coordination of Elections.....	12
1.5 COVERAGE OF THIS REPORT	20
CHAPTER TWO: LEGAL AND INSTITUTIONAL FRAMEWORKS ON ELECTIONS	22
2.1 ELECTORAL SYSTEM IN A BRIEF HISTORICAL CONTEXT	22
2.2 LEGAL FRAMEWORK	24
2.2.1 Election System and Types of Elections.....	24
2.2.2 Electoral Laws	25
2.3 INSTITUTIONAL FRAMEWORK.....	32
2.3.1 Authorities with Primary Responsibilities on Elections	32
2.3.2 NEC and ZEC	32
2.3.3 Office of the Registrar of Political Parties.....	33
2.3.4 Prevention and Combating of Corruption Bureau	35
2.3.5 Judiciary – Adjudication of Election Cases	37
2.4 ACTION POINTS ABOUT LEGAL AND INSTITUTIONAL FRAMEWORKS	42
CHAPTER THREE: PRELIMINARY ELECTION PROCESSES	43
3.1 INTRODUCTION: TANZANIA ELECTION CYCLE	43
3.2 VOTERS’ REGISTRATION.....	44
3.3 DEMARCATIONS OF CONSTITUENCIES	50
3.4 NOMINATION OF CANDIDATES.....	51
3.4.1 Overview and Legal Qualifications	51

3.4.2	Presidential Candidacy.....	54
3.5	VOTERS' EDUCATION AND CIVIC AWARENESS	75
3.6	PARTIES' MANIFESTOS FOR 2015 ELECTIONS	80
3.6.1	Essence of Election Manifestos	80
3.6.2	ACT-WAzalendo Manifesto.....	81
3.6.3	CCM Manifesto	81
3.6.4	UKAWA/CHADEMA Manifesto.....	82
3.6.5	Common Threads of Parties' Manifesto.....	82
3.6.6	Election Manifestos by Other Institutions: Case of CSOs.....	84
3.7	MOBILIZATION OF FINANCIAL RESOURCES FOR 2015 ELECTIONS	87
3.8	SUMMARY AND ACTION POINTS ABOUT PRELIMINARY ELECTION PROCESSES.....	88
CHAPTER FOUR: ELECTION CAMPAIGNS.....		89
4.1	INTRODUCTION	89
4.2	DEFECTION OF FORMER PREMIER TO OPPOSITION: HEATED CAMPAIGN GROUNDS.....	91
4.3	TWO WOMEN IN HIGHEST POLITICAL OFFICE: NEW ERA, NEW DRIVES	96
4.4	HOW THE PUBLIC DECIDED WHO ARE THEIR NEXT LEADERS	99
4.5	CAMPAIGNS' MANAGEMENT, COORDINATION AND PROGRAMMES	101
4.5.1	Venues: Access to Meeting Grounds.....	102
4.5.2	Schedules: Opening and Closing of Campaign Rallies	107
4.5.3	Intra-UKAWA Mystification: Authors of their Own Mistakes?.....	110
4.6	SECURITY TO PARTIES, CANDIDATES, SUPPORTERS AND OTHERS.....	112
4.6.1	Security of Campaign Rallies by the Police	112
4.6.2	Use of Parties Personal Security Guards	113
4.6.3	Vandalism of Campaign Materials	115
4.6.4	Security, Impartiality and Freedom of the Media during Campaigns	118
4.7	CAMPAIGN INNOVATIONS, STYLES AND FORMS.....	120
4.7.1	Use of Communication Materials	120
4.7.2	Body Paintings, Symbols and other Innovations	121
4.7.3	Use of Incumbent and Retired Leadership - State Officials	122
4.7.4	Use of Celebrities: Musicians, Actors, and Comedians.....	123
4.7.5	Gestures, Dancing, and Magufulika: Campaigns' Thrust and Fanaticism	125
4.7.6	'A temporary Love' to Needy People.....	127
4.7.7	Campaign Speeches: Substance against Simplicity?.....	129
4.7.8	Incidents of Hate Speeches, Abusive Languages and Intimidations	131
4.7.9	Violence: Attacks, Assaults and Killings.....	135
4.7.10	Offering of In-Kind and Material 'Supports': Resurfacing of Takrima	136
4.7.11	Use of State Resources (Vehicles, Buildings and Officials).....	141
4.8	PARTICIPATION OF VARIOUS GROUPS IN CAMPAIGNS.....	142
4.8.1	Youths' Participation	142
4.8.2	Women and Children's Participation.....	144
4.8.3	Participation of PWDs	148
4.9	GEOGRAPHICAL COVERAGE OF ELECTION CAMPAIGNS	152
4.9.1	Factors Influenced Geographical Coverage.....	152

4.9.2	Suffocation by Two Giant Sides: Questionable Legitimacy of other Parties?	156
4.10	STATUS OF OPINION POLLS DONE DURING ELECTION CAMPAIGNS	158
4.11	ACTIONS POINTS ABOUT ELECTORAL CAMPAIGNS	161
CHAPTER FIVE:	POLLING, COUNTING, TALLYING OF VOTES AND	
DECLARATION OF RESULTS.....	163	
5.1	INTRODUCTION	163
5.2	PRE-VOTING PREPARATIONS.....	163
5.2.1	Presence, Qualifications and Efficiency of Polling Assistants	163
5.2.2	Availability and Timely Distribution of Elections Equipments	165
5.2.3	Proximity and Other Convenience Factors of the Polling Stations	167
5.2.4	Assurance of Voting: Voters' Register	170
5.2.5	Pre-voting Awareness of Procedures Initiatives	173
5.3	OPENING OF POLLING STATIONS AND TURNOUT OF VOTERS	176
5.4	POLLING PROCESSES ACROSS THE COUNTRY	177
5.4.1	Treatment of Voters Generally	177
5.4.2	Campaigns during Polling Day	181
5.4.3	Presence of Party Agents	182
5.5	CLOSURE OF POLLING STATIONS AND COUNTING OF VOTES	183
5.6	COUNTING AND TALLYING OF VOTES.....	184
5.6.1	Counting of Votes	184
5.6.2	Tallying of Votes	186
5.7	DECLARATION OF THE RESULTS	190
5.8	ACTION POINTS ABOUT VOTING, COUNTING, AND TALLYING OF VOTES.....	196
CHAPTER SIX:	SITUATION OF COUNTERMANDED ELECTIONS.....	197
6.1	INTRODUCTION	197
6.1.1	Countermanded Elections and their Constituencies	197
6.1.2	TACCEO's Observation Methodology and Coverage of Countermanded Elections.....	198
6.2	PRELIMINARY ORGANIZATION OF COUNTERMANDED ELECTIONS	200
6.2.1	Voters' Registration and Authenticity	200
6.2.2	Nomination of Candidates in Countermanded Elections.....	201
6.2.3	Voters' Education during Countermanded Elections	203
6.2.4	Countermanded Election Expenses.....	204
6.2.5	Role of Election Stakeholders.....	204
6.3	ELECTION CAMPAIGNS	206
6.3.1	Rules Governing Elections	206
6.3.2	General Trend of Countermanded election Campaigns: Schedules, Turnout, and Styles.....	206
6.3.3	Use of Abusive or Offensive Languages	208
6.3.4	Use of State Resources.....	208
6.3.5	Participation of Special Gender Groups	210
6.4	VOTING IN THE COUNTERMANDED ELECTIONS	212
6.4.1	Arrangement of Polling Stations and Voting Materials.....	212
6.4.2	Opening and Closure of Polling Stations.....	213
6.4.3	Voters' Turnout.....	214
6.5	COUNTING, TALLYING AND DECLARATION OF THE RESULTS	216

6.6	SECURITY ISSUES DURING AND AFTER ELECTIONS	217
6.7	ACTION POINTS ABOUT COUNTERMANDED ELECTIONS	218
	CHAPTER SEVEN: ZANZIBAR ELECTIONS, 2015	221
7.1	GENERAL INTRODUCTION.....	221
7.2	ELECTORAL MANAGEMENT SYSTEM IN ZANZIBAR	222
7.2.1	Legal Framework	222
7.2.2	Zanzibar Electoral Commission.....	226
7.3	ZANZIBAR’S ELECTIONS IN 2015.....	229
7.3.1	Voter Registration	229
7.3.2	Constituency Demarcation.....	233
7.3.3	Nominations and Registrations of Candidates	235
7.3.4	Political Campaigns	238
7.3.5	Civic and Voter Education.....	244
7.4	ELECTION OBSERVATION.....	247
7.5	POLLING, COUNTING AND TALLYING.....	248
7.5.1	Polling.....	248
7.5.2	Counting and Tallying of Results	250
7.5.3	Manipulation begins at Bwawani Tallying Center	251
7.6	NULLIFICATION OF ELECTION RESULTS A BACKWARD STEP	253
7.7	REACTIONS BY ELECTION OBSERVERS AND POLITICAL PARTIES	256
7.8	CURRENT POLITICAL DEADLOCK IN ZANZIBAR.....	257
7.9	ELECTION RE-RUN IN ZANZIBAR.....	259
7.10	ACTION POINTS ON SITUATION OF ZANZIBAR’S ELECTIONS.....	261
	CHAPTER EIGHT: ROLE OF OTHER INSTITUTIONS IN 2015 GENERAL ELECTIONS	263
8.1	INTERPLAY OF VARIOUS ACTORS IN ELECTION CYCLE.....	263
8.2	ROLE PLAYED BY THE MEDIA	263
8.2.1	Media Monitoring Initiatives and Governing Laws.....	263
8.2.2	Electronic Media.....	265
8.2.3	Print Media.....	267
8.2.4	Social Media	269
8.2.5	Analysis of the Media Reportage.....	269
8.2.6	Public Media	273
8.3	THE ROLE OF CIVIL SOCIETIES.....	275
8.3.1	CSOs Roles in Politics.....	276
8.3.2	Space and Challenges of CSOs and FBOs in 2015 Elections.....	276
8.4	ROLE OF DEVELOPMENT PARTNERS AND INTERNATIONAL COMMUNITY.....	280
8.5	ROLE OF SECURITY ORGANS.....	284
8.6	ACTION POINTS ABOUT ROLE OF OTHER INSTITUTIONS IN ELECTIONS	287
	CHAPTER NINE: ASSESSMENT SOME OF THE KEY ISSUES ON ELECTION PROCESS.....	289
9.1	MAIN FACTORS FOR CONSIDERATION.....	289
9.2	VALUE OF VOTER AND VOTERS’ APATHY	289
9.3	INCLUSIVE PARTICIPATION IN THE ELECTORAL PROCESS.....	291
9.4	SPACE OF KEY ELECTION STAKEHOLDERS: CASE OF MEDIA	293
9.5	PUBLIC FUNDING AND TREATMENT OF POLITICAL PARTIES	296

9.6	ADMINISTRATION AND MANAGEMENT OF 2015 ELECTIONS	300
9.7	VALIDITY AND LEGITIMACY OF RESULTS	302
9.8	ACTION POINTS ABOUT GENERAL ASSESSMENT OF KEY ELECTION ISSUES	302
CHAPTER TEN: CONCLUSION AND GENERAL RECOMMENDATIONS		304
10.1	INTRODUCTION	304
10.2	CONCLUSION.....	304
10.3	GENERAL RECOMMENDATIONS	306
10.3.1	Government.....	306
10.3.2	Electoral Commissions	307
10.3.3	Registrar of Political Parties	307
10.3.4	Security Agencies	308
10.3.5	Political Parties	308
10.3.6	Legislature.....	309
10.3.7	Other Election Stakeholders	310
REFERENCES.....		313

LIST OF TABLES

Table 1.1: Number of Visitors in Facebook Platform – Linked to TACCEO’s USHAHIDI Website	19
Table 2.1: Tanzania Elections between 1960-2015	22
Table 3.1: CCM’s Presidential Nomination Schedule, 2015	56
Table 4.1: Number of PWDs, Tanzanian Mainland (2012 National Census)	149

LIST OF FIGURES

Figure 1.1: Map of Tanzania showing different regions and neighboring countries	2
Figure 1.2: Organization Structure of TACCEO.....	6
Figure 1.3: TACCEO’s Intra and Inter Observation’s Operations.....	14
Figure 1.4: Flow of Data from General Public to TACCEO’s USHAHIDI Database.....	19
Figure 1.5: Trend of USHAHIDI’s Website Users between 15th September and 1st December, 2015.....	20
Figure 4.6: Proportion of Youths Received Civic Awareness, 2015	143
Figure 4.7: Level of Civic Awareness per Region – 2015	144
Figure 4.8: Percentage of Campaign Venues which were Inaccessible to PWDs.....	151
Figure 4.9: Observers’ Opinions Whether Regionalism, Ideologism and Ethnism were practiced/ heard during campaigns, 2015.	155
Figure 4.10: TWaweza’s Opinion Poll during Election Campaigns, September 2015. TWaweza’s Opinion Poll during Election Campaigns, September 2015.....	158
Figure 4.11: TADIP’s Opinion Poll during Election Campaigns, September 2015.	160
Figure 12: Trends of Incidents of Violence against Voters at the Polling Station, 2015	178

LIST OF PICTURES

Picture 1.1:	Some of foreign delegates listening to the technical officer, Ms. Geline Fuko, at LHRC/TACCEO's Data Centre, Dar es Salaam.....	12
Picture 1.2:	Left: A cross-section of BVR observers attending training. Right: Some of the LHRC/TACCEO's BVR observers listening to the BVR operator in 2015.....	13
Picture 1.3:	LHRC/TACCEO's Data Clerks managing received data from the LTOs.....	14
Picture 1.4:	Some of the technical team members in actions at LHRC/TACCEO's Data Centre.	15
Picture 1.5:	Interface that showcases online TV and Radio.....	16
Picture 1.6:	LTO with LHRC's ED in Newala. Right: the ED with Segerea LTO in Vingunguti Area in Dar es Salaam, at one of the campaign rallies.	17
Picture 1.7:	Kigamboni LTOs in a campaign rally.	18
Picture 1.8:	Data clerks and technical team members work on data received from crowd sources.....	18
Picture 3.9:	Mr. Lowassa (yellow shirt and black suit) in a pleasure mood having been able to collect a bundle of papers signed by his CCM supporters during round trips to seek endorsements for his nomination.....	60
Picture 3.10:	Mr. Mizengo Pinda's eyes in chock-full tears. Happiness or Sorrowful?.....	61
Picture 3.11:	Prof. Lipumba and Dr. Slaa in a meeting. Media Clip 3.9: Prof. Lipumba and Dr. Slaa in action.....	62
Picture 3.12:	UKAWA's top leaders (Mr. Freeman Mbowe, Prof. Ibrahim Lipumba, Mr. James Mbatia, Dr. Willibrod Slaa, Dr. Emmanuel Makaidi and other leaders in series of meetings, apparently about presidential candidacy in 2015.	63
Picture 3.13:	Mr. Lowassa (white hair with microphone) and UKAWA's top leadership in press conference where he announced his defection from CCM in July 2015. Right: Mr. Lowassa and his wife (Regina) displaying their CHADEMA's membership cards.	65
Picture 3.14:	Left: CHADEMA's leadership with Mr. Lowassa in a hotel in Dar es Salaam. Media Clip 3.14: Right: a cartoon showing Dr. Slaa's presidential trance disappearing away from him.....	66

- Picture 3.15: Left: CHADEMA’s assembly after endorsing Mr. Lowassa as their presidential candidate. Right: Mr. Lowassa holds CHADEMA’s presidential nomination form after being handled to him by Mr. Mbowe. 66
- Picture 3.16: Mr. Juma Duni Haji (left) Mr. Lowassa (middle) and Maalim Seif (right). Right picture, Mr. Juma Duni Haji and Mr. Lowassa in a group photo with other UKAWA leaders. The pictures show solidarity among UKAWA. 67
- Picture 3.17: Prof. Lipumba announcing his resignation from CUF’s chairmanship. Middle, he waves bye-bye after addressing the press. Media Clip 3.15: Right, a media clip which reads, ‘Prof. Lipumba has formally joined CCM.’ 67
- Picture 3.18: Mr. Lowassa and Dr. Magufuli picking NEC’s presidential endorsement forms in different occasions. 68
- Picture 3.19: Left: ACT Wazalendo’s General Assembly during nomination in 2015. Right: Ms. Anna Mghwira and her running mate, Mr. Hamad Yusufu in one of the political activities. Looking on is Mr. Zitto Kabwe, one of the top party’s leaders. 68
- Picture 3.20: Left: Prof. Kitila Mkumbo addressing the media in 2015. Despite the fact that he did not take the presidential candidacy position, the eminent professor remained to be in full support of party’s election activities. 69
- Picture 21: Left: A cross section of ADC members in jovial mood after nominating Mr. Chief Yemba and Zanzibar’s presidential candidates in their general meeting in 2015. Middle & Right: Mr. Yemba after being nominated by his party, ADC and by NEC respectively. 69
- Picture 3.22: Left: Mr. Hashim R. Spunda holding a briefcase. Right: Mr. Issa Abbas Hussein, the presidential running mate for CHAUMA. 70
- Picture 3.23: Mr. Janken M. Kasambala, NRA presidential candidate in 2015. 70
- Picture 3.24: Top Left: Chairperson of TLP addressing the party’s general assembly. Middle: Mr. Macmillan E. Lyimo being endorsed to contest for presidential position for TLP in 2015. Right: Mr. Lyimo with NEC presidential forms. 71
- Picture 3.25: Mr. Fahmi N. Dovutwa receiving NEC forms in 2015. 71
- Picture 3.26: The incumbent ministers who did not make it through in CCM preferential votes included (from top-left), Dr. Makongoro Mahanga; Mr. Amos Makala; Ms. Gaudensia Kabaka; Mr. Adam Malima; Mr. Pareira Ame Silima; Mr. Mahadhi Juma Maalim; Mr. Mathias Chikawe; Dr. Pindi Chana; and Mr. Kaika Saning’o Ole Telele. Others not in this picture are Dk. Titus Kamani and Dr. Seif Rashid. 72

Picture 3.27:	The EATV spot; the nguvu ya binti programme; and a movie cover of life is politics.....	77
Picture 3.28:	Placards with messages for UKAWA and CCM (right).	78
Picture 3.29:	ACT-Wazalendo; CCM; and UKAWA display their 2015 election manifestos during inaugural campaigns in August 2015 in Dar es Salaam.	80
Picture 3.30:	Left: CHAUMA’s presidential candidates with talking notes. Right: TLP’s presidential candidate in ‘free-style’ flow.	80
Picture 3.31:	Some of the pertinent issues which the 2015 manifestos did not address.....	83
Picture 32:	Cover pages of the 2015 CSOs election manifestos. Left, of THRDC and FCS; and, right of TGNP Mtandao and UN Women.....	84
Picture 33:	The Country Manager for the Restless Development, Tanzania, Ms. Margaret Mliwa presenting the 2015 Youth manifesto (pictured left) in August, 2015.	85
Picture 3.34:	Left: A Femina Hip personnel speaking something about their election agenda; Right: A poster which invites people to view Femina’s 2015 election agenda show.	86
Picture 35:	Posters of CCM’s presidential candidate.....	94
Picture 36:	Some pictures of campaign materials and designs in 2015.	116
Picture 4.37:	Rest in Peace (R.I.P) CCM, an irritating joke indeed!.....	132
Picture 4.38:	Mkapa delivering his speech when he called the champions of changes as idiots and fools.....	133
Picture 4.39:	Mr. Lema (CHADEMA’s candidate for Arusha constituency) prepared a banner saying “you are not fools, you are not idiots, rather you are the children of God, we love you. It is Lema again 2015.” Right: a placard which reads, “winning team, Masasi (district) is where idiots and fools originate. Without Lowassa it is impossible” Note that Mkapa’s home village is in Masasi, Mtwara.	133
Picture 4.40:	Left: Donat Augustino the chairperson of CCM Nkunikana in Singida was allegedly attacked by UKAWA supporters on 23/10/2015. Right: the CHADEMA supporter (a man aged 28 years), was allegedly injured by CCM supporters on 17/10/2015 in Tunduma, Mbeya.....	135
Picture 4.41:	At Kitangiri, Newala women preparing food right at the campaign ground.....	138
Picture 4.42:	Lorries for carrying goods; but, used to carry people to campaign grounds.....	139

Picture 4.43:	Incumbent president Kikwete cuts a ribbon to inaugurate the so-called ‘low cost housing’ constructed by the National Housing Corporation (NHC) on 14th September, 2015 at Mlole, Kigoma urban. He then went to bid fairwell to the people of Kigoma in Lake Tanganyika Stadium. The two pictures show presence of CCM supporters, to imply that his mission in Kigoma was more than cutting the ribbon of the NHC houses.....	140
Picture 4.44:	Some of the government vehicles used in CCM campaigns at different places.	141
Picture 4.45	Some of youths who participated as contestants through various political parties.....	142
Picture 4.46:	Youths involvement as campaigners and voters in 2015.	143
Picture 4.47:	Thrilled women responding to candidates’ slogans.	144
Picture 4.48:	The two ladies vying for senior political positions campaigning in 2015 elections.	145
Picture 4.49:	A gender role in politics: Mrs. Lowassa fondly fought personally for her husband; but also, in unison with her husband all over the country.	145
Picture 4.50:	Some of the supporters of parties forming UKAWA fainted in Tanga Region, in September 2015.	147
Picture 4.51:	Children were seen as part of the campaign groups on 30/9/2015 in Musoma Rural Constituency in Mara (left); and, Newala, Mtwara (right).	148
Picture 4.52:	Live TV programmes on election campaigns. There were no inserts of sign languages as the law requires.....	150
Picture 4.53:	Top Left: Dr. Magufuli reacted to a child with albinism by offering him some money for him to buy school needs. He saw this child at Kitama ‘A’ village, Mtwara. Top Right: Mr. Zitto Kabwe, ACT-Wazalendo national leader, when he visited Buhangija special camp for children with albinism, Shinyanga urban. Down Left: Mr. Lowassa in one of the campaign rallies; Down Right: Dr. Magufuli in Mbinga, Ruvuma.....	151
Picture 4.54:	Some of the CCM’s investments; office apartments in Dar es Salaam and Kambarage stadium in Shinyanga region.	153
Picture 4.55:	The investment and resources enabled CCM to have stylish and huge motorcades for election campaings.	153

- Picture 4.56: Presidential candidates of CHAUMA, Hashim Rungwe and some of the opposition parties received a relatively small crowd of supporters compared with a newly registered ACT-Wazalendo..... 154
- Picture 4.57: Left: Mr. Mrema in TLP yellow T-shirt campaigning for Magufuli at Himo Township, Vunjo. Right: The presidential candidate for TLP when collecting nomination forms from NEC. Mr. Mrema did not even attend when the candidate went to collect his nomination forms..... 157
- Picture 58: Some of the low cost polling stations made by tents used in 2015. NEC can improve such kinds of tents in future elections. 169

LIST OF MEDIA CLIPS

Media Clip 3.1:	A number of CCM cadres scrambling for CCM presidential candidacy.	55
Media Clip 3.2:	It was Member vs Lowassa as the media propagated. The caption reads ‘Lowassa vs Membe, who is sturdy.’ The yellow bold means ‘All is not well in CCM.’	55
Media Clip 3.3:	One of the giant contestants, Mr. Lowassa was dropped at the level of Kamati ya Maadili.	57
Media Clip 3.4:	The high tension which the CCM aspirants experienced during party’s nominations, while the CC and EC were deliberating their names in July, 2015 at Dodoma.....	57
Media Clip 3.5:	Left: Alleged to be a tweet by Jakaya Kikwete (CCM national chairperson), announcing the names of the top five. Right: Mwananchi’s cartoon showing jubilation and frustration altogether. The one ‘fallen down’ is purported to be one of the former prime ministers – by his look.....	58
Media Clip 3.6:	The CCM’s presidential aspirant-finalist was Dr. John Magufuli. He picked Ms. Samia S. Hassan as his running mate.	59
Media Clip 3.7:	Left: ‘Lowassa, Lowassa, Lowassa in 48 hours to decide whether his name is ‘sliced’ or not. Right: A very nice cartoon by Mr. Said Michael, who shows the defection of Mr. Lowassa from CCM house (in green window and door) to UKAWA coalition of four political parties (in blue window and door). Looking on are designed faces of persons purported to be CCM chairperson, general secretary and head of the publicity; while on part of UKAWA, purported to be CHADEMA’s chairperson and his colleagues who are in nervous-welcome mood of Mr. Lowassa.	60
Media Clip 3.8:	Purported to be the former top leader (Mkapa) ‘commands’ the incumbent leader (J.K) to check if there is better option from the list in the briefcase of presidential aspirants.	61
Media Clip 3.9:	Prof. Lipumba and Dr. Slaa in action.	62
Media Clip 3.10:	Mr. Lowassa invited to UKAWA camp. It was predictable that he was going to join CHADEMA.....	63
Media Clip 3.11:	CCM demonstrated its embellished rejection to Mr. Lowassa – to ensure that he really goes out of the game!.....	64

Media Clip 3.12: Left: Purported to be Mr. Bernard Membe and Mr. January Makamba hide behind Mr. Nape Mnauye’s back. They are, ghostly, pumping Mr. Nape to threaten Mr. Lowassa that he will be removed from the presidential battle. Looking on are clever citizens who say that ‘dictated mindset, don’t mix with yours.’ Right: the media clip explains how the enmity between Mr. Jakaya Kikwete (JK) and Mr. Lowassa was adversely affecting CCM.	64
Media Clip 3.13: CHADEMA’s leaders ‘cleansing’ Mr. Lowassa after joining their party in July 2015.	65
Media Clip 3.14: Right: a cartoon showing Dr. Slaa’s presidential trance disappearing away from him.	66
Media Clip 3.15: Right, a media clip which reads, ‘Prof. Lipumba has formally joined CCM.’.	67
Media Clip 4.1: Portraying slicing of CCM by Lowassa’s shadow and about to do the same to CHADEMA.	92

LIST OF ABBREVIATIONS AND ACRONYMS

ACHPR	African Court on Human and Peoples' Rights
ACP	Assistant Commissioner of Police
ACT-Wazalendo	Alliance for Change and Transparency
ADC	Alliance for Democratic Change
Adv.	Advocate of the High Court
AFP	Alliance for Tanzanian Farmers Party
ANC	African National Congress
APPT-Maendeleo	African Progressive Party of Tanzania
ASP	Afro Shirazi Party
BVR	Biometric Voter Register
Cap.	Chapter of the Law
Capt.	Captain
CCJ	Chama Cha Jamii
CCK	Chama cha Kijamii (CCK)
CCM	Chama Cha Mapinduzi
CEMOT	Coalition on Election Monitoring and Observation in Tanzania
CHADEMA	Chama Cha Demokrasia na Maendeleo
CHAUSTA	Chama cha Haki na Ustawi
CIDA	Canadian International Development Agency
CJ	Chief Justice
CSOs	Civil Society Organisations
CUF	Civic United Front
DEP	Democratic Empowerment Project
DEP	Democratic Empowerment Project
DfID	Department for International Development
DP	Democratic Party
Dr.	Doctor (of Philosophy)
ED	Executive Director
ELCT	Evangelical Lutheran Church of Tanzania
ESP	Election Support Project
EU	European Union
FBOs	Faith Based Organisations
FORD	Forum for Restoration of Democracy
FoRDIA	Concern for Development Initiatives in Africa
FPP	First Past the Post
G.N	Government Notice
GNU	Government of National Unit
H.E	His Excellence

HC	High Court
ICT	Information and Communication Technology
IDs	Identification Cards
IEC	Information, Education and Communication
IGP	Inspector General of Police
ITV	Independence Television
KM ²	Square Kilometers
LEAT	Lawyers Environmental Action Team
LEDECO	Legal and Development Consultants
LGAs	Local Government Authorities
LHRC	Legal and Human Rights Centre
LTO	Long Term Observers
MP	Member of Parliament
MPI	Mwanza Policy Initiative
NAFCO	National Agricultural and Food Corporation
NCCR-Mageuzi	National Convention for Construction and Reform
NEC	National Electoral Commission
NGOs	Non-Governmental Organizations
NLD	National League for Democracy
No.	Number
NRA	National Reconstruction Alliance
OCD	Police Officer Commanding District
ODK	Open Data Kit
ORPP	Office of Registrar of Political Parties
OSIEA	Open Society Initiative for East Africa
PCCB	Prevention and Combating of Corruption Bureau
PNVR	Permanent National Voters Register
PPT-Maendeleo	Progressive Party of Tanzania (PPT-Maendeleo)
Prof.	Professor
PWDs	Persons with Disabilities
REDET	Research and Education for Democracy in Tanzania
Rev.	Reverend
RPP	Registrar of Political Parties
SAHRiNGON	Southern Africa Human Rights NGOs Networks
SAU	Sauti ya Umma
STO	Short Term Observers
TACCEO	Tanzania Civil Society Consortium on Election Observation
TADEA	Tanzania Democratic Alliance
TAHURIFO	Tanzania Human Rights Foundation
TAMWA	Tanzania Media Women Association

TANLAP	Tanzania Network for Legal Aid Providers
TANU	Tanganyika African National Union
TBC	Tanzania Broadcasting Corporation
TCRA	Tanzania Communication Regulatory Authority
TEMCO	Tanzania Election Monitoring Committee
TGNP Mtandao	Tanzania Gender Networking Programme
THRDC	Tanzania Human Rights Defenders Coalition
TLF	Tanzania Leadership Forum
TLP	Tanzania Labour Party
TLR	Tanzania Law Report
TLS	Tanganyika Law Society
TOT	Tanzania One Theatre
UDP	United Democratic Party
UKAWA	Umoja wa Katiba ya Wananchi (Coalition of Citizens' Constitution)
UMD	Union Multiparty Democracy
UN	United Nations
UNDAP	United Nations Development Assistance Plan
UNDP	United Nations Development Programme
UPDP	United Peoples Democratic Party
URT	United Republic of Tanzania
USAID	United States Agency for International Development
USD	United States of America Dollars
VIP	Very Important Person
WEO	Ward Executive Office
WiLDAF	Women in Law and Development in Africa
WLAC	Women Legal Aid Centre
YPC	Youth Partnership Countrywide
ZEC	Zanzibar Electoral Commission
ZLSC	Zanzibar Legal Service Centre

PREFACE

The Tanzania Civil Society Consortium for Election Observation (TACCEO), which is a fusion of more than 17 local civil society organizations (CSOs) in Tanzania, is established as a loose network to, among other things, observe and monitor elections and democratic processes in Tanzania. The Coalition is coordinated by the Legal and Human Rights Centre (LHRC) which is one of its members. LHRC served TACCEO as the Secretariat and was mandated to undertake the day to day activities of the Coalition on behalf of other members.

The aim of this noble mission of election observation in Tanzanian democratic process was to unveil electoral and democratization potentials which need further improvements, in order to widen democratic rights in the country. Furthermore, the coalition (TACCEO) seeks to establish a model for which a better and useful election observation and monitoring could be conducted not only in Tanzania, but also in other countries. A number of traditional observation methods have been skipped by LHRC/TACCEO by introducing an ‘e-observation’ process, one of its kinds in the country’s history.

The report at hand covers the situation of the 2015 general elections. It is the second in row following a similar report done by TACCEO for the 2010 general elections. Just like the previous report, this one too, highlights some positive and areas which need further improvements as far as democratic elections are concerned.

However, unlike the 2010 report, this one features more discussions; analysis; incidents; illustrations; and, it is more elaborate because of the extensive use of media clips, dozens of colorful pictures and the real voices of the people interviewed by LHRC/TACCEO. Moreover, the 2015 report is crafted in such a way that, a reader will find it interesting reading all chapters, while at the same time learning the laws, rules and regulations governing electoral processes in Tanzania.

LHRC/TACCEO has tried as much as possible to balance the coverage due to the fact that, unlike previous elections, the 2015 was the most sensitive in the country’s history. For instance, it was for the first time that almost everyone, including the political scientist gurus failed to predict the winner of the presidential position, especially between CCM and UKAWA. The latter fielded their candidate through CHADEMA.

As it is further explained in chapter one of this report, LHRC/TACCEO’s election observation standards included the international and local legal principles and human rights laws governing civil and political rights.

The ingredients for this report are obtained from various sources; but, mainly from the short and long term election observers. A large part of the incidents used as illustrations were verified from the local authorities, and most of them (more than 90%) were directly witnessed by more than 2,000 observers who were deployed all over the country. The technical officers based in the LHRC/TACCEO’s main data centre, Dar es Salaam, had a system of filtering irrelevant and ambitious data from the field or bounced back the data for an observer to make further

clarification. Therefore, the authenticity or validity of the report is guaranteed for anyone to rely on it.

This report is brought to you as an advocacy tool as well as educational material. It is hoped that all issues discussed in this report in terms of the history, achievements, challenges as well as recommendations and way forward shall be of great assistance in planning strategies to improve the performance of the coming Elections in Tanzania and elsewhere.

Kindly note that, examples used in this report were for purposes of communicating a particular message and not to disgrace any one or any party. Therefore, readers are encouraged to read and consider all discussions positively. We can clarify further if a need arises. Please do not hesitate to write back to the secretariat about any feedback that you, as the reader, would have to share with LHRC/TACCEO.

.....
Ms. Martina Kabisama,
TACCEO Chairperson,
Dar es Salaam,
February, 2016.

.....
Dr. Helen Kijo-Bisimba,
Head of TACCEO Secretariat, LHRC
Dar es Salaam,
February, 2016.

EXECUTIVE SUMMARY

This report details some of the issues which happened during the 2015 general elections in Tanzania. It summarizes and analyses LHRC/TACCEO observers' individual reports from all constituencies which LHRC/TACCEO managed to reach out between August and December 2015 (that include the countermanded elections of November and December, 2015). The report covers a full circle of electoral processes including registration of voters; nomination of candidates; electoral bodies preparations for the elections; election campaigns; polling, counting, tallying of votes and declaration of the results. It also make analysis of the countermanded elections; roles of election stakeholders, including media; and a specific chapter on Zanzibar. It is the LHRC/TACCEO's second report in a row after the 2010.

LHRC/TACCEO had 200 long term observers; 2,100 short term observers; 66 data clerks; 11 technical data centre officers; secretariat and management of the coalition, who together monitored and coordinated collection of field data. Besides, LHRC/TACCEO made itself part of CEMOT, a wider election monitoring coalition which brought together TACCEO and University of Dar es Salaam based institution known as TEMCO. Through CEMOT, the coverage of the 2015 election involved 10,000 observers. The LHRC/TACCEO's data centre was able to capture, process, filtrate, analyze and communicate information from several of all these observers and members of the public. The report at hand embodied more than 90% inputs from those sources.

It is generally found that, the 2015 election was the most thrilling and heated one, more than any other elections in the country's history. The country witnessed huge turnout of political parties' supporters into election campaigns. The defection of former senior government officials (such as prime ministers), who were also veteran ruling party's cadres is linked to this high level of political enthusiasm.

The preparation of the elections by National Electoral Commission (NEC) seemed to have been well done this year as at least 90% of the polling districts had all election equipments supplied to them a week before the Election Day. Moreover, all polling stations, except for Kibangu constituency in Dar es Salaam and few others, had polling officers deployed. However, civic awareness, which is one of the preparatory duties, was not accorded sufficient attention. For instance, more than 60% of LHRC/TACCEO's respondents interviewed during the election campaigns said, they did not hear or participate in any form of civic or voters education in 2015. The impact of this situation are many, one of which being an increase in number of spoiled votes or ballot papers. For instance, a total of 1,507 votes (being 3.29% of total votes) for presidential elections were rejected as invalid ballot papers (votes) in 2015, compared with only 227,887 spoiled votes (being 2.65% of total votes) for 2010 presidential elections. Moreover, the voters' registration under BVR system did not spare voters from the same challenges they have been facing for years such as missing names and erroneous entries of their information in the voters' register. A good number of voters failed to vote in 2015 due to this and other reasons well elucidated in this report.

The parties' nomination processes had different approaches. The ruling party, CCM, maintained its usual procedures of organizing preferential votes for candidates of all levels before being

endorsed by the supreme organs. Its unusual decision to (allegedly) change the procedures at presidential level, by invoking its ethics committee resulted into the elimination of a number of high profile leaders, including the prominent contestant, Mr. Edward Lowassa. That decision led to Mr. Lowassa defecting to the opposition camp under their grand coalition, UKAWA. At UKAWA/CHADEMA, the former premier was automatically given a driver's seat to lead the presidential race. Therefore, as it is for the rest of opposition parties, CHADEMA did not have political bureaucratic to secure their presidential candidates' flag bearer.

The election campaigns drew public attention and almost everything came into a complete stop. The campaigns stole media attention, including social media. However, the presidential race seemed to have been between CCM and CHADEMA, the latter enjoying the support of UKAWA. LHRC/TACCEO observed that, some of the parties could not make a round of campaign meetings to more than two regions. Others began their campaigns a week before polling day, which was on 25th October 2015. Lack of funding, as TACCEO has established, is one of the attributing factors to this situation. Moreover, the year 2015 witnessed more use of public resources (facilities, organs and leaders) by the ruling party than other election years. The former presidents continued to backup actively the ruling party's campaigns. Incidents of district and regional commissioners campaigning for the ruling party were many, and a few of them have been indicated in this report. It is also an issue of concern that the authorities failed to control election corruptions and massive use of financial resources which overtly seem to have exceeded the limits set under the election expenses law. The cybercrime law was 'quickly' passed and assented to by the President for implementation at the middle of campaigns. LHRC/TACCEO and a number of individuals were the first victims of this draconian law. LHRC/TACCEO had its data centre's equipment seized by the police (under this law) before the release of the presidential election results. Besides, incidences of violations were reported to happen during campaigns, but were relatively fewer in number if compared with previous elections.

The polling, counting, tallying of votes and declaration of the results was peaceful, with only few isolated incidents of commotion, mostly attributed to delay in releasing the results in some constituencies. However, the release of presidential results on the part of URT presidential election was highly criticized by UKAWA as being unfairly favoring CCM and also, the results which were announced by NEC chairperson was alleged to have been 'skimmed' (technologically fabricated). Therefore, UKAWA wanted NEC to suspend the process of tallying and restart it manually. Of course, their repeatedly request yielded no positive results; and they could not object the results in court, as the current legal framework prohibits judicial challenge of presidential election results. The allegations of fraud, especially in the counting and tallying of votes processes were heard in some parts of the country. However, less than five parliamentary candidates have so far been able to file petitions in court to seek judicial redress. A few in numbers of judicial challenges is linked to the high filing fees and the requirement for paying security for cost for an aggrieved person before his/her petition can be entertained by the judiciary. Another unusual incident which really daunted the 2015 elections was the decision of the ZEC's chairperson to annul the whole of Zanzibar's elections on the allegation of irregularities.

The countermanded elections, which were conducted in six constituencies for parliamentary candidacies and several places for councillorship candidacies were quite peaceful with very little

disruptions reported. However, these elections attracted little public attention during the campaigns; and very little voters turnout (most of them below 50%). There was military deployed on the streets during these elections, probably in a bid to counter any possible post-general election commotions.

LHRC/TACCEO reiterates its 2010 recommendations, that there is a need to revamp the current institutional and legal framework on election management in Tanzania in order to make the electoral and democratic processes more transparent, free and fair, unlike the current situation, where the ruling party acting through the incumbent president, who is also the national chairperson of the party, seem to have undue influence to the electoral bodies, and the election process as it is argued with examples in the main text of this report.

Basing on what transpired during the 2015 election, LHRC/TACCEO is of the view that the election was free but not fair.

CHAPTER ONE

GENERAL INTRODUCTION

1.1 TANZANIA: COUNTRY PROFILE

1.1.1 Location and Administrative Divisions

The United Republic of Tanzania (URT) is one of five East African (EA) countries. It is located between latitudes 1⁰ and 12⁰ south and longitudes 29⁰ and 41⁰ east.¹ The URT is comprised of Tanzania Mainland and Zanzibar following the 1964 union of Tanganyika (former name for Tanzania Mainland) and Zanzibar. Tanzania has total of 30 regions, whereby 25 are in Mainland² and the remaining are in Zanzibar.³ Zanzibar is comprised of two islands, namely; Unguja and Pemba. In each region, there are between two and five districts, and several wards and villages down the districts. Currently, there are 136 districts with a total of 169 district, town and municipal councils; 3,802 wards; 3,741 streets; 12,443 villages; and 64,616 hamlets⁴ (commonly known as '*vitongoji*' in Kiswahili). However, the said numbers of wards, streets, villages and hamlets are for Tanzania Mainland alone. Zanzibar has its own administrative arrangement, whereby down the district level, there are wards and *Shehiya* (kinds of villages).

The total land area of Tanzania is 945,090 square kilometers (KM²), laying between the Indian Ocean in the east, Lake Tanganyika, Rwanda and Burundi in the west; and Kenya and Mozambique in the north and south respectively as Figure 1.1 below shows.

The largest city in terms of population density is Dar es Salaam (approximately 5 million residents), while the five largest cities or regions in terms of geographical location are Tabora (76,151 KM²), Morogoro (70,799 KM²), Lindi (67,000 KM²), Ruvuma (66,477 KM²), and Mbeya (62,420 KM²); while the smallest regions in terms of geographical locations include Unguja Kaskazini (470 KM²), Pemba Kusini (332 KM²), and Unguja Mjini Magharibi (230 KM²). Dar es Salaam has 1,393 KM², an area which makes it geographically smallest city or region in Tanzania.⁵

¹ LHRC (2012), Tanzania Human Rights Report of 2012. LHRC: Dar es Salaam. Page 1.

² The Mainland regions are Dar es Salaam, Pwani, Morogoro, Dodoma, Singida, Tabora, Shinyanga, Simiyu, Mwanza, Mara, Geita, Iringa, Mbeya, Njombe, Ruvuma, Lindi, Mtwara, Katavi, Rukwa, Mbeya, Tanga, Arusha, Kilimanjaro, Manyara, and the newly formed region Songwe, which is split from Mbeya region.

³ The Zanzibar's regions are Unguja Kusini, Unguja Kaskazini and Unguja Mjini Magharibi (for Unguja) and Pemba Kaskazini and Pemba Kusini (for Pemba).

⁴ URT, Maandalizi ya Uchaguzi wa Serikali za Mitaa. Accessed on 15th December, 2015 from: <http://www.pmoralg.go.tz/noticeboard/tangazo-1021-20141128-Maandalizi-Uchaguzi-wa-Serikali-za-Mitaa-Waridhisha/>

⁵ Maps of the World 'Maps of Major Cities of Tanzania.' Accessed on 30th December, 2015 from: <http://www.mapsofworld.com/tanzania/cities/>



Figure .1: Map of Tanzania showing different regions and neighboring countries

The geographical and population sizes, as it is further discussed below, have direct implication to election coordination or management. For instance, the distribution of voting materials and collection of the same as well as tallying at district based tallying centres. However, on exceptional cases, some of the urban places, such as Kimara, Dar es Salaam (less than 15 KMs from National Electoral Commission (NEC)'s head quarters), experienced delay of voting materials for more than ten hours on the polling day (i.e 25th October, 2015).

1.1.2 People, Culture and Demographic Features

According to the 2012 National Census Report⁶ Tanzania has a population of 44,928,923 of which 43,625,354 are in Tanzania Mainland and 1,303,569 are in Tanzania Zanzibar. The population density has increased from only 12 million in 1967, when the country carried out the first national census. Females accounts for 51.3% of the total population. Children aging between 0-17 years made 42.9% of the total population, while 60+ and 65+ years had only 4.1% and

⁶ URT, Tanzania in Figures 2012. National Bureau of Statistics and Ministry of Finance, June 2013. Page 9.

2.7% shares of population size respectively.⁷ Therefore, about 50% of the current population (2015) was eligible to vote for this year's national elections as it is further explained in this report under voters registration sub-section. According to Article 5 of the Constitution of Tanzania, the eligibility age for voting is 18 years; while for contesting for political positions varies depending on the political position, which a candidate wishes to vie for.

Despite the fact that Article 17 of the Constitution of the United Republic of Tanzania of 1977 allows Tanzanians to live anywhere in the country, such freedom is limited when it comes to voting. The habitual resident of Tanzania Mainland cannot vote for Zanzibar's elections. However, a Zanzibarian can vote in the Mainland provided that he or she is registered in the Mainland at a particular registration centre. Moreover, a resident of Mainland Tanzania cannot vote anywhere within the country apart from the polling station allocated to him/her (where he/she was registered).

As it is further discussed in part two of this report, LHRC/TACCEO calls for rectification of this situation by, among other things, adopting a technology which will enable the electoral commissions of the Mainland and Zanzibar to allow voting from any district at least for presidential candidates.

Despite the fact that there are more than 120 ethnicity groups in Tanzania (each with its own vernacular language), still all Tanzanians are united by Kiswahili language, which is also the official language. Moreover, English language is also used as primary language in business, judiciary, and education (as a subject for public primary schools, and as medium of instruction for secondary and university education). The Constitution of Tanzania (for instance, Article 67(1) (a)) and electoral laws (mentioned in subsequent parts) require knowledge of Kiswahili or English for anyone who desires to contest for any political position in Tanzania.

1.1.3 Governance Structures

i. Executive

The executive arm of the state is headed by the President of the URT; but Zanzibar has its own President. The presidents of URT and Zanzibar have enormous constitutional mandates, including appointment of the Chairpersons and Directors of the National Electoral Commission (NEC) and Zanzibar Electoral Commission (ZEC) respectively. They are also appointing authorities for the judges.

Below presidential positions are ministers, regional commissioners (political heads of the regions mentioned above), district commissioners (political heads of the districts mentioned above), and district or municipal executive directors who are heads of local government authorities (LGAs). Tanzania Mainland has decentralized governance structure whereby, local government authorities (established under Article 145 of the Constitution of Tanzania) are given semi autonomous on some issues. The functions of the local government authorities (LGAs) are provided for under provisions of various laws. For instance, Section 54(1) (a) of the Local

⁷ URT, Basic Demographic and Socio-economic Profile Report – Mainland Tanzania. National Bureau of Statistics, April 2014. Page 11.

Government (Urban Authorities) Act, 1982 mandates the said authorities to maintain peace, order and good government.

Therefore, the state has two levels of government; namely, the central government and LGAs. In this unitary state, LGAs is a non-union matters, whereas Tanzania mainland has its own structure of LGAs distinct from that of Zanzibar.

Section 9(1) of the Local Government (Elections) Act, Cap. 292 and Section 7(1) of the National Elections Act, Cap. 343 designate district executive and municipal directors as returning officers in elections. Other officers in the district level can also be designated as electoral officers under the said laws and regulations.⁸

It is therefore the executive arm of the government that coordinates elections in both sides of the URT. LHRC/TACCEO considers this as an issue of concern especially due to the fact that, i) all political and technical top leaders are appointees of the president, who is, according to the ruling party's system, also a chairperson of the party; and, ii) even the commissioners of the electoral commissions and the Director of Elections are presidential appointees. This has been a long stay cry especially by the opposition and has remained to be the case during the 2015 elections. As such, LHRC/TACCEO recommends for needed reforms to make the electoral commissions winning public confidence.

Moreover, the said constitutions and legislation mandate the presidents of URT and Zanzibar to create more regions and districts or merging the same. However, power to demarcate the URT into constituencies is vested to NEC and ZEC. In this case, some of the districts had more than one constituent during the 2015 elections. At least 26 new constituencies were established in Mainland Tanzania during this election to make a total of 264 constituencies for parliamentary seats in 136 main districts.

ii. Judiciary

The composition, powers and functions of the judiciary are provided for under the provisions of the Constitution of Tanzania of 1977 and the Constitution of Zanzibar of 1984. Article 107A of the Constitution of Tanzania mandates the judiciary to be an authority with final decision in dispensation of justice in the country. The judicial hierarchy of Tanzania includes the Court of Appeal as the supreme court followed by the High Court, Resident Magistrate Courts, District Courts and Primary Courts down the line. Besides, there are special tribunals and quasi-judicial bodies for adjudication of land, labour, tax matters, etc. There is also a court martial for military offences.

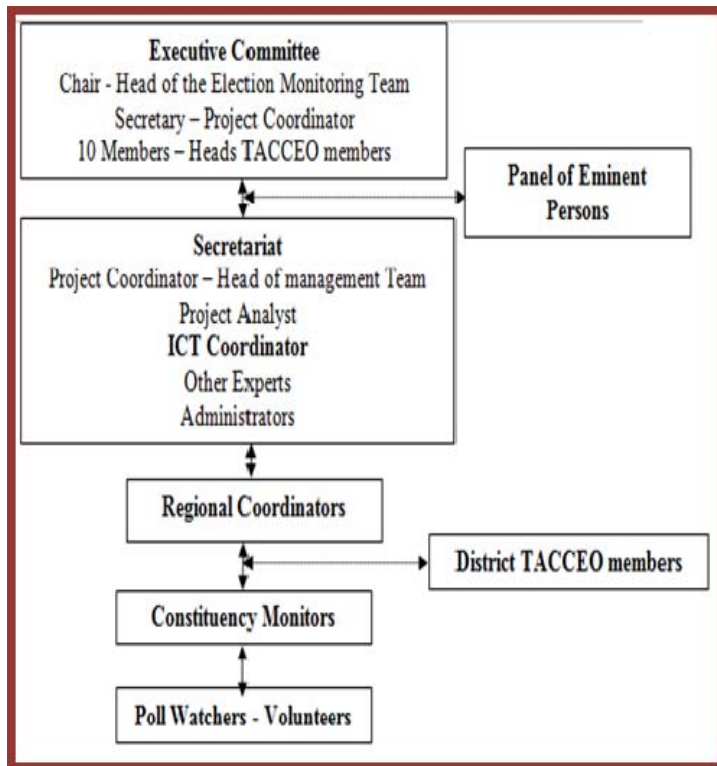
The agrived person of the election results has the right to petition to the High Court under Sections 108 – 117 of the National Elections Act, Cap. 343, if the grievance relates to election for member of parliament, and to the Resident Magistrate's Court if the grievance is in respect of councilorship as per Sections 107 – 116 of the Local Government (Elections) Act, Cap. 292.

⁸ Mainly, the Local Authorities (Councilors' Elections) Regulations, 2015; and, the National Elections (Presidential and Parliamentary Elections) Regulations, 2015 (both issued on 31st July, 2015).

However, according to Article 41(7) of the Constitution of Tanzania of 1977, for Presidential position once “a candidate is declared by the Electoral Commission to have been duly elected, then no court of law shall have any jurisdiction to inquire into the election of that candidate.” LHRC/TACCEO considers this as a serious issue of concern as apart from denying aggrieved person the right to seek judicial recourse, it also, i) contradicts with the generality of Article 107A on the mandates of the judiciary; and, ii) may cause civic commotion in future elections when an aggrieved person would act weird or ‘unruly’ towards the results. It is only Tanzania within East African block which still maintain such a bad provision.

The law sets time limit within which the election petitions can be lodged in court, including the period for which the hearing of petition shall be conducted.

iii. Legislature



According to Article 62 of the Constitution of Tanzania, the union parliament has two parts; namely, the President and National Assembly. The elections, eligibility and functions of the parliamentarians are articulated under the provisions of the Constitution of Tanzania of 1977. The Zanzibar’s legislature is termed as ‘House of Representatives.’ The union parliament is comprised of elected parliamentarians from the Mainland, and Zanzibar. However, the House of Representatives is purely for Zanzibaris.

There are currently a total of 393 parliamentarians of whom 5 are from Zanzibar; 113 women special seats; 10 president’s nominees; and the Attorney General, who is an ex-officio Member of Parliament.

1.2 INTRODUCTION TO TACCEO

1.2.1 Inception and Institutional Setup of TACCEO

The Tanzania Civil Society Consortium for Election Observation (TACCEO) is a fusion of more than 17 local civil society organizations (CSOs)⁹ in Tanzania, including; the Legal and Human Rights Centre (LHRC); Tanzania Gender Networking Programme (TGNP Mtandao); Women Legal Aid Centre (WLAC); Southern Africa Human Rights Non-Governmental Organization (SAHRiNGON); Tanzania Media Women Association (TAMWA); Concern for Development Initiatives in Africa (FoRDIA); Lawyers Environmental Action Team (LEAT); Policy Forum; Tanzania Network for Legal Aid Providers (TANLAP); Mwanza Policy Initiative (MPI); ACCORD; Tanzania Human Rights Foundation (TAHURIFO); Tanzania Leadership Forum (TLF); Youth Partnership Countrywide (YPC); HAKIMADINI; Zanzibar Legal Aid Service Centre (ZLSC); and Women in Law and Development in Africa (WiLDAF). All TACCEO members were previously members of the Tanzania Election Monitoring Committee (TEMCO) and participated in the monitoring of the general elections held in 1995, 2000, 2005 and 2010.

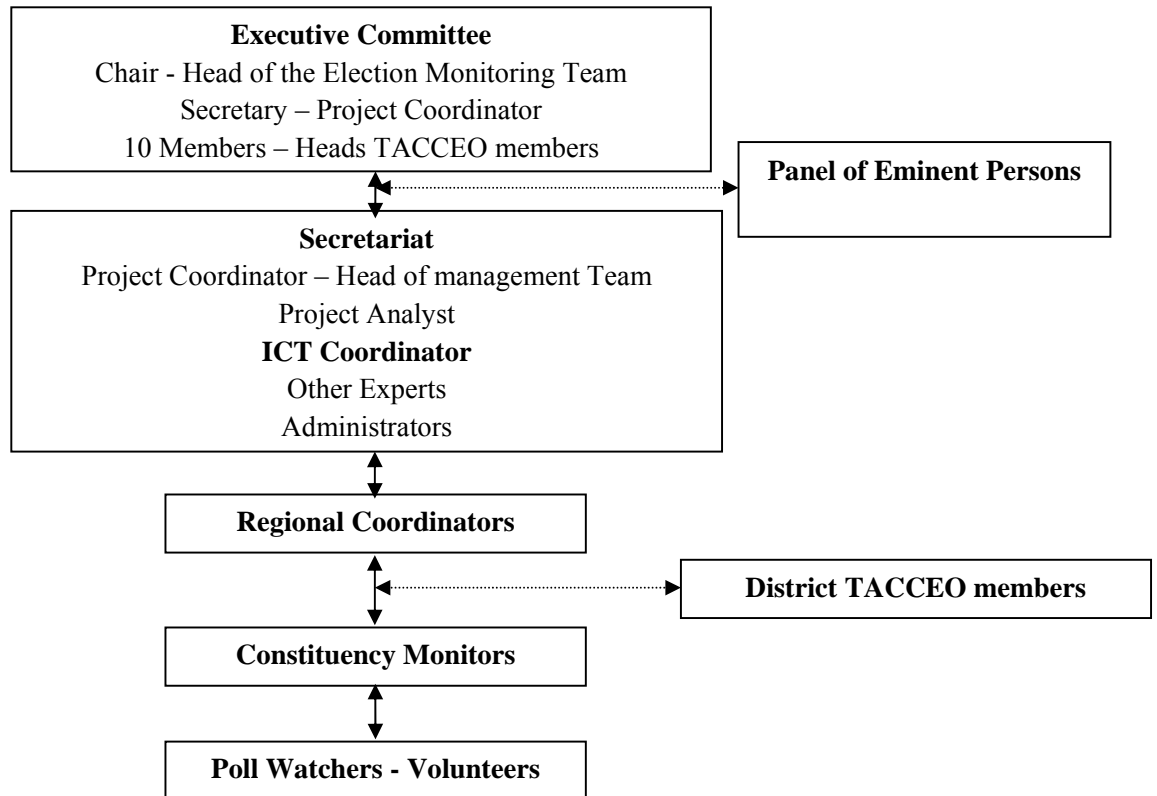


Figure 1.: Organization Structure of TACCEO.

⁹ All CSOs have wide and vast experience in elections monitoring, promotion of good governance, anti-corruption, gender equity and equality, human rights, civic and voters' education in Tanzania.

TACCEO, which is a loose non-governmental, non-partisan and not-for-profit consortium, is aimed at monitoring elections and democratic processes in Tanzania in order to diffuse potentials of abuse and later on provide constructive recommendations that may lead to improvement of the electoral system and expansion of democracy in Tanzania.

The operational structure of TACCEO is consisted of six administrative organs, flowing downwards from national to the grassroots levels as shown in Figure 1.2.

- (i) Steering Committee, which is a platform of heads of TACCEO members, is the supreme organ of the coalition;
- (ii) Secretariat, as coordinator of the consortium is currently under LHRC;
- (iii) Regional coordinators, operate at regional level especially during election years;
- (iv) Constituency monitors, operate at district level, also during election years;
- (v) Poll watchers; operate at polling stations or ward, village or Shehiya levels.
- (vi) Other field supporters.

During the 2015 elections, the consortium managed to recruit and deploy 9 technical officers and 66 data clerks at the secretariat level; and 200 long term observers (LTO), who were assisted by 2,100 short term observers (STO). Besides, a total of 160 graduate volunteers (53.1% being females) assisted the consortium to monitor registration of voters in the Biometrical Voters' Registration (BVR). The methodology part of this report discusses more about the recruitment, preparation and deployment of the said observers and monitors.

1.2.2 About the LHRC

The Legal and Human Rights Centre (LHRC) is a private, autonomous, voluntary non-governmental, non-partisan and non-profit sharing 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 and human rights awareness among the public and in particular the underprivileged section of society through legal and civil education, advocacy linked with legal aid provision, research and human rights monitoring.

The Legal and Human Rights Centre was established in 1995 out of experiences and lessons generated from The Tanzania Legal Education Trust (TANLET) and the Faculty of Law of the University of Dar es Salaam. The Founders of the LHRC were young lawyers who had participated in the Legal Aid Committee of the Faculty of law of the University of Dar es Salaam and its legal aid camps. They were somehow disillusioned by the nature of the States and its policies which were increasingly departing from the interest of majority of the people. They observed increasing human right violations such as, land evictions of Maasai pastoralists, human rights abuses to the people of Hanang whose land had been acquired by the government and turned into big wheat farms of NAFCO. Hence the idea of setting an independent human rights centre. Its perations are mainly focused in Tanzania Mainland with specific interventions in Zanzibar. LHRC is a member of different national, regional, international NGO Networks and human rights bodies.

1.2.3 TACCEO in a Stronger Grip with CEMOT

There was also established the Coalition on Election Monitoring and Observation in Tanzania (CEMOT), which brings together TACCEO, LHRC and the Tanzania Election Monitoring Committee (TEMCO), the programme coordinated by the Research and Education for Democracy in Tanzania (REDET) of the University of Dar es Salaam. The major thrust of the coalition was to enhance citizens' engagement in the observation and monitoring of the 2015 Tanzania electoral processes in order to determine the extent to which they were credible, free and fair.

The CEMOT used TEMCO's and TACCEO's observers, 350 as LTOs (TACCEO had 200 LTOs) and 10,000 as STOs (TACCEO 2,100 STOs) countrywide – using own designed CEMOT observation tools. Therefore, there was a strong synthesis between TACCEO's, TEMCO's and therefore CEMOT's observers, an arrangement which contributed to a wider coverage of local election observation in Tanzania.

1.2.4 Essence and Rationale of Election Monitoring and Observation

TACCEO believes that domestic impartial, credible and objective monitoring or observation of elections can greatly enhance transparency as well as public confidence and integrity of the election process and political leadership that is elected. The belief is based on the assumption that during the parties' nominations; election campaign; voting; counting and tallying of votes; and declaration of results, monitors and observers provide an independent scrutiny of the electoral process, and that, as said above, is the reason for TACCEO's formulation.

The mechanisms through which elections can be held in a fair and transparent manner is of utmost importance wherever leaders seek to legitimize their rule through elections. The freely and fairly elected public office bearers are expected to be at the forefront of promoting good governance and accountability. Furthermore, it is TACCEO's conviction that monitoring and observation of elections is essential due to the fact that, elections are platforms which facilitate citizens with a unique opportunity to elect their leaders; hence, determine their future destinies (the will of the people is the basis of authority of government as per Article 21(3) of the Universal Declaration of Human Rights (UDHR) of 1948 and Article 8 (1) (a) of the Constitution of the URT of 1977).

The 2015 was the second national elections observation after successfully doing the same in 2010 elections. LHRC/TACCEO believes that, due to its high proficiency, which was backed up with high extra-ordinary and unique election monitoring technology in Tanzanian history,¹⁰ it has managed once again to do it better apparently more than any other election observation or monitoring institutions or individuals in Tanzania.

¹⁰ Note that, the nature of the team and organizations forming TACCEO; intensity of methodology employed; quality of data collected; analysis of the data and information; validation of data and information, hence neutrality of the same; arguments and information; etc as it is presented in this report, can clearly authenticate this reality.

The subsequent paragraph of this report explains the specific objectives of TACCEO's engagement in the election observation.

1.2.5 Objectives of Election Observation

As it is explained above and in the 2010 similar report, election observation was aimed at assessing the extent to which the electoral process complied with local and international standards governing elections, and thereby detect any shortcomings and/or irregularities 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 election.

Other reasons for election monitoring, according to LHRC/TACCEO are to make an assessment as to whether:-

- i. There is transparency in the electoral process;
- ii. There is smooth intra-party nomination process and peaceful elections campaigns;
- iii. The election administrators are effective, impartial, independent and accountable;
- iv. The law enforcement agencies act impartially, objectively and according to the laws of the land;
- v. The electorates are informed of their rights through civic and voters' education programmes;
- vi. There is equal participation of marginalized women and men;
- vii. There is equal access for candidates and political parties to state resources;
- viii. There is equal access for candidates and political parties to coverage by state and any other media;
- ix. The elections are conducted in a peaceful atmosphere and that; they are seen to be free from violence and intimidation;
- x. There is conducive atmosphere for voters to exercise their right to vote voluntarily.
- xi. The elections are conducted and actors behave in a manner that is free from corruption and vote rigging;
- xii. The election results declare the actual winners and losers, and responses of contenders.
- xiii. There is a means and mechanism to manage election related conflicts.

The local and international election monitoring and observation standards used by LHRC/TACCEO to assess the 2015 elections are highlighted below.

1.3 LOCAL AND INTERNATIONAL ELECTION OBSERVATION (AND MONITORING) STANDARDS

There is no specific or comprehensive national or international legal framework on election monitoring and observation; rather, there are pieces of principles deduced from the laws, rules and regulations governing electoral processes and political democratizations in general. Such rules include the ones issued by NEC and ZEC during every election year.

LHRC/TACCEO takes this situation into granted by devising its own monitoring and observation standards, deduced from national and international pieces of legal instruments. In this way, every election matter, even if trivial and remote is taken into account by LHRC/TACCEO when it sets-up observation standards, which would, among other things, be used as criteria for free and fair elections.

The leveling grounds ascertained by LHRC/TACCEO in order to assess the fairness and whether the election was free, included the following factors, which were clearly mainstreamed in the election observation tools (questionnaires, checklists, and guides in the form of booklets as the picture here shows):-¹¹



- i. That, 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;
- ii. That, 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;
- iii. That, 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;
- iv. That, there exists a strong legal and constitutional basis to support democratic principles and emphasize free and fair elections;
- v. That, 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;
- vi. That, all those who are eligible to vote are allowed, without any restriction, to register as voters so that they can participate in the elections;
- vii. That, in the registration of voters, the nomination process and management of the whole electoral exercise, gender equality is strictly adhered to;

¹¹ The same standards used by TACCEO in 2010 general elections. See: LHRC and TACCEO (2010), Report on the United Republic of Tanzania General Elections of 2010. LHRC & TACCEO: Dar es Salaam. Pages 6 and 7.

- viii. That, in the nomination process within the political parties a fair and just system of nomination of candidates is established and followed;
- ix. That, 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.
- x. That, political parties and candidates have been afforded equal access to both public and private media;
- xi. That, there has been sufficient voter education to the population as well as officers of the electoral institutions and the candidates;
- xii. That, 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;
- xiii. That, all political parties have been transparent on their sources of funds to finance the party activities and operations as well as the election campaigns;
- xiv. That, the vote is secret and the voters have been enabled to elect candidates of their choice;
- xv. That, there is a reliable system of counting and tallying of votes as well as announcing the results;
- xvi. That, there is a proper and reliable system of settling disputes arising out of the electoral process;
- xvii. That, the whole electoral exercise has been conducted in a peaceful manner;
- xviii. That, the election results have been received well by political parties, candidates, the international community and the people in general.

As it was observed in the 2010 TACCEO report (cited above), this list is not exhaustive but it provides the basics of a free and fair election - it just highlights minimum criteria for free and fair elections in any democratic nation. It should be noted that the observation assessment as presented in this report did not chronologically address each of these standards; rather, the deliberation on each stage of electoral process, as it happened up to 25th October, 2015 and thereafter, including the countermanded elections of Handeni, Arusha urban, Masasi, Lushoto, Ulanga East and Ludewa constituencies has been gauged by specific standard guidelines.

1.4 METHODOLOGY OF ELECTION OBSERVATION

1.4.1 Observation Sampling: Scope and Criteria

LHRC/TACCEO sampled all districts of Tanzania, except one (Kishapu district in Shinyanga region), which was skipped due to technical challenges. Basing on the total number of constituents, which is 264 countrywide, LHRC/TACCEO's coverage was 75.6%. However, in terms of district, township and municipal councils (in which there were a total of 136 districts and 169 of these local authorities), the coverage was 147.1% and 118.3% respectively, which have never been done by any local or international election monitoring and observation body in Tanzania. This fact, the technology employed and the efficiency demonstrated by the TACCEO's election officer drew attention of hundreds of experts, who visited the data centre to learn how it works – managing numerous field data feedings within a second.



Picture .1: Some of foreign delegates listening to the technical officer, Ms. Geline Fuko, at LHRC/TACCEO's Data Centre, Dar es Salaam.

Therefore, there was no sampling in terms of district coverage. LTOs and STOs were at liberty to visit any ward, or constituency with the district, or any polling or tallying stations and centres. The deployments statistics show that all geographical areas in terms of rural-urban based were evenly covered by LHRC/TACCEO.

1.4.2 Observation Approaches: Intra and Inter Coordination of Elections

1.4.2.1 Data Collection and Analysis - from LTOs

Unlike previous election observation (of 2010), this time around TACCEO widened its scope observing the process from the level of voters registration. As it is further explained in the coming chapter, the country embarked on Biometric Voters Registration (BVR) to replace the old Optical Mark Recognition (OMR) which facilitated production of the Permanent National Voters Register (PNVR) that used to manage elections in 2010 and beyond. LHRC/TACCEO recruited a total of 160 Long Term Observers (LTOs), out of whom, 85 or 53.1% were females and the remaining 75 or 46.9% were males.



Picture 1.: Left: A cross-section of BVR observers attending training. Right: Some of the LHRC/TACCEO’s BVR observers listening to the BVR operator in 2015.

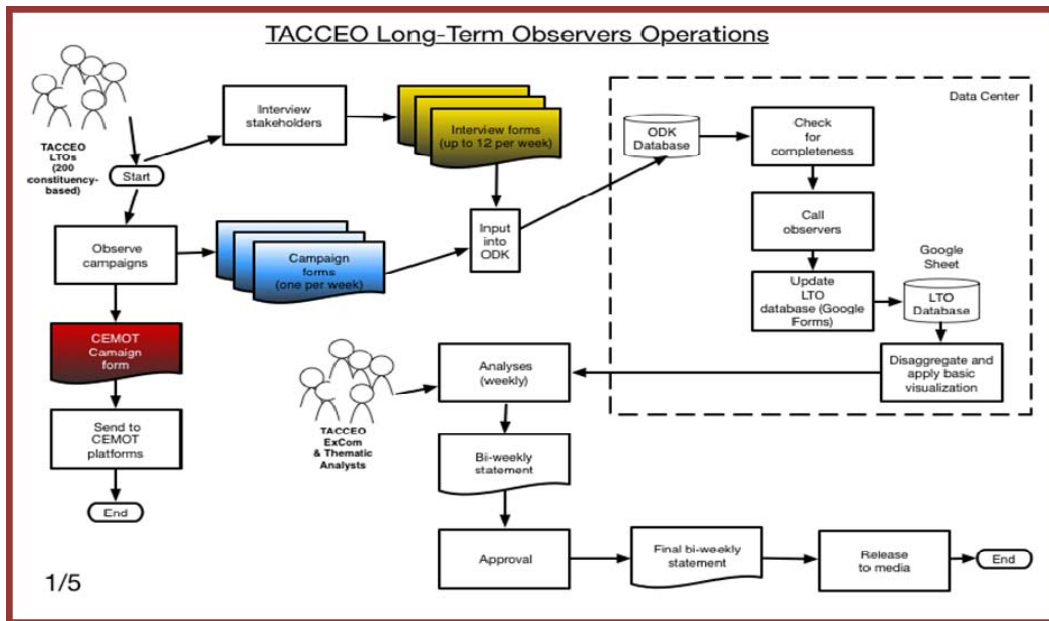
Except five (3.1%) the rest (96.9%) were youths, below 35 years of age as per National Youth Policy of Tanzania. All observers were graduates.

Almost the same approach was used for subsequent electoral stages. A total of 200 LTOs (43% being females and 57% being males); and 2,100 short term observers (STOs) (59%% being males and 41% being females) were re-recruited and re-deployed to observe the electoral campaigns, polling and post-polling events all over the country. As it further explained in Figure 1.3 below, LHRC/TACCEO’s election observation involved intra and inter networks or a web of observers and technical staffing.

The use of both traditional and ICT means of election observation facilitated smooth and quick communication flow from the field to the centralized systems. The systems is designed to timely collect, clean and conducts systematic data analysis using ICT applications and tools and later share the information with the general public. Not only that but also it meant to improve the quality of information received from the field because it provides space for verification and authentication of the information. In addition the hub is meant to map election incidences and intervene where possible through sharing the information with proper authorities.

The infrastructure used in the Centre was designed to promote citizen's Journalism as well as mainstreaming the marginalized voices. Additionally, it was meant to support the use of crowd sourcing applications to inspire citizens’ participation, engagement and meant to amplify their voices in the 2015 general election. The diagram below showcases the mixed methodology of election observation Centre.

Figure 1.: TACCEO’s Intra and Inter Observation’s Operations



Source: LHRC/TACCEO’s Database Centre, 2015.

The 200 LTOs feed into the system two sets of field reports namely; campaign filled in forms (structured reports) marked in blue in the figure; and interviews filled in forms (structured reports), marked in gold/ yellowish color in the figure. The interview reports covered individual LTOs’ interviews with the election stakeholders, including the police; the Prevention and Combating of Corruption Bureau (PCCB); political parties; and CSOs. The reports were sent electronically to the TACCEO’s data centre using the Open Data Kit (ODK), a round shape in the figure and posted automatically to the huge screens for every data clerk to see as pictures below show:-



Picture 1.: LHRC/TACCEO’s Data Clerks managing received data from the LTOs.

Then, the data in ODK were being stored into the data base; but, before that, the full time retained 65 data clerks had to assess, verify, and authenticate the same before keying them into

the database under close supervision of local and international technical team, which had more than 10 experts in Information Communication Technology (ICT), law and other backgrounds. Pictures below show some of the members of the technical team:-



Picture 1.: Some of the technical team members in actions at LHRC/TACCEO's Data Centre.

From the TACCEO's data centre, further analysis and interpretation were done by the executive committee and external professionals under the media, political and gender themes. Then, weekly statements were issued, approved and communicated to the public as Figure 1.3 above shows.

LHRC/TACCEO set a public web portal that incorporated different web platforms to facilitate observation of election, information flow and mapping of incidences during the election. The web portal which is available at the following URL <http://www.uchaguzi.info.tz> has integrated four main online platforms as described below:

- i. *Ushahidi* platform, a crowd source platform that is designed to map election incidences as well as to provide a platform for citizens engagement in the electoral process. The platform is available in the following URL <https://www.uchaguzitanzania.or.tz>.
- ii. The web portal has also incorporated social media platforms, such as face book and twitter, is available at <https://www.facebook.com/chaguzitanzania> <https://twitter.com/ChaguziTanzania> respectively.
- iii. LHRC also set an online video database that broadcast different clips about election. It is a blog called *Uchaguzi TV*, available at <http://www.uchaguzitv.info>



Picture 1.: Interface that showcases online TV and Radio.

Apart from the web portal, other platform invested and used in the hub includes Apollo database. The Apollo database was the web based database which was only used on Election Day, data were entered directly from STOs through structured (coded) message and were transmitted via Telirivert application. Once the message reaches the database it automatically unfolds itself and adds up to statistic. If the structured code is mistakenly sent the system rejects its admission. The STOs were obliged to send four messages per day in the interval of four hours.

Other platforms were *Google* forms application to tap information from LTOs in the field, ODK which is a data collection application for Androids, Telerivert SMS Gateway which was designed to collect, facilitate communication flow within and between systems.

In order to ensure there is quality observation of the electoral process in Tanzania, TACCEO conducted supportive supervisory visit in all regions of the Tanzania Mainland and Zanzibar. The supervisory visit meant to support TACCEO's LTOs in the field, collect key information and data as to supplement the key findings that were obtained by the observers and to network with Local Government Authorities for the purpose of sharing experience and advice where necessary.

The supervisory visits therefore covered all constituencies where LTOs were deployed. The visits consumed a maximum of 10 days. TACCEO/ LHRC had six teams which were assigned in specific zones. The supervisory zones were the Lake Zone; Central Zone; Zanzibar Zone; Northern Zone; Southern Highland Zone; and Eastern Zone. Each zone consisted of two people in each team except Zanzibar which was conducted by Zanzibar Legal Services Centre (ZLSC) and Eastern part was conducted by LHRC's Executive Director.

Specific Assignments

The supervisors physically visited the local authorities/constituents and meet the LTS for the purposes of implementing the following:-

- i. Monitoring the presence of observers in the field;
- ii. Check if the observers perform their assigned task;
- iii. Assessed whether the LTO has the pre – election observation tools (TACCEO interview form, TACCEO pre – election monitoring form and TACCEO long term observation report that she/he is using them effectively and verify pre – election observation tools where necessary if it contained empirical data;
- iv. Check if the observers fill accurately data capturing tools;
- v. Mentor observers on their roles;
- vi. Collect key data to inform the ongoing pre -election process where necessary.
- vii. Report and feedback;
- viii. Prepare and submit final field report.

Pictures below show LTOs and the supervisor, Dr. Helen Kijo-Bisimba, LHRC Executive Director (ED), in the field at Dar es Salaam and upcountry consistencies.



Picture 1.: LTO with LHRC's ED in Newala. Right: the ED with Segerea LTO in Vingunguti Area in Dar es Salaam, at one of the campaign rallies.



Picture 1.: Kigamboni LTOs in a campaign rally.

1.4.2.2 Data Collection and Analysis - from Public Portal

Data collection from the field was not limited to LTOs (and STOs) alone. LHRC/TACCEO innovatively designed the public portal or ‘crowd source’ whereby, every member of the community was allowed to send in useful electoral information from where he or she is by using a text message, which were then received, assessed, filtrated and then stored by the clerks under technical assistance of the ICT and other experts as a combination of pictures below show:-

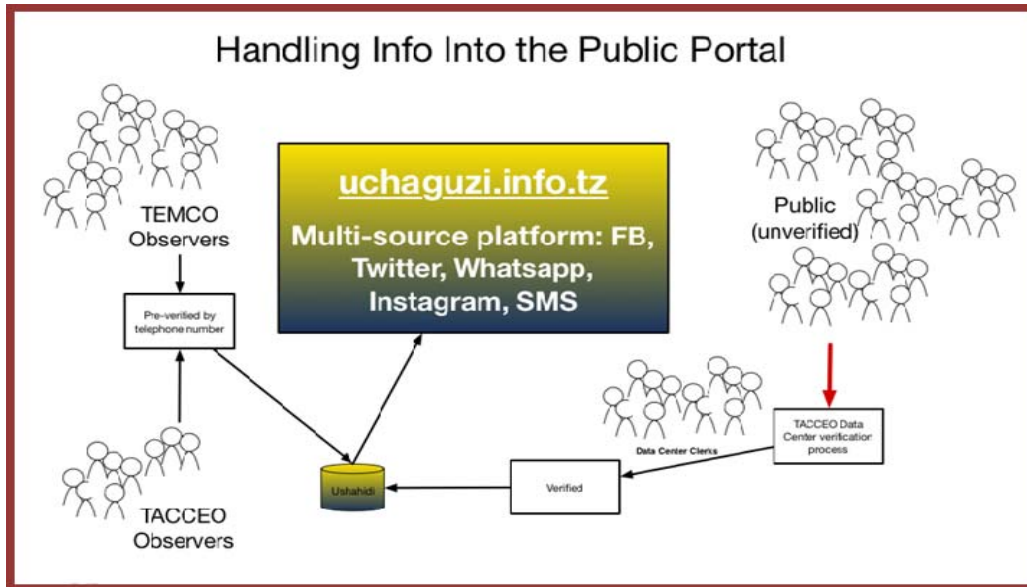


Picture 1.: Data clerks and technical team members work on data received from crowd sources.

As it is further illustrated under Figure 1.4 below, data from general public (top-right in the figure below) were received by the data centre for verification and then, qualified pieces of data were channeled to USHAHIDI database (another set of database apart from ODK). A total of 6,598 messages were received in this portal, but having been verified, only 4,598 (being 69.7%) were ultimately stored in the USHAHIDI database, and then communicated to the website

www.uchaguzi.info.tz, which was linked with a number of LHRC/TACCEO’s social media as shown in the diagram.

Figure 1.: Flow of Data from General Public to TACCEO’s USHAHIDI Database.



Source: TACCEO’s Data Centre, 2015.

More than 119,000 direct page viewers were recorded visiting the above website. However, a good number of public members from within and outside Tanzania accessed information posted on this website through social media linked or associated to this website as Table 1.1 (on Facebook visitors alone) below shows:-

Table .1: Number of Visitors in Facebook Platform – Linked to TACCEO’s USHAHIDI Website

The number of people who engaged with USHAHIDI’s Facebook page. ¹²	The number of people who have seen any content associated with USHAHIDI Facebook page (Unique Users)	The number of impressions seen of any content associated with USHAHIDI page (Total Count)	The number of people who liked USHAHIDI page and who were online through the election observation period. (Unique Users)
714,723	3,657,712	941,358	16,614

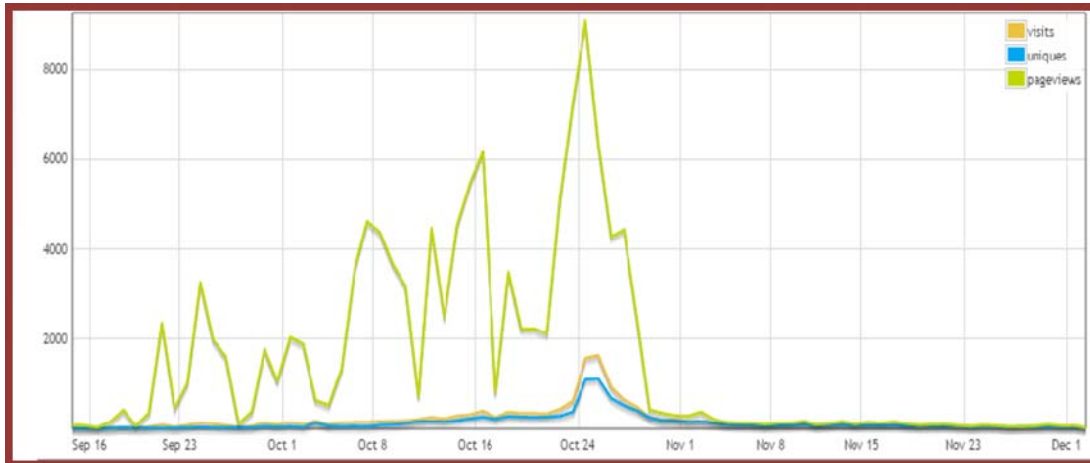
Source: TACCEO’s Data Centre, 2015.

At least 3,600,000 internet users browsed social media, in particular, TACCEO’s facebook page, which was linked to the website shown above. The users of social media and website itself were all over the world, including the United States of America (USA); Japan; United Kingdom (UK); Kenya; South Africa; Zambia; Pakistan; Sudan; German; and Egypt. As Figure 1.5 below shows, the trend of following up TACCEO’s online information on elections continued to rise up from

¹² An engagement includes any click or story created (Unique Users).

September 2015, when the campaigns started to heat the ground; and, started to drop down immediately after the polling day. As of December 1st, the trend went down to almost zero.

Figure 1.: Trend of USHAHIDI's Website Users between 15th September and 1st December, 2015.



Source: TACCEO's Data Centre, 2015.

TACCEO draws a lesson here that electronic form of information gathering and dissemination is the fastest and convenient way of securing information from the field and disseminate the same within a minute to all over the world.

TACCEO plans to maintain the website alive all the time so that people could still continue following up issues associated with by-elections, election petitions, information dissemination, for instance of this report and others; Zanzibar's unfinished electoral process (its results were annulled by ZEC within a week after 25th October, 2015 election day); electoral law reforms; and everything relating to election and political democratization in general.

1.5 COVERAGE OF THIS REPORT

This report contains ten chapters, which cover the 2015 electoral processes from the voters' registration level to the declaration of the results. Chapter one introduces country's profile in terms of location, administrative divisions, demographic features, and governance structure of Tanzania. It also explains about TACCEO and LHRC and election observation standards and techniques. Chapter two explains the legal and institutional frameworks on elections with the view of facilitating a reader of this report to understand how the election activities are supposed to be coordinated by different election stakeholders. Chapter three extends chapter two's explanations by focusing more on specific responsibilities of electoral bodies on preparatory stages. This Chapter also covers political parties' nomination procedures as well as election manifestos of political parties and non-political parties' institutions.

Chapter four, the longest one, is about election campaigns. It explains how the political parties coordinated their campaigns, style used, language, and coverage. Chapter four also assesses levels of participation of various gender groups in campaigns; corruption incidents; fairness of

the playing ground; and security issues. Chapter five is on polling, counting, tallying and declaration of the elections' results. Chapter six is about the countermanded elections which were conducted after the 25th October 2015 general elections. The countermanded elections covered under this chapter, were conducted in November and December 2015. The voters' apathy is among the things discussed in this chapter. Chapter seven is exclusively for Zanzibar's general election. It also includes a brief discussion on the aftermath of annulment of Zanzibar's election's results and the announcement of the election re-run in March 2016. Chapter eight is on the roles of various election institutions in the 2015 elections. Such institutions include media houses; and civil society organizations. Chapter nine makes a general assessment of the key issues on the election process; while chapter ten concludes and highlights some general recommendations.

CHAPTER TWO

LEGAL AND INSTITUTIONAL FRAMEWORKS ON ELECTIONS

2.1 ELECTORAL SYSTEM IN A BRIEF HISTORICAL CONTEXT

The Tanzania electoral system¹³ is mainly composed of legal framework¹⁴ and institutions that govern electoral process. The system has evolved over a long period of time since independence of the parties to the union in 1961 and 1964 for Tanganyika (Tanzania Mainland) and Zanzibar respectively. The two countries which united in 1964 to form the URT were under British colonial rule until early 1960s. The united country, Tanzania, inherited the multi-party democracy from British political system. It practiced this kind of democracy between 1961 and 1965. The major two competing parties during the time were the Tanganyika African National Congress (TANU) under Mwalimu Julius Nyerere; and the African National Congress (ANC) under Zuberi Mtemvu. In 1977, TANU merged with the Zanzibar's based Afro-Shirazi Party (ASP) to form the Chama cha Mapinduzi (CCM), which participated in general and legislative elections since 1980.

The 2015 general elections were the 7th in the country's history under multipartism since its independence in 1960s. Table 2.1 below shows a number of elections conducted since 1960s to 2015 under single and multiparty systems.

Table .1: Tanzania Elections between 1960-2015

Types of Decocracies	Presidential Elections					
Multiparty Elections	1962	1995	2000	2005	2010	2015
Single Party Elections	1965	1970	1975	1980	1985	1990
Legislative Elections						
Multiparty Elections	1958	1960	1995	2000	2005	2010 & 2015
Single Party Elections	1965	1970	1975	1980	1985	1990

Source: Various sources.¹⁵

¹³ The '*electoral system*' is the process, which determines the way in which votes cast in an election are translated into seats in the legislature. An electoral system is therefore an electoral arrangement that places priority on the degree to which the elected reflect (or represent) the beliefs and preferences of the electors [APRM (2009) Tanzania Country Self-Assessment Report: APRM, Tanzania. Page 36]. It is the system that determines election constituencies, candidates' nomination, voting procedures and is also responsible for the announcement of the winner [REDET (2001) Civics: A Tanzanian Reader: L&D Limited, Dar es Salaam, pp. 22 and 23]. In brief, it is a custodian of the whole electoral processes [TACCEO & LHRC (2010) Report on the United Republic of Tanzania General Elections of 2010. TACCEO: Dar es Salaam. Page 15].

¹⁴ The '*legal framework*' comprises of the Constitution of URT of 1977; the principal laws; subsidiary legislation (rules and regulations); government circulars; and guidelines issued by the Minister and NEC and ZEC.

¹⁵ Including: African Elections Database 'Elections in Tanzania.' Accessed on 9th December, 2015 from: <http://africanelections.tripod.com/tz.html> and, Lubawa, M. and Others (2011) 'Evolution of Elections Management in Tanzania,' in The Educational Research and Reviews. Vol. 6(11), pp. 695-701, 19 September, 2011. Also available online at <http://www.academicjournals.org/ERR>.

The current system of multiparty political contestations from 1995 through periodic presidential, parliamentary and local authority elections was introduced as a result of a commission formed by the former President, Ali Hassan Mwinyi, who appointed the then Chief Justice of Tanzania Hon. Francis Nyalali to canvass the opinions of citizens regarding a change of electoral system from the one-party state system, which was the prevailing political system in Tanzania from 1960s until the early 1990s. The majority (80%) of respondents to the Nyalali's Commission preferred to remain with a single party democracy. However, the Commission argued that changes to multiparty democracy were inevitable. The Commission therefore took the unusual decision to recommend that the country move away from a single party system despite a clear majority expressing their desire to remain under a one-party state.¹⁶ The government accepted the recommendation. Therefore, the legal and institutional frameworks on elections and democracy were to be changed in order to accommodate the stated changes.

Tanzania had to undergo various electoral reforms between 1990 and 1995 in order to accommodate multipartism. One of the major reforms was the enactment of the Political Parties Act, Cap. 258. The law provides a framework for the formation and registration of political parties in Tanzania and Zanzibar.

Despite the re-introduction of multiparty democracy in Tanzania, some people have the perception that the one party domination in Tanzania politics remains a challenge. It still retains enormous influence on the country's governance systems. For instance, the chairperson of the ruling party, who is also the president of URT elects top leadership of NEC; head of the police force; returning officers at district and municipal levels, and so on. Down to the local government levels, the influence of the ruling party remains the same. For instance, as Picture 2.1 below shows, government activities, including the essential ones such as education, can be disrupted due to CCM's activities.



Picture 2.1: LGA's letter to heads of secondary schools in Songea, Ruvuma region, instructing them to participate in 2015 CCM's anniversary ceremonies, which were gasted by the national chairperson, Dr. Jakaya Mrisho Kikwete.

¹⁶ EISA (Undated) Tanzania Electoral System, accessed on 26th December 2015, from: <https://eisa.org.za/wep/tansystem.htm>

In the letter pictured above (Picture 2.1), Mr. Leo L. Mapunda, who is the Songea Municipal's Secondary School Education Officer, instructs all heads of secondary schools in the municipality to ensure that the teachers and students of Songea Boys, Songea Girls, Matogoro and other secondary schools to participate in the CCM's ceremonies at the Majimaji ground on 1st February, 2015. The said letter, which is referenced as SO/MC/E.10/4/51, dated 28th January 2015, stated further (2nd to 4th paragraphs) that:

Mwenyekiti wa CCM Taifa, Mheshimiwa Dr. Jakaya Mrisho Kikwete, Rais wa Jamhuri ya Muungano wa Tanzania, atakuwa mgeni rasmi katika sherehe hizo. Nimeagizwa na ofisi ya Mkuu wa Mkoa niwataarifu wakuu wa shule zote zilizo jirani na uwanja wa Majimaji kuhudhuria sherehe hii pamoja na walimu na wanafunzi wote. Wanafunzi wanatakiwa kuvaa sare. Ratiba ya sherehe utajulishwa [The CCM's National Chairperson, Dr. Jakaya Mrisho Kikwete, the President of United Republic of Tanzania, will be the guest of honour in those (CCM's) ceremonies. I have been instructed by the Office of Regional Commissioner to inform all heads of schools located nearby Majimaji ground, to participate in this occasion together with all teachers and pupils. Pupils should wear uniforms. You will be informed of the ceremonies' timetable].

There are two things of concerns here; one, involvement of children in political activities of one of the political parties in the country and two, the use of public resources and time for a political party's activities.

As Table 2.1 above shows, the 2015 general elections were the 5th election under the multiparty system after the ones in 1995, 2000, 2005 and 2010. The 2015 elections witnessed increased in number of voters, active participation of political parties as well as enactment of legislation which have direct implication to elections. For instance, the Cyber Crimes Act (cited and discussed below) was enacted a few days before commencement of the elections. The law governing election expenses (also cited and discussed below) was tested its 'usefulness' and 'effectiveness' for the third time after being implemented in 2010 general elections and 2014 local government elections. The institutional framework, in terms appointment of the electoral officials, facilities, services, management (establishment of election organs), election stakeholders and the like, remained the same. However, as it is further discussed in the countermanded election chapter of this report, military was made part of the post-general election processes.

The coming parts of this chapter discuss the said frameworks with a view of facilitating broader understanding on the 2015 general elections' situation in Tanzania against the observation criteria (used by LHRC/TACCEO) as shown in chapter one of this report.

2.2 LEGAL FRAMEWORK

2.2.1 Election System and Types of Elections

Tanzania electoral processes are governed by the mainstream electoral system. As it is stated above, electoral system under the current legal framework determines and defines electoral process in Tanzania. It is the electoral system which translates vote casts in general or local

government elections into seats won by parties and candidates in the legislature at national and council levels.

Tanzania practices the type of election system where any one or any party can be announced as the winner by simple majority, which is commonly known as '*First Past the Post*' (FPP) system. That means whoever receives more votes than others would be declared the winner without considering the percentage of the total votes scored by him/her. Tanzania also practices proportional representation electoral system that gives parties an opportunity to allocate special seats for women.

Because of the current governance and political structures as indicated in chapter one of this report, Tanzania conducts three types of elections, namely:-

- (i) The local government elections that elect village, street and hamlet leaders including member of village council;
- (ii) The general elections that elect the president of URT; the president of Zanzibar; members of parliament of Tanzania; members of the Zanzibar's House of Representatives; and councilors;
- (iii) The by-elections, which are conducted only when an elected leader dies or stop being a leader for any other reason provided under the electoral laws.

Thus, Tanzania general elections which are conducted after every five years include some LGAs' political positions (councilors). It is therefore questionable why some parts of local authorities' elections for councilors are conducted during general elections while others during local government elections (usually conducted one year prior to the general elections).

2.2.2 Electoral Laws

There are national and international laws governing or influencing the governance of elections in Tanzania. Therefore, electoral legal system or framework is comprised of both domestic laws and international laws or instruments. It should be noted that Tanzania is a signatory to various international and regional treaties governing the conduct of elections. At the domestic level Tanzania elections are guided by both the Zanzibar and the URT Constitutions and other legislation.

The said international laws or instruments, which provide for some guidelines on elections management and civic rights in general include:-

- (i) Universal Declaration of Human Rights of 1948;
- (ii) International Covenant on Civil and Political Rights of 1966;
- (iii) African Charter on Human and People's Rights of 1984;
- (iv) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979;
- (v) International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) of 1966;
- (vi) Convention on the Rights of Persons with Disabilities (CRPD) of 2006;
- (vii) Convention of the Political Rights of Women (CPRW) of 1952;

- (viii) AU Declaration of Principles Governing Democratic Elections in Africa of 2002;
- (ix) SADC Principles and Guidelines Governing Democratic Elections of 2004;
- (x) African Charter on Democracy, Elections and Governance of 2007.

These international and regional instruments require member states to respect international electoral standards during elections. For instance, when Tanzania legal framework is being reviewed, it has to incorporate electoral standards provided in those treaties and make them applicable by giving constitutional or a legal status therein.¹⁷

The international fundamental principles to election legislation as stipulated by various instruments mentioned above include:-

- a) The election legislation should be stated in clear and unambiguous language;
- b) The respective powers and responsibilities of the national and local electoral management bodies, and governmental bodies, should be clearly stated, distinguished and defined to prevent conflicting or overlapping powers being exercised by other bodies;
- c) The election legislation should be enacted sufficiently far in advance of an election date to provide political participants and voters with adequate time to become familiar with the rules of the election processes;¹⁸
- d) The electoral legislation should provide for a process whereby electoral participants and voters can lodge complaints and appeals arising from the election activities.

As for the local context, the Tanzanian election process is guided by various laws including:

- (i) Constitution of the United Republic of Tanzania of 1977;
- (ii) National Election Act, Cap. 343;
- (iii) Local Government Authority (Elections) Act, Cap. 292;
- (iv) Election Expenses Act, 2010;
- (v) Political Parties Act, Cap. 258.

The national legislation among other things, provide directives for voters registration; qualifications and procedures of nominating candidates of various political posts; conduct of election campaigns; voting procedures; counting and tallying of the results; declaration of the results; challenging the results; and generally the whole cycle of election procedures and management.

(i) The Constitution of URT of 1977

Tanzania started the implementation of the Human Rights Declaration of 1948 from 1980s after reviewing its Constitution to incorporate bills of rights. The Costitution thus guarantees the

¹⁷ The International Institute for Democracy and Electoral Assistance (International IDEA) (2002) International Electoral Standards Guidelines for Reviewing the Legal Framework of Elections. Page 7. Accessed on 28th December, 2015 from: http://www.idea.int/publications/ies/upload/electoral_guidelines.pdf

¹⁸ The election legislation enacted at the last minute tends to undermine the legitimacy and the credibility of the law and prevents political participants and voters from becoming informed in a timely manner about the rules of the election processes.

enjoyment of fundamental rights such as political rights, freedoms and liberties.¹⁹ It also establishes various authorities to ensure proper management of election in Tanzania.²⁰

The Constitution of Tanzania contains some provisions which meet some of the international electoral standards. For instance, Article 8(1)(a) of the Constitution spells out that the authority of the nation is drawn from people. Article 5(1) provides that every citizen above 18 years is entitled to vote in any election. The special seats for women in Parliament is stated under Article 78 of the Constitution.²¹ The rights to personal freedom, freedom of expression, freedom of association, and freedom to participate in public affairs are stated under various provisions of the Constitution including Articles 15, 18, 20, 21, 39 and 67.

The Constitution gives the President of URT the mandate to appoint not more than ten members of Parliament and five MPs from Zanzibar House of Representatives to join elected members of parliament in the union Parliament.

Despite the fact that the mother law guarantees certain political rights as stated above, both the constitutions of URT and that of Zanzibar have been the part of hindrance to democratization process in Tanzania. Since the introduction of multiparty democracy in Tanzania many constitutional provisions were challenged even in courts of law for being unconstitutional. Some of the provisions in the constitutions contradicts the international and regional instruments that provide electoral standards to member states.

Some of the constitutional provisions which contradict the international electoral standards include:

- a) Provisions that restrict private candidates and subject aspirants to political parties.²² The coming parts of this report include some discussions on this aspect.
- b) Absence of provision or mechanism offering eligible voters who could not present themselves into the polling stations to have the right to vote. For examples, prisoners, citizens in the Diaspora, sick persons in hospitals, and higher learning students whose colleges normally remain closed during elections.
- c) Absence of a right to challenge the presidential elections results as well as the decisions of the electoral commissions (NEC and ZEC).²³

¹⁹ See Articles 12 to 29 of the Constitution which enshrine the Bill of Rights and Duties.

²⁰ Article 74(6) of the Constitution provides for the responsibilities of the NEC, which are basically to supervise and coordinate electoral processes in Tanzania.

²¹ Article 78(1) states that, only political parties which took part in the general election in accordance with the procedure laid down and obtained at least five per centum of the total valid voters for parliamentary election, shall propose to NEC the names of the women on the basis of the proportion of votes obtained by each party in the parliamentary election.

²² Article 67 (1) (b) the Constitution requires for anyone to be eligible candidate he/she must be a member of, and a candidate proposed by a political party.

²³ Article 41(7) of the URT Constitution and Article 119(13) of Zanzibar Constitution provide that no court shall have jurisdiction to inquire into the election of presidential candidate. Furthermore, the URT and the Zanzibar Constitution restrict any court to question anything done by NEC or ZEC in course of discharging their duties.

For instance, on 27 October 2015, the Chairperson of ZEC himself nullified the Zanzibar election on the grounds of irregularities, while ZEC had already announced the results of more than 70% of the constituencies. Despite the fact that such nullification was viewed to be contrary to law and thus ought to have been challenged in court of law, no one had been able to do so until at the conclusion of this. Article 119(12) and (13) of Constitution of Zanzibar of 1984, restrict challenging ZEC's decisions. Article 119(10) of the said Constitution requires every decision of ZEC to be supported by the majority of members of ZEC, who are the chairperson, vice chairperson and other four members (commissioners). It seems that the purported 'ZEC's decision' was made without complying with this legal requirement. This is due to the fact that two of the commissioners (namely, Mr. Nassor Khamis Mohamed and Mr. Ayoub Hamad, picture 2.2 below) came out in public alleging that the Chairperson made the nullification decision without them being consulted.²⁴ Besides, there is no law in Tanzania which allows ZEC to nullify elections as it did in October, 2015.



Picture 2.2: ZEC Commissioners, Mr. Ayoub Hamad (speaking) and Mr. Nassor K. Mohamed, addressing the media, to exclude themselves from ZEC Chairperson's decision to annual 2015 Zanzibar election.

The recent practice in Kenya has shown the advantage of major legal reforms which provided opportunities for the aggrieved party to file election petition to the Supreme Court of Kenya challenging presidential election. The Supreme Court of Kenya is the only court vested with jurisdiction to hear and determine disputes relating to the presidential elections.²⁵ Under the

²⁴ Karagwe Forum, accessed in February 2016 from: <http://juhudkaragwe.blogspot.com/2016/02/sarakasi-za-marudio-ya-uchaguzi.html> ALSO, Vicent, Karol 'Mambo yazidi kumchachia Jecha wa ZEC, wajumbe wenzake wamsusia Uchaguzi wake wa marudio.' Accessed in February 2016 from: <http://fullhabari.blogspot.com/2016/02/mambo-yazidi-mchachia-jecha-wa.html>

²⁵ Three presidential petitions were filed at the Supreme Court within 7 days of the declaration of the results of the Presidential Election. The three petitions were consolidated. They were heard and a decision given within 14 days. The reasons for the decision were delivered later.

Kenyan Constitution, presidential election petitions are to be filed within 7 days after declaration of the results by the Independent Electoral Boundaries Commission. The petitions (that is legal documents used to file a case in court of law) are supposed to be heard and determined by the Supreme Court within 14 days.²⁶

LHRC/TACCEO is concerned by the fact that the constitutional position (under Article 41(7) of the URT Constitution) is very restrictive of a democratic right on challenging the presidential election results as illustrated by both the High Court and Court of Appeal.²⁷ Therefore, even if a presidential candidate had some issues about the victory of his or her opponents, he or she cannot petition against it.

LHRC/TACCEO advises that, Tanzania should therefore learn from other East African countries and remove all the constitutional limitations that hinder the rights to access courts for whoever wants to challenge the conduct of electoral commissions and the presidential election results.

(ii) National Election Act , Cap. 343

The National Election Act, Cap 343, regulates the Tanzania general election on the part of Mainland as well as union electoral posts for Zanzibar. The Act, as amended from time to time, regulates the elections of the president of URT and the members of parliament. This law provides for the mandate, responsibility and the structure of NEC. Section 4(1) provides for NEC composition which includes the chairperson, vice chairperson and other members, all of whom are appointed by the President of URT. The establishment, appointment as well as the roles of NEC are also stated under Article 74 of the Constitution of Tanzania.

Some of the roles and powers of NEC are to demarcate or designate constituencies and polling stations; registering voters; and coordinate nomination of candidates and conduct of election campaigns. Each of these NEC's mandates is discussed in detail in the coming part of this report.

(iii) Local Authorities (Elections) Act, Cap. 292

The Local Authorities (Elections) Act, governs elections at the LGAs in Mainland Tanzania. The law also governs the appointment and coordination of election officers at lower levels. Section 9(1) which is the same as Section 7 of the National Elections Act, Cap. 343, mentions the City Director, Municipal Director, Town Director and District Executive Director as Returning Officers for LGAs in respect of which he or she is a Director.

As it is the case for the National Election Act, Cap. 343, this law also provides for the rights and procedures for registration of eligible voters; sets qualifications for candidates; nomination

²⁶ This was emphasized by the Kenyan Supreme Court in the case of Raila Odinga v. The Independent Electoral and Boundaries Commission, Supreme Court Petition No. 5 of 2013. Accessed it on 24th December, 2015, from: <http://kenyalaw.org/caselaw/cases/view/91624/>

²⁷ See: Augustine Lyatonga Mrema and Others v. Attorney General and Others (1996) TLR 273 (HC); and, Attorney General v. Rev. Christopher Mtikila, Civil Appeal No. 45 of 2009 (Unreported), both cited in Hon. Justice Robert Makaramba, 'The Role of the East African Judiciaries in the Electoral Process.' A paper presented at the 9th EAMJA Annual Conference and General Meeting, from 11th to 15th October 2011, at the Imperial Resort Beach Hotel, Entebbe, Uganda. Page 14 - 16.

procedures; management of the election campaigns; all other electoral process up to the levels of result declaration and challenging of the same.

As it can be observed up to this point, elections in Tanzania are governed, managed and coordinated by two systems, which are also created under different laws. The NEC is purporting to be an independent electoral body, while the above named returning officers at LGAs' level are under the Prime Minister Office (now under President's Office), Regional Administration and Local Government Authorities. The 'independence' of the electoral processes is really an issue of concern especially by looking at this scenario as well as the appointing authority of NEC leadership as argued earlier on. This contradiction is also blessed by Article 74 sub-article (6) (d) of the Constituion of Tanzania which states:

Majukumu ya Tume ya Uchaguzi yatakuwa ni pamoja (d) Kusimamia na kuratibu uandikishaji wa wapiga kura na uendeshaji wa uchaguzi wa madiwani (the mandate of NEC include ... to supervise and coordinate the registration of voters and the conduct of the elections of councilors).

Moreover, it is a bit awkward that NEC is excluded from managing and coordinating other LGAs electoral posts below councilorship. As stated above, such elections are under supervision of the LGA officials. The partial or full use of executive organs, which do not have specialization in election management is contrary to the international instruments mentioned above, which among other things, require a total separation of responsibilities on election management from other bodies in order to prevent conflicting interests.

(iv) Election Expenses Act, 2010

Election spending is an aspect of measuring whether an election is free and fair. In order to ensure there is no excessive use of money and resources (expenses) during election, Tanzania enacted the Election Expenses Act, 2010. As it was argued by TACCEO 2010 report on general elections, this law was intended to tighten government's efforts to curb corruption, in particular by controlling the use of funds, and curb illegal practices in all electoral processes. Previously before this law, the Prevention and Control of Corruption Act, 2007; the Penal Code, Cap. 16 and electoral laws mentioned above were used to control some of the incidences of corruption in elections. Nevertheless, none of these laws provided specific provisions for election expenses.

Section 7 of the Election Expenses Act, 2010 defines election expenses as *“all funds expended or expenses incurred in respect of the conduct and management of nomination process, election campaign and election by a political party, candidate or Government.”*

The law makes provisions for allocation, management and accountability of funds by political parties during elections and party nominations; and the election campaigns. The major purpose of this law is to fight corruption and excessive use of resources during elections. Section 13 of the Election Expenses Act, requires every political party to use resources during elections as provided by the Political Parties Act, Cap. 258. According to Sections 13 and 19 of the Political Parties Act, the parties are required to collect funds and other resources from the following sources:

- a) The proceeds of any investment or project undertaken by the party;
- b) Members contributions;
- c) Subvention from the government;
- d) Donors and grants from any other sources.

The law further compels political parties to disclose to the Registrar of Political Parties any donations above 2 million and other sources of income. The major intention of this requirement is to control the use of money and other resources.

More procedures and directives regarding all these are explained under the provisions of the Election Expenses Regulations, 2010,²⁸ and the *Amri ya Gharama za Uchaguzi ya Kiwango cha Juu, Mwaka 2015*²⁹ (Order on election expenses maximum rate for 2015).³⁰

As for the enforcement of this law, Section 4 of the Election Expenses Act, 2010 gives the Registrar of Political Parties some responsibilities to supervise and coordinate election expenses. The responsibilities or mandates according to Sections 5 and 6 of this law, include the Registrar's powers to investigate, examine, or call for any information relating to the accounts of a political party. The Prevention and Combating of Corruption Bureau (PCCB) is also part of the enforcement of this law.

There are other two challenges associated with the enforcement of the election expenses law in Tanzania basing on the 2010 and 2015 election experiences. The first challenge is on the capacity and mechanism of the office of Registrar of Political Parties to monitor parties' expenditures in elections; and second, lack of transparency among the candidates and their parties on the amount of money they spend for various levels of elections.

The legal framework on elections treats political parties as 'private' enterprises and therefore, offers them with wide discretionary powers on how to organize themselves; managing their affairs, including financial matters. In most cases, the Registrar relies on audited accounts of the parties and not on facts on the ground. Moreover, despite the fact that the registrar has recruited and deployed a number of assistants across the country, it seems that more capacity in terms of quantity and ability of the officers (on financial management or assessment) is needed. A separate study could establish the current needs or workload on election expenses monitoring against the number of registrar's personnel across the country.

²⁸ G.N No. 246 of 2010.

²⁹ G.N No. 325 of 2015.

³⁰ This order is made by the Prime Minister to give effect to the requirements of Section 10(1) of the Election Expenses Act, 2010 which requires the Minister, when prescribing amount of funds to be used as election expenses, to have regards to, *inter alia*, the different in the size of the polling district. As such, the constituencies have been categorized in clusters. The amount of money allocated for each cluster is based on the size of the constituency in kilometers population of the constituency; level of communication infrastructure and therefore maximum of funds for that particular constituency. The lowest amount is Tshs 30,000,000 and the highest amount is Tshs 80,000,000.

As for the second challenge on transparency, LHRC/TACCEO is of the view that all parties should have been required to submit their invoices of the intended or procured election materials to the Registrar for his or her records. This will facilitate the Registrar to have a rough picture on the amount of money spent; for instance, by looking at the number of TVs or radio spots during election campaigns; or, spread of the fliers, posters, billboards and placards displayed in major streets; or considering number of hours for which the helicopter was hired during election campaigns; or any other tangible and easy facts to assess.

2.3 INSTITUTIONAL FRAMEWORK

2.3.1 Authorities with Primary Responsibilities on Elections

The institutional framework on elections, in the context of this report, refers to all institutions or stakeholders responsible for electoral management. The institutions include private stakeholders such as election monitors and observers, who can be regarded as secondary or indirect electoral management team members. As it has already been discussed elsewhere in this report, the proper management of electoral processes requires strong and independent electoral institutions, which are also well structured.

In Tanzania, there are several authorities which manage electoral process, including the NEC, ZEC, and Registrar of Political Parties. The heads of the three authorities are pictured below:



Picture 2.3: Justice Damian Lubuva (NEC); Mr. Jecha S. Jecha (ZEC); and the Registrar of Political Parties, Judge Francis Mutungi (left to right respectively).

These three bodies have legally constituted role of managing election in Tanzania. The institutional framework also includes other stakeholders who complement the work of the electoral commissions and the registrar of political parties. These other bodies include the law enforcers (Police and PCCB) and the Judiciary.

2.3.2 NEC and ZEC

The functions of NEC and ZEC have been highlighted above, and discussed further in the coming parts of this report. As a point of emphasis, LHRC/TACCEO suggests that, there is a need of strengthening the capacity and mandate of NEC by; i) adopting legal reforms to make it more independent by, for instance, subjecting its proposed appointees to the national assembly

for scrutiny and screening; ii) increasing its budget in order to have offices and official at least at zone or regional levels; and, iii) allowing its decisions to be challenged in court in order to ensure that each party or candidate is fairly treated.

Other institutional challenges which need reforms include ensuring frequent updating of the Biometric Voters' Register (BVR) and avoidance of the current trend in which the diaspora, prisoners (serving less than six month sentences), and high learning students, who are eligible voters, are disenfranchised. The BVR system can be improved further to allow voting at any polling station at least for presidential position. NEC and ZEC could make use of the current technological advancements.

Finally, there is a need of re-examining NEC and ZEC relationship in order to create clear separation. The 2015 situation on the part of Zanzibar has brought a lot of concerns on whether nullified election results for Zanzibar cannot affect the overall results for the union elections which were obtained from the same voters, same polling time, supervised by the same polling officials, at the same polling stations, under the same security system, and in the present of the same parties' agents.

One of the best ways to set NEC completely free from ZEC's deeds and vice versa is for NEC to establish its own offices and run its elections without depending on another electoral body to do its work. The controversy that happened after nullification of the entire Zanzibar 2015 election should be taken as a lesson by NEC before the next elections. Moreover, it is a call for the law makers to reconsider the current legal framework in order to make everything clear as far as mandates of NEC and ZEC are concerned.

2.3.3 Office of the Registrar of Political Parties

The Office of Registrar of Political Parties (ORPP) is established under Section 4 of the Political Parties Act, Cap. 258. The ORPP is an institution under the Prime Minister's Office. Its primary responsibility is to facilitate registration of the political parties and monitor their day-to-day operations in Tanzania Mainland and Zanzibar. It is also responsible for institutionalizing, nurturing and enhancing multiparty democracy through the Political Parties Act, Cap. 258; the Election Expenses Act, 2010; as well as other related laws, rules and regulations. As stated above, ORPP is headed by the Registrar of Political Parties (RPP) who is also a presidential appointee.

Section 4(4) of the Political Parties Act, Cap. 258 mandates the RPP to register all political parties in URT. By virtue of this mandate, RPP has direct management role during election. Currently, there are 23 political parties registered in URT, namely; Chama cha Mapinduzi (CCM), registered in July 1992; Chama cha Demokrasia na Maendeleo (CHADEMA), registered in January, 1993; Civic United Front (CUF), registered in January, 1993; Union for Multiparty Democracy (UMD), registered in January, 1993; National Convention for Construction and Reform (NCCR-Mageuzi), registered in January, 1993; National League for Democracy (NLD), registered in January, 1993; United Peoples' Democratic Party (UPDP), registered in February, 1993; National Reconstruction Alliance (NRA), registered in February, 1993; Tanzania

Democratic Alliance (TADEA), registered in February, 1993; and Tanzania Labour Party (TLP), registered in November, 1993.



Picture 2.4: Logos of some of the registered political parties in Tanzania.

Others are United Democratic Party (UDP), registered in 1994; Demokrasia Makini (MAKINI), registered in November, 2001; Forum for Restoration of Democracy (FORD), registered in January, 2002; Alliance for Change and Transparency (ACT-Wazalendo), registered in 2014; Alternative Democratic Party (ADP); Alliance for Tanzanian Farmers Party (AFP); Chama cha Kijamii (CCK); Alliance for Democratic Change (ADC); Chama cha Haki na Ustawi (CHAUSTA), registered in November, 2001; Democratic Party (DP), registered in June 2002; Progressive Party of Tanzania (PPT-Maendeleo), registered in March 2003; Jahazi Asilia, registered in November 2004; and Sauti ya Umma (SAU), registered in February 2005.³¹

The RPP has discretionary powers to cancel the registration of any political party which has contravened any provision of political parties law.³² Section 20 of the same law makes RPP's decision as 'conclusive.' It states that the RPP's decision on the registration or the cancellation of the registration of any party shall *be final and shall not be subject of appeal in any court.*

The Office of RPP on the electoral management roles are confined only to the supervision and monitoring of the implementation of the provisions of the Election Expenses Act and the conduct of political parties. The RPP does not have power to disqualify a candidate from

³¹ Various sources including: Wavuti 'Vyama 22 vitakavyoshiriki uchaguzi wa 2015.' Accessed in December 2015 from: <http://www.wavuti.com/2015/09/vyama-22-vya-siasa-vinavyoshiriki.html>

³² Section 9(1) of the Political Parties' Act, gives the Registrar mandate of de-registering any political party which contravenes the provisions of the law.

elections even if such candidate commits prohibited practice or fails to observe any other requirement of the Election Expenses Act, 2010.³³

The Political Parties Act allows RPP to undertake other administrative activities including coordination of the political parties' forums or dialogues as he did in 2015 under the Democratic Empowerment Programme (DEP), funded by UNDP, One UN and other donors. The aim of DEP was to contribute to reforms and management of Tanzanian key democratic institutions and election management bodies in order to effectively implement their election and political functions.³⁴

The main institutional and legal frameworks challenges with the RPP are similar to those facing NEC and ZEC. The ORPP lacks extended offices in many parts of the country. The ORPP also lack sufficient manpower to oversee the implementation of the election expenses law during elections as it is stated above.

It is also not certain on how ORPP works to improve the capacity of 'young' political parties, most of whom (more than 75%) have failed even to grow since their registrations. As explained above, at least 60% of the current political parties were registered in 1990s and early 2000s. But, less than 5 (25%) have been active to participate in politics. Lack of public funding to political parties is an issue of concern which cannot be ignored any more.

As such, LHRC/TACCEO calls for more reforms of ORPP by, among other things, ensure that it is supplied with sufficient financial and other resources so that it can increase its workforce and open upcountry's branches throughout the country. ORPP and NEC can share some of the facilities such as office spaces at least at zone or regional levels – to begin with. Moreover, public funding to all political parties, as said above, is now inevitable in order to create a fair playing ground for all parties in political democratization. Instead of pouring billions of money to only two or three parties which have representation in Parliament as it is the case now, the government could spread the resources to other parties even if they do not have representation in parliament.

2.3.4 Prevention and Combating of Corruption Bureau

The Prevention and Combating of Corruption Bureau (PCCB) has powers to influence election management especially the implementation of the Election Expenses Act, 2010. The PCCB is established under the provisions of the Prevention and Combating of Corruption Act, 2007.³⁵ It is mandated to control and combat corruptions and abuse of public office. The PCCB is headed by the Director General (DG) who is appointment by the President. The PCCB also supervises the implementation of certain provisions (especially Section 21) of the Election Expenses Act, 2010 which fit within its mandate.

³³ Section 50A(1) of the National Elections Act, Cap. 343 directs that if such misconducts happen, the RPP may file an objection with the NEC (and not to act for himself/herself).

³⁴ UNDP (2013) Democratic Empowerment Project (DEP) of 2013-2016. Dar es Salaam, Tanzania.

³⁵ No. 11 of 2007. This Act came into being after the repeal of the Prevention of Corruption Act, Cap. 329.

During elections, PCCB plays a significant role in fighting against corruption during party nominations and general election campaigns. ‘Buying leadership’ has been a common practice in Tanzania as politicians take an advantage of poverty and ignorance to bribe voters during elections. It is also obvious that even PCCB at some points has failed to trace all kinds of electoral malpractices. In 2015 elections, the campaigns of major political parties were openly seen to overspend beyond the limitations set by the election expenses law, and the *Amri ya Gharama za Uchaguzi ya Kiwango cha Juu, Mwaka 2015* (order on election expenses maximum rate for 2015).

The PCCB, unlike other election management bodies, is an institution which is better placed to do the best during elections because its structures has basis in every district. However, despite this structural advantages PCCB has failed to trace and combat corruption during elections. The 2015 general elections seemed to have been the most expensive and corrupt elections because of its competitive nature. The number of election corruption cases was not obtained during the compilation of this report and that there is no any records on media, including social media on nature, places and progress of election corruption cases. The 2010 situation showed that it takes a lot of time for an election related corruption case to be concluded through current criminal justice system(s). For instance, as Table 2.2 below shows, PCCB received a total number of 41 election corruption cases in 2010, out of which, only 18 cases were concluded as of December 2015.³⁶

In the 2010 elections, PCCB managed to work on the following corruption cases during and after nominations:

Table 2.2: Statistics of Corruption Incidences in 2010 Elections in Tanzania Mainland³⁷

Corruption Incidences		Numbers
Electoral incidences received and investigated		41
Number of cases filed in courts of law		23
Number of cases concluded so far		18
Number of cases withdrawn(suspect died)		01
Number of cases pending in courts of law		04
Type of court verdict for concluded cases:	Convictions	7
	Acquittals	11
Average Number of Days Consumed per case		680

Source: PCCB website, December, 2015.

The number of cases said to be intervened by PCCB during elections do not in any way reflect the rate of corruption during elections in Tanzania. For instance, according to LHRC/TACCEO findings, a big number of people who responded on the question of corruption during election

³⁶ PCCB, Statistics on Corruption Incidences in Elections Tanzania. Accessed on 31st December, 2015, from: <http://www.pccb.go.tz/index.php/investigation/statistics/545-statistics-of-corruption-incidences-in-elections-in-tanzania-mainland-reported-investigated-before-during-and-after-2010-general-election>

³⁷ Reported and investigated cases before, during and after 2010 general elections.

testified that corruption was rampant in 2015 elections. Until January 2016, LHRC/TACCEO could not find any list of 2015 electoral corruption cases registered by the PCCB.

LHRC/TACCEO calls PCCB to maximize its efforts in combating election corruption by ensuring that no one is elected after exchanging votes with money or any other valuable resources. For effective implementation of the election expenses law the mode of PCCB officials appointment should be revisited and give the vetting power to parliament. The PCCB confidence and credibility to deal with corruption during election can increase if the appointment of the PCCB's Director General will be subjected to parliamentary vetting and not single handedly appointed by the President.

2.3.5 Judiciary – Adjudication of Election Cases

The role of the judiciary is stated in the Constitution of URT of 1977. Article 107A(1) of the Constitution provides that, the Judiciary shall be the authority with final decision in dispensation of justice in URT. The election complaints are filed in court through legal documents known as 'petitions.' Not all courts³⁸ in Tanzania have jurisdiction to adjudicate election related cases. Rather, petitions can be lodged from the level of Resident Magistrate's Court and the High Court (HC), save for a situation when the dispute is of criminal nature.³⁹



Picture 2.5: The Dar es Salaam High Court Registry.

The electoral process cannot be said to be complete or to have been concluded when there are still pending election petitions in courts. In dealing with election petitions, courts also play an important role of safeguarding democracy and safeguarding and protecting the electoral rights created by law. This is one of the reasons that election petitions need to be accorded priority,

³⁸ Note that, the judicial hierarchy in Mainland Tanzania (in descending order) is as follows: Court of Appeal, High Court, Resident Magistrates Courts, District Courts and Primary Courts. In the Court of Appeal and High Court adjudicators are known as Judges. In all other courts, adjudicators are known as Magistrates.

³⁹ Section 110(1) of the National Elections Act, Cap. 343.

expeditiously speed tracked and disposed of in a timely fashion. For this matter then, judges have been charged with the role of ensuring that the will of the people is honored and respected during election.

The role of the Judiciary during elections can be seen during pre-election and post election times. The mandated courts have special duty of ensuring all election disputes brought before the courts of law are effectively attended. The HCs of Tanzania and that of Zanzibar have been receiving many election cases since the reintroduction of multiparty democracy in Tanzania. For instance , during the 2010 general elections about 50 election petitions were filled before the courts of law in Tanzania.

The Chief Justice of Tanzania (CJ) said in October 2015,⁴⁰ that there were only a few judges exposed to election petitions in Tanzania. Part of his speech on this matter reads:

.... [o]nly 35 Judges out of 84 Judges of the High Court have so far been exposed to a follow up training on managing election petitions, we took a purposeful decision to work together with the Tanzania Human Rights Defenders Coalition (THRDC) whom I sincerely thank, so that additional 35 Judges could also be trained. The selection include Judges who have not attended the earlier training Workshops. Empowering judges to best handle election petitions is a viable investment in democracy and the rule of law. It is also worth recalling that in the 2010 general election, the High Court of Tanzania received 44 election petitions out of which 17 went to full trial with the rest resolved at the preliminary stage.

In order to address the problem, the Tanzania Human Rights Defenders Coalition (THRDC) organized training for 40 HC judges on how to effectively handle election disputes in 2015 elections. Pictures below show participants of the training:

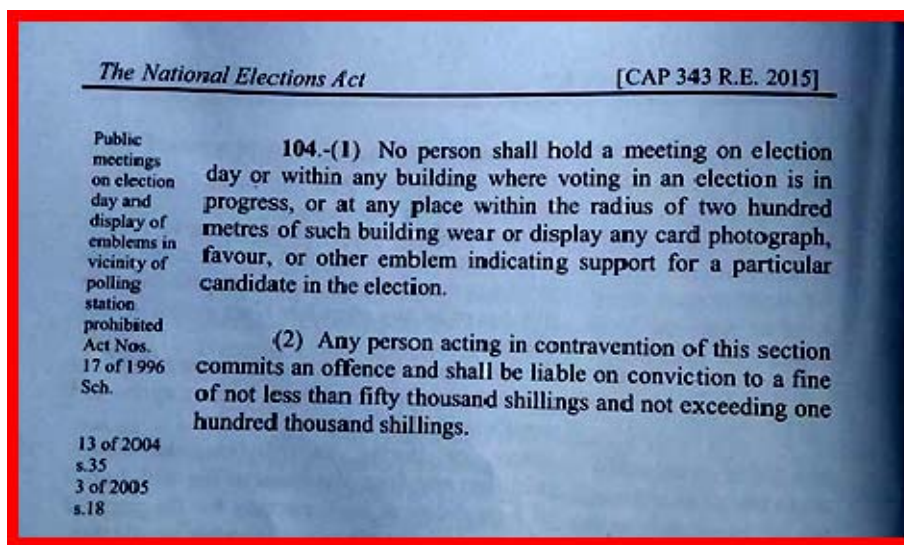


Picture 2.6: The 40 High Court Judges in THRDC's 2015 Training on Election Disputes.

⁴⁰ THRDC (2015), Speech By Chief Justice of Tanzania, Hon. Mohamed Chande Othman During the Workshop by THRDC on 'The Role of Judiciary in Securing Election Process in Tanzania: Best Practices and Challenges Emerged in 2010 Tanzania and 2013 Kenya Elections Petitions', 20th October 2015, New Africa Hotel, Dar es Salaam.

It should be noted that, there are election disputes which arise during pre-election and post election periods. The categories of election disputes arising during pre-election period in Tanzania include, inter and intra-party disputes, whereas the electoral offences including corrupt practices; voters' registration disputes; disputes arising from the nomination of candidates; and, disputes relating to the violation of the law and Code of Electoral Conduct.

During the 2015 general elections one of the election disputes that attracted public attention was between NEC and the main opposition parties under their grand coalition known as UKAWA. The dispute was centered on the question of interpretation of section 104(1) of the National Elections Act, Cap. 343, on whether or not voters are allowed to remain within the radius of 200 meters from the polling stations after casting their votes on the basis of guarding their votes.



Picture 2.7: The legal provision of the election law which judicial interpretation was sought.

It has been a common practice for political parties to find any possible way to 'guard' their votes apparently due to lack of trust in electoral management bodies. The opposition's argument to guard their votes was rejected by the President who ordered the law enforcers to ensure that everyone goes home after voting. The Inspector General of Police (IGP) picked up the order and announced that everyone to immediately leave the polling station after casting his or her ballot in order to avert any possible breach of peace. Following this drama, one of CHADEMA members filed a case in the High Court seeking for judicial guidance. However, due to statement made earlier by the President it was almost easy to predict the outcome of the case, and indeed, the court ruled against the opposition. The panel of three HC judges ruled on 23rd October, 2015 that it was illegal for the people to gather within and beyond the radius of 200 metres from the polling stations. Some of the legal scholars criticized this decision as being too political and not for the public interest.

This decision was the second test of judicial independence within five years - to assess the judicial boldness against the high level political orders. In June 2010, the Court of Appeal of Tanzania, while determining a constitutional case filed by the Late Rev. Christopher Mtikila to

challenge the constitutionality of the provisions of the Constitution of the United Republic of Tanzania of 1977 which prohibits private candidacy in electoral systems of Tanzania, the court went on denying and ‘disowning’ its inherent and constitutional powers of making decision on the constitutionality of law which prohibits independent candidacy.



Picture 2.8: The Court Chamber. LHRC/TACCEO desires these benches filled with revitalized judicial activism so that more pro-human rights decisions could come out to, *inter alia*, bolster the judicial impartiality.

Therefore, the judiciary took a rather surprising turn to shy away from ‘affirming’ its mandate to address the constitutionality of the constitution provisions. It is a world-over known fact that, judiciary should be envious of its powers as its independence in decision making, including electoral disputes, is essential ingredient of a free and fair elections.

As of January 2016, three months after elections, LHRC/TACCEO findings indicated that there was unpromising number of elections petitions filed in courts of law in Tanzania compared to available disputed election results reported by media and election observers. This depicts that either politicians and lawyers are not conversant with the available electoral legal system and laws in Tanzania or they shy away to approach the judicial wing owing to a number of reasons. Comparatively, in Kenya as a result of the 2013 election, a total of 188 election petitions were filed.⁴¹ This can be contrasted with the 44 election petitions filed after the 2010 Tanzania elections.

There are several issues of concern pertaining to the right of an aggrieved person to challenge election procedures or results. Such issues including the costs for bringing election cases (petitions) before the court. On this, the law requires a complainant to consider costs for

⁴¹ Judiciary Working Committee on Election Preparations, Post Election Report, March – September 2013, page 37, http://www.kenyalaw.org/kl/fileadmin/Judiciary_Post-Election_Report_2013.pdf. See also Kilonzo, Keth (2015) Lessons from Kenya’s General Elections Of 2013; Paper Presented at a Workshop on the Role of the Judiciary in Securing Election Process in Tanzania organized by THRDC on the Best Practices and Challenges Emerged in 2010 Tanzania and 2013 Kenya Election Petitions on 20th October 2015 at New Africa Hotel, Dar es Salaam, Tanzania.

admittance of election petition at all levels. Section 111(2) of the National Elections Act, Cap. 343 provides that, '*the Registrar (of the High Court) shall not fix a date for the hearing of any election petition unless the petitioner has paid into the court, as a security for costs, an amount not exceeding five million shillings in respect of each respondent.*' Furthermore, Section 110(1) of the Local Authority (Elections) Act, Cap. 279 sets Tanzania shillings Five Hundred Thousand (Tshs 500,000) as a security for cost in all cases intended to challenge councillorship election results.

Therefore, for parliamentary elections the deposit of the security for costs of up to Tshs 5,000,000; and Tshs 500,000 for councillorship's elections is a prerequisite before formal admittance of an election petition in court. However, this requirement of laws was somehow amended after being successfully challenged in court through the case of *Julius Ishengoma Francis Ndyanabo Vs. Attorney General* in 2001.⁴² In this case, the Appellant sought, *inter alia*, the judicial declaration that Section 111(2) of the National Elections Act, Cap. 343, is unconstitutional for being violative of Article 13(1), (2) and 6(a) of the Constitution of URT, which is about the right of access to justice. The subsection read:

(2) The Registrar (of the High Court) shall not fix a date for the hearing of any election petition unless the petitioner has paid into the court, as security for costs, a sum of five million shillings in respect of the proposed election petition.

The Appellant, who was a contestant for a parliamentary seat, decided to file a case under Article 30(3) of the Constitution and Section 4 of the Basic Rights and Duties Enforcement Act, Cap. 3, by way of a petition questioning the constitutionality of the subsection and praying for a declaration that the said statutory provision is unconstitutional on the ground that it is arbitrary, discriminatory and unreasonable and therefore it constitutes an unjustified restriction on the right of a citizen to be heard by the Court on his complaint against illegalities or irregularities in the conduct of a parliamentary election.

The Court held that,

In our view, the statutory provision is a class legislation. It is also arbitrary and the limitation it purports to impose on the fundamental right of access to justice is more than is reasonably necessary to achieve the objective of preventing abuse of the judicial process. Plainly, Parliament exceeded its powers by enacting the unconstitutional provision. Legislative competence is limited to making laws which are consistent with the Constitution.

The mandatory deposit of the said amount as security for cost was mitigated and amendment was done. Firstly, the amendment retained the requirement of depositing an amount as security for cost provided an amount does not exceed five million shillings in respect of each respondent; Secondly, if a petitioner is unable to deposit such amount, then within 14 days after filing a petition, is required to make an application for determination of the amount payable to the court as security for costs. This amendment, notwithstanding, has not assisted many litigants because,

⁴² Civil Appeal No. 64 of 2001, Court of Appeal of Tanzania at Dar es Salaam (unreported).

until the court decides otherwise, a litigant is supposed to deposit the amount of money required by law.

2.4 ACTION POINTS ABOUT LEGAL AND INSTITUTIONAL FRAMEWORKS

The chapter explains about the legal and institutional frameworks which govern election activities in Tanzania. It forms a basis of understanding issues highlighted in forthcoming chapters of this report. As it has been underscored above, the said frameworks are backbones which determine how the elections would be conducted, and more importantly, the results of the elections – whether free and fair. There are also specific recommendations per each issue of concern raised above. Below are action-points which NEC and other election stakeholders need to consider improving the legal and institutional frameworks on elections:

- (i) The government to facilitate reforms on all electoral laws in order to enhance the management of elections in Tanzania before 2019;
- (ii) The government to facilitate NEC acquiring its own office building and establish zonal offices including in Zanzibar;
- (iii) The government to make necessary legal reforms in order to extend NEC's mandates to Zanzibar, especially on the registration of voters for union presidential and parliamentary positions. Therefore, Section 12A of the National Election Act, Cap. 343 should be amended;
- (iv) All stakeholders, especially electoral bodies and CSOs to initiate a comprehensive national strategic plan on civic education to be implemented throughout the entire electoral cycle from the last to the next elections;
- (v) Cost for challenging elections in court should be re-examined for every aggrieved person to be able to seek legal redress in court;
- (vi) Necessary reforms to be adopted in order to allow independent candidate – as a way to implement the decision of the African Court on Human and People's Rights in the *Mtikila* case.

CHAPTER THREE

PRELIMINARY ELECTION PROCESSES

3.1 INTRODUCTION: TANZANIA ELECTION CYCLE

The Tanzanian election cycle is comprised of several steps, which begin from the preliminary planning or organization of the elections to the declaration of the results after polling, counting and tallying. Such steps, as they are discussed below, include the demarcation of constituencies; registration and updating of voters' register; nomination of candidates including women candidates for women special seats; election campaigns; voting; and declaration of the results.

The way in which the election system is designed under the existing legal framework and administratively as coordinated by NEC as well as other election stakeholders tend to determine the level of democracy, prior, during and after elections. These have significant political consequences, including shaping the nature of parties and party systems.⁴³ According to Norris,⁴⁴ the election design and system also determine the electoral outcomes and fairness of the elections and also the degree of legitimacy and popular support it will ultimately enjoy.⁴⁵ Furthermore, the design and the system could affect the behavior of politicians and voters as well. For instance, the voters could have an incentive to vote if they consider the system under which parties are competing could render justice and enable them to obtain the leaders they have elected.⁴⁶

For instance, it is a fact that the countermanded elections which were conducted in November and December 2015, after the 25th October 2015's climax of the general elections, were influenced by the situation in which the opposition, especially UKAWA, showed lack of confidence in NEC and the results which were announced. That situation, as it is further discussed in a specific chapter on countermanded elections, resulted into low turnout even for the constituencies such as Arusha urban, which had always been demonstrating high rates of voters' turnout. However, a thorough analysis is called for to ascertain reasons for huge apathy which occurred in countermanded elections conducted less than a month after general elections, while the latter witnessed a relatively huge turnout of voters.

The National Electoral Commission is vested with responsibilities to coordinate the entire cycle of election in Tanzania. According to Article 74(6) of the Constitution of the United Republic of

⁴³ Mainwaring, S. (1990), *Politicians, Parties and Electoral Systems: Brazil in Comparative Perspective*. Kellogg Institute. Working Paper No. 141 - June 1990. Pages 3 and 5.

⁴⁴ Norris, Pippa (Undated) *Electoral Systems*. Harvard: USA. PPT Presentation, Slide 43. ALSO, Schmitt, H. (2005) *Meaningful Choices: Under which Conditions do General Elections provide a Meaningful Choice Set, and what happens if they don't?* MZES, University of Mannheim: Germany. Page 15.

⁴⁵ Reynolds, A., *et al* (2005) *Electoral System Design: The New International IDEA Handbook*. International IDEA: Stockholm. Page 29.

⁴⁶ Mainwaring, S. (1990), *Politicians, Parties and Electoral Systems: Brazil in Comparative Perspective*. Kellogg Institute. Working Paper No. 141 - June 1990. Pages 3 and 5.

Tanzania of 1977, and Section 4(1) of the National Electoral Act, Cap. 343, the functions of NEC are:-

- (i) To supervise and co-ordinate the registration of voters in the Presidential and Parliamentary Elections in the United Republic of Tanzania and Councillors' Elections on Mainland Tanzania;
- (ii) To supervise and co-ordinate the conduct of Presidential and Parliamentary Elections for the United Republic of Tanzania and Councillors' Elections for Mainland Tanzania;
- (iii) To review the boundaries and demarcate the United Republic of Tanzania into various constituencies for the purpose of Parliamentary Elections;
- (iv) To declare qualified women who have fulfilled all the conditions, that they have been elected Members of Parliament or Councillors for special seats;
- (v) To provide Voters' Education throughout the country, and co-ordinate and supervise persons involved in the provision of such Education; and
- (vi) To perform any other functions in accordance with any law enacted by Parliament.

The coming parts of this chapter make brief analysis and discussion on how each of these functions was implemented by NEC prior to the commencement of the election campaigns of the 2015 elections.

3.2 VOTERS' REGISTRATION

The Permanent National Voters' Register (PNVR) was established and managed pursuant to Article 5(3) of the Constitution of the United Republic of Tanzania 1977, which is explicated further under Sections 11A and 12 of the National Elections Act, Cap. 343 and Sections 15A and 15B of the Local Authorities Act, Cap. 292. Section 15 of the National Elections Act mandates NEC to update the register. Before the introduction of the Biometric Voters' Register (BVR), the PNVR was used for 2005 and 2010 national elections and before that (2010), a manual register system was in place.⁴⁷

The PNVR was updated two times between 2007 and 2010 in order to; i) register new eligible voters (who had attained 18 years); ii) removed the deceased voters; iii) rectified inaccurate information regarding voters; iv) rectified discrepancies in the register; and v) posted fresh information of voters who shifted from one constituency to another. The register contained details of registered voters including the photograph, names, date of birth, signature, thumbprint, and place of birth, place of registration and date of registration as well.⁴⁸ Despite the introduction of electronic system (PNVR) in 2005, a number of challenges relating to voters' records occurred during the 2005 and 2010 elections. The shortfalls (occurred in some of places) included:-

⁴⁷ LHRC and TACCEO, Report on the United Republic of Tanzania General Elections of 2010. LHRC & TACCEO: Dar es Salaam. Page 28.

⁴⁸ Kavishe, E. (2011), The Electoral Process in East Africa: Tanzania's Perspective. A Paper Presented by Mr. Emmanuel Kavishe (State Attorney In The National Electoral Commission) at the Ninth EAMJA Annual Conference and General Meeting, 11th – 15th October, 2011, Imperial Resort Beach Hotel Entebbe, Uganda. Page 7.

- (i) Improper recording of voters' information, which was attributed to incompetence of registration clerks.
- (ii) Factual misrepresentation of voters' names; dates of birth and even locations.
- (iii) Mixing up of names – first, middle and surnames.
- (iv) Mismatching of names between ones appeared in the voters' register and those on the voters' identity cards.
- (v) Fake names such as inclusion of the names of people who were still alive to amongst the deceased or vice versa.
- (vi) Delays in displaying voters' list in polling stations. The NEC allowed only seven (7) days displaying voters' names before the voting day. Some of the polling stations had voters' names displayed less than seven days before voting day.
- (vii) List of voters displayed by NEC differed with the one used by the returning officers.
- (viii) Dysfunctional voters' register on the website. The register was uploaded on NEC's website, but accessing it was a serious challenge as it was unable to open up the pages a time for multiple subscribers.

Obviously, as TACCEO observed in 2010, such shortfalls happened to the detriment of voters. They, to a large extent, contributed into the exclusion of a good number of voters from exercising their right to vote. In that regard, TACCEO and other stakeholders called for reforms of the register introduced. The government of Tanzania seems to have responded to this call whereby the BVR was incepted to replace the PNVR in which the voters were registered using the Optical Mark Recognition (OMR) technology.



Picture 3.1: Justice Damian Lubuva, NEC's Chairperson (accompanied by Mr. Julius Mallaba, former NEC's Director) addressing the media about the commencement of the BVR from February, 2015. He said, about Tshs 293 billion (USD 136,000,000) will be utilized for updating voters' register under BVR arrangement.⁴⁹

⁴⁹ Chalila Kibuda, 'Tume ya Taifa ya Uchaguzi (NEC) kutumia bilioni 293 kuandikisha wapiga kura.' Accessed on 27th December, 2015 from: <http://www.tanzaniatoday.co.tz/news/tume-ya-taifa-ya-uchaguzi-nec-kutumia-bilioni-293-kuandikisha-wapiga-kura>

The BVR came as a scaling up technology for PNVR whereby, both formerly registered voters (under the said OMR technology) and new voters were to be included in BVR.⁵⁰ Therefore, all previous voters' IDs were thereafter rendered invalid. The new card contains more details as the picture below shows:



Picture 3.2: PNVR's card (left); and a new BVR card (right).

The stakeholders, especially political parties were a bit skeptical with the decision to adopt BVR technology especially without sufficient consultation with them – to understand how it works and if voters' details would be secured from being manipulated with the technology. However, as NEC continued intensifying its public awareness and consultations about the new technology, almost everything was fine, except the fact that the registration process through BVR was delayed. It commenced without offering the political parties opportunities to understand the technical side of the technology.

Some of the features which BVR intended to introduce in the national voters' register were ability to accelerate voters' identification; and minimization of risks of multiple entry and duplication of information of voters registered in different areas and its security features compared to the OMR technology. Furthermore, unlike the former technology, the biometric technology captures personal and demographic data of voters during voter registration process. It involves the use of computers, fingerprint scanners and digital cameras to capture the bio-data of applicants as the picture below shows:

⁵⁰ Note that, BVR is already in use in a number of African countries including Nigeria, Kenya, Democratic Republic of Congo (DRC), Sierra Leone, Burkina Faso, Zambia, Togo, and Uganda. NEC claimed from time to time that it (BVR) worked well in those pioneering countries.



Picture 3.3: A BVR kit, with a computer, camera, etc. The BVR expert, Mr. Joachim Ismail (in an orange shirt) explaining to LHRC/TACCEO’s BVR observers on how the kit works in 2015.

The fingerprints are unique to every individual and it is these unique features and other details that are normally stored in the computer from which the voters register is produced. This technology incorporates data such as signature, digital electronic photographs and fingerprints and maintains the auditable integrity of voter registration forms that are signed by the voters.⁵¹

On voters’ registration under BVR technology, LHRC/TACCEO observed, *inter alia*, that:-

- (i) The legal and institutional framework for voter registration is inclusive in its intent. However, the current system left out a number of people unregistered due to its limitation. Such groups included the diaspora; some of the inmates (prisoners) especially those who were serving a jail sentence for less than six months; persons who were admitted in hospital at the time when registration rounds were conducted in their areas; and some of the university students were also not registered due to the timing of registration. It should be noted that there were designated registration centres whereby all persons were supposed to go in person. However, it was rumoured that some of the leaders had the BVR kits taken to their homesteads for them to register with their families.
- (ii) The voters’ education was not only insufficiently provided but it was not well designed to prepare voters and make sure they are ready, willing, knowledgeable, confident and able to fully participate in the registration process. However, this did not affect the registration process as the turnout was very good as explained below.
- (iii) Some of the registration centres were not universally accessible for persons with special needs such as the elderly, pregnant women and persons with disabilities (PWDs). For instance, as the Mbagala, Dar es Salaam’s picture above shows, some of the centres had steep stairs without ramps.

⁵¹ TACCEO and LHRC (2015), National Biometric Voter Registration (BVR) Observation Report. TACCEO and LHRC: Dar es Salaam. Pages 4 and 5.

- (iv) The general response of the BVR process in 2015 was very positive in terms of the percentage of registration turnout; accounting for an average of 111% and 100% according to NEC and NBS, respectively. However, the variation across regions is striking with Kigoma recording only 83.4% and Njombe recording the highest rate of 154% based on NEC estimates. There was also an impressive turnout of people with disabilities (PWDs). Based on the findings, if voter education was adequately provided the percentage of registered voters could have been much higher. It was observed that impressive percentage of registration of voters could be attributed to other factors including the people's need of getting registration cards for other purposes such as financial and legal services (note that, most of Tanzanians do not have national IDs).
- (v) On the management of the BVR process, it was observed that despite the fact that the registration targets were realized as explained above, most of the voters wished to be registered suffered a lot. For instance, they had to queue for hours and even days in order to be registered.



Picture 3.4: Kibondo breast-feeding mothers (at Kigogo Primary School, Kibondo, Kigoma), though were given preferential treatments, but they were to wait for hours (and even days) in a slow-moving queue during BVR in 2015.

Some unscrupulous people took advantage of the situation to earn some monies out of corrupt deals to jump the queues. There were also reported incidents of violence. The delays in registration were attributed to a number of factors, some being; a) inadequacy of the number of BVR kits procured (e.g requirement was 15,000 kits, but only 8,000 were procured and used); b) capacity of most of the registration clerks who seemed to have little understanding on how to operate the machines; and, c) the machines themselves were stacking almost all the time due to various technical reasons.

- (vi) The underage and multiple registrations' challenges which haunted the national voters' register did not stop with the invention of this new technology as it was highly anticipated by stakeholders. NEC estimated that 52,062 people had multiple registrations.



Picture 3.5: Mr. Ramadhani Kailima (left), the Director of NEC, hands to Police Officer ACP Benedict Wakulyamba, a list of 52,078 multiple registrants in the BVR for the police to investigate and prosecute. However, NEC noted later that some of the cases of multiple registrations resulted from malfunctioning of the BVR machines. It is not certain whether there is anyone who was prosecuted.

- (vii) Furthermore, with regard to the same observation (of whether BVR cured past challenges), LHRC/TACCEO established that the verification of accuracy of voter information during registration was not done satisfactorily. The same happened during voting, whereby, some voters had their names or pictures missing on the register; or, incorrectly entered; or, shifted to the other polling stations (without notification); or had mismatch between IDs and register's names. Probably, the magnitude of the problem was relatively smaller than pre-BVR era; but, the fact remains that, BVR was not efficient as it was anticipated.
- (viii) Lastly, but not least, BVR did not centralize voters verification in order to allow voting anywhere when a voter is within or outside the country as it was expected. Therefore, the verification of names was done manually as it was in the past even before PNVN's era. LHRC/TACCEO noted that a good number of people failed to vote just because the current system did not allow them to vote from where they are. For instance, all higher learning institutions were closed during elections while majority of their students were registered when they were in colleges.

Some of BVR-related incidents noticed and heard by LHRC/TACCEO during the election campaigns and voting in 2015 were:-

- (i) That, BVR included non-Tanzanians in some places. For instance, the Secretary of ACT-Wazalendo for Kigoma North, Mr. Ramadhan Ruhaha, showed LHRC/TACCEO the names of about 210 voters who he alleged were not Tanzanians, registered in Kagunga ward. He submitted the names to the returning officer but it was not established how the officer handled the situation. It is unfortunate that Immigration Department was not directly involved in the registration process. It would have been useful to engage them into the process especially in border regions;

- (ii) In Morogoro, Balani hamlet, Mvuha village, only one name out of more than 800 voters who were registered under BVR had his name appear in the register. They requested the ward executive officer (WEO) to follow it up in vain;
- (iii) The CHADEMA's district secretary for Igunga district, Tabora told LHRC/TACCEO on 26th September, 2015, that at least 22,412 voters were missing in the register. He was not certain if the situation would be rectified by 25th October, 2015. The LHRC/TACCEO's tight schedule did not allow the observers to follow up with all these issues – to understand whether they were sorted out;
- (iv) On 21st September, 2015, the anonymous government official of Bukoko ward, Igunga district, Tabora, said that about 744 of registered voters were missing in the register;
- (v) It was noticed on 17th October, 2015, that some of the residents of Kazinga village, Kaibanja ward, Bukoba rural district, Kagera region, had BVR IDs but their names were missing in the BVR register.

On this, LHRC/TACCEO suggests that the government should allocate NEC with sufficient and permanent budget/fund for updating the BVR annually (at least on rotational basis per zone) instead of waiting until election year when NEC is normally preoccupied with other activities. Secondly, there is also a need to hold consultative meetings with election partners, especially political parties about the e-management of electoral system. This would reduce doubts on alleged manipulation of the electronic communications.

3.3 DEMARCATIONS OF CONSTITUENCIES

One of the functions of NEC is to demarcate constituencies. Normally, this is supposed to be done at least every 10 years as per Article 75(4) of the Constitution of the United Republic of Tanzania of 1977. About 26 new constituencies were created in 2015 to make a total of 265. The last review and an increase of constituencies was done in 2010, whereby a total of 7 constituencies were added from the previous ones (232) existed from 1995. That means, 33 constituencies have been added on within a span of 20 years, being an increase of 12.5%.

The new constituencies added in 2015 were Handeni Mjini (Tanga); Nanyamba (Mtwara); Makambako (Njombe); Butiama (Mara); Tarime Mjini (Mara); Tunduma (Mbeya); Nsimbo (Katavi); Kavuu (Katavi); Geita Mjini (Geita); Mafinga Mjini (Njombe); Kahama Mjini (Shinyanga); Ushetu (Shinyanga); Nzega Mjini (Tabora); Newala Mjini (Mtwara); Mbulu Mjini (Arusha); Bunda Mjini (Mara); Ndanda (Mtwara); Madaba (Ruvuma); and Mbinga (Ruvuma), which were added as constituencies following establishment of new district or township councils. The remaining 6 constituencies were demarcated on the ground of population quota. These are Mbagala and Kibamba (Dar es Salaam); Vwawa (Mbeya); Manonga and Ulyankulu (Tabora); and Mlimba (Morogoro).

In demarcating constituency's boundaries NEC is guided by a number of criteria including the geographical conditions; population quota; the size of the constituency; administrative

boundaries; considering that a constituency should not to cut across two districts or councils; the carrying capacity of parliament building; and a number of special seats for women. Furthermore the Commission has set procedures for the stakeholders to submit recommendations for reviewing boundaries and demarcating constituencies.

An increase of constituencies has financial implications in terms of expanding the scope of election budget and a burden to carry for paying bountiful salaries and sitting allowances of the parliamentarians. It should also be noted that women special seats quota tends to expand as the constituencies increase. In terms of election costs, for instance, according to the anonymous NEC personnel, costs for election management of one constituency consumes about Tshs 20 billion (USD 9,000,000); one MP is alleged to be paid at least Tshs 330,000 (USD 155) per day as ‘sitting’ allowance; and Tshs 11,000,000 (USD 5,120) per month as a salary. Besides, a soft loan or grant of Tshs 90,000,000 (41,860) per each MP is paid at the beginning of his or her tenure for purchasing a vehicle. Such expenses exclude other entitlements such as fuel allowance. Therefore, with the current 369 seats (parliamentary size),⁵² about Tshs 122,000,000 (USD 55,400) will be spent per day just for sitting allowances. An additional of more than Tshs 280,000,000 (USD 130,230) will be needed for salaries per month; and more than Tshs 10,000,000 (USD 4,650) per a day as sitting allowances for the new seats created in the Parliament.

Unfortunately, cost-benefit or opportunity cost analysis is not one of the criteria for demarcating constituencies – whether the demarcation has any added value to the welfare of the people apart from the political advantages of some parties (creation of more opportunities). It is also something to investigate further on whether an increase of constituencies over a period of time has hastened or deteriorated socio-economic developments in the districts or township councils.

3.4 NOMINATION OF CANDIDATES

3.4.1 Overview and Legal Qualifications

The parties’ internal rules are, to a large extent, shaped by the electoral system of the country they operate.⁵³ The Tanzanian political parties’ nomination procedures are, to a large extent, influenced by the electoral legal framework and electoral calendar. For instance, all parties normally begin nominations of candidates of different political positions after NEC had issued election calendar. The nomination of presidential candidates of CCM and the opposition camp, took longer than usual this year.

⁵² Parliament of Tanzania, ‘Composition.’ Accessed on 21st February 2016 from: <http://www.parliament.go.tz/pages/compositon> The said 369 MPs include 257 MPs elected directly from constituencies as contestants; 110 as women special seats MPs; 1 Attorney General; and, 10 presidential appointees. The number could be more than 369 because the parliament website has not included more presidential appointees. TACCEO did not receive an official response on the actual number. Therefore, it relies on what was on the parliament website as of 21st February, 2016.

⁵³ Benoit, K ‘Models of Electoral System Change,’ *Electoral Studies* 23 (2004), 363–389. Accessed on 29th December, 2015 from: www.elsevier.com/locate/electstud

Article 39(1) of the Constitution of the United Republic of Tanzania of 1977 provides for the qualification for nomination and election of the position of the President of the URT. It states that:-

A person shall not be entitled or elected to hold the office of President of the United Republic save only if; (a) he is a citizen of the United Republic by birth, in accordance with the Citizenship law, (b) he has attained the age of forty years; (c) he is a member of, and a candidate of a political party; (d) he is qualified to be a Member of Parliament, or a Member of House of Representatives; and, (e) within the period of five years before the general elections he has not been convicted by any Court for any offence relating to evasion to pay any tax due to the government.

Article 39(2) of the Constitution echoes further qualification of Article 39(1) by stating, *inter alia*, that no person shall be qualified to be elected to hold the office of the president of the URT unless he is the member of, and a candidate proposed by a political party. This excludes private candidacy. The restriction of private candidacy extends to parliamentary and councillorship posts as well. The coming parts of this sub-chapter discuss more about private candidacy.

For Members of Parliament, Article 67(1) of the Constitution of the United Republic of Tanzania clearly stipulates that; *'any person shall be qualified for election or appointment as a Member of Parliament if he; (a) is a citizen of the United Republic who has attained the age of twenty-one years and who can read and write in Kiswahili or English language; and (b) is a member and candidate sponsored by a political party.'* Sub-article (2) contains a list of disqualification criteria. Those are such as foreign citizenship, criminal offence records for the past five years, legally denied registration in the permanent voters' register and non-affiliation to a political party, to mention but a few.

On 2nd June, 2011 the Tanganyika Law Society (TLS) and LHRC lodged an application (No. 009/2011) before the African Court on Human and Peoples' Rights (ACHPR) currently hosted in Arusha, against URT, to seek the Court's directives on private candidacy. The application to the court followed the decision of the Court of Appeal of Tanzania which rejected the argument that restrictions imposed by the Constitution of Tanzania under the above named Articles infringed the freedom of association and the right to participate in public or government affairs and also an argument that, such restrictions create unnecessary discrimination among Tanzanians and therefore violates the principle of non-discrimination. On 10th June, 2011 the Late Rev. Christopher Mtikila also brought the same matter before the ACHPR (application No. 11/2011). The two applications were consolidated to form one case against URT. The ACHPR ruled that barring independent candidate was contrary to the international human rights instruments, which bind Tanzania.

In its judgement on 14th June, 2013 the Court observed, *inter alia* that, in essence of the current legal framework on elections, a Tanzanian citizen can only seek public elective office by being member of and being sponsored by political parties. There is no other option available to the citizen. The court opined that the limitation imposed by the government of Tanzania ought to be in consonance with international standards to which Tanzania is expected to adhere. The judgment (in paragraph III) reads:

The court (ACHPR) therefore finds a violation of the right to participate freely in the government of one's country since for one to participate in presidential, parliamentary or local government elections in Tanzania, one must belong to a political party. Tanzanians are thus prevented from freely participating in the government of their own country directly through freely chosen representatives.

The court instructed the government of Tanzania to take appropriate constitutional, legislative and all other necessary measures within reasonable time to remedy the violations found by the court and to inform the court of the measures taken.

It is more than two and half years since the government of Tanzania was directed to remedy the situation; but, nothing has been done. The private candidacy is still strictly prohibited under the current legal framework on election. Due to this restriction, LHRC/TACCEO noticed a number of incidents whereby, candidates at different levels and from different parties were crossing the flow from one political party to the other. The former Mbarali parliamentarian (Mr. Modestus Kilufi) crossed the flow three times (to and from three political parties) within a week in a bid to find a party which could sponsor his candidacy as the law requires.



Picture 3.6: Left: Mr. Modestus Kilufi with black suit (CCM to CHADEMA to ACT-Wazalendo). Right: Mr. Said Nkumba (CCM to CHADEMA to CCM) in 2015.

Mr. Said Nkumba, a former CCM parliamentarian for Sikonge constituency, in Tabora, defected to CHADEMA where he stayed for less than two weeks before returning back to CCM. His forth and back movements between the parties was attributed to a desire to seek parties' nominations. He did not succeed in both parties; hence, he failed to fulfill his political desire. The 'rejected' candidates would have still been able to pursue their political ambitions if the Tanzanian legal framework was friendly allowing independent candidates as it is the case in other African countries, including Uganda.

LHRC/TACCEO urges the government to adhere to the ACHPR's decision, in which, it was directed that constitutional and legislative measures be adopted to remedy the situation and allow private candidacy without unnecessary restrictions.

It is LHRC/TACCEO's observation that the said limitation (against private candidacy) used to workout perfectly in the past in favour of the ruling party because, during that time the 'rejected' aspirants remained loyal to their party (CCM) on anticipation that they would be consoled by being appointed to other positions such as district commissioners, regional commissioners, chairpersons of public boards, ambassadors, etc. However, the allegiance seems to be steadily diminishing as the chance for appointment is not guaranteed. The second issue of concern about qualification criteria as TACCEO raised it in its 2010 report is about the level of education needed for a candidate to contest parliamentary or councillorship posts. As it was argued in 2010, LHRC/TACCEO believes that requirements of knowledge of either Kiswahili or English language or being able to just read and write is generally insufficient for the reason that ; i) the current situation, where Tanzania has opened up its development initiatives to include inter-regional development relationships, which require the parliamentarians or councilors to deliberate and make decisions; and, ii) the fact that while it is well understood that parliament runs its day to day business in Kiswahili, it is also irrefutable that, most of key documents in parliament or council meetings are written not only technically but also in English language. Therefore, without taking serious steps to fix up the level of education for such important leadership positions, little attention will be given to the people being represented and consequently the whole notion of electing people's representatives will have no meaning.

LHRC/TACCEO established that during campaigns, some of the candidates really failed to address rallies by way of articulating issues which their supporters needed for reforms because of limited understanding of socio-economic plans and programmes. Moreover, after election a good number of elected councilors were even failing to read a half page oath statement when they were being sworn in. Development plans at district or municipal councils are conceptualized, designed, implemented and monitored on the basis of political ambitions instead of technically conceived. This situation normally causes serious conflicts between district or municipal technical officers and councilors. The proposed minimum level of education for councillorship and parliamentary candidacy should be at least secondary school and diploma respectively.

3.4.2 Presidential Candidacy

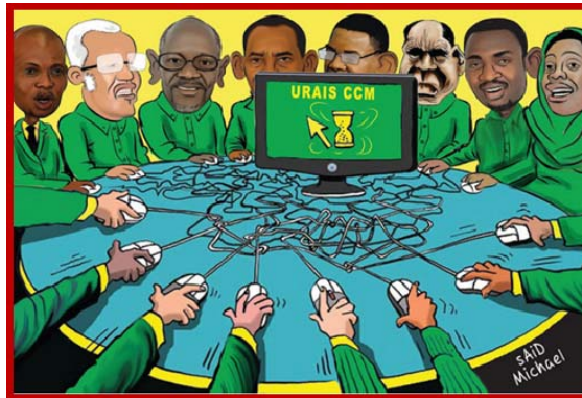
(a) Ruling Party

The ruling party, Chama cha Mapinduzi (CCM), was in its historical challenge to select one candidate amongst 42 aspirants who had shown an interest to contest for presidential candidacy. This was unprecedented situation for the ruling or any other political party in Tanzania. One blogger remarked in 2015 that, '*an overall, the 2015 presidential pool is wild and massive ... I am convinced that we currently do not have an anointed candidate in this election cycle, yet ... process is historically unpredictable.*'⁵⁴ Indeed, it was weird and wild altogether.

It was not immediately established as to why so many party cadres including several women this time around, wished to be CCM's flag bearers. However, one could relate this situation with an expansion of party's internal democracy to be able to vie for any elective and may be, as some

⁵⁴ Mohamed Matope (2015), Overview of CCM Presidential Nomination Contest. Accessed on 22nd December, 2015 from: <http://www.tanzaniatoday.co.tz/news/overview-of-ccm-presidential-nomination-contest>

people may argue, the simplicity of leadership fashion demonstrated by the incumbent president which, apparently, made people to believe that it was easy for ‘anyone’ to be a president. For instance, a college youth from Morogoro and a standard seven farmer from Tabora region were amongst the aspirants. These two assumptions, however, need a separate analysis.



Media Clip 3.: A number of CCM cadres scrambling for CCM presidential candidacy.

Among the 42 aspirants included prominent and high profile leaders such as incumbent and former prime ministers; incumbent vice president of URT; the former chief justice of Tanzania; the former United Nations (UN) Deputy Secretary General; ambassadors; incumbent and former ministers. Some of them appeared in this contest for the third and fourth times as they had been trying their fortune since 1995. The public sentiment on the suitable candidate changed every day from June 2015 when aspirants appeared in public to pick the nomination forms. However, the battle, at least by looking at mass media perspectives, were between the two giants, Mr. Bernard Membe, the incumbent Minister for Foreign Affairs and, Mr. Edward Lowassa, the former Prime Minister of Tanzania (2005-2007).



Media Clip 3.: It was Member vs Lowassa as the media propagated. The caption reads ‘Lowassa vs Membe, who is sturdy.’ The yellow bold means ‘All is not well in CCM.’

The duo (Membe and Lowassa) seemed to have ‘camps’ within the party (at CC and EC levels). Probably, that is why it was ‘necessary’ to slice the name of Lowassa prior to those stages. It was apparent that some of the party leaders really wanted to get rid of him. There was another school of thought which alleged that some of the 42 contestants were ‘planted’ to elongate the list in order to justify the slicing of giants names – at least the ones which some of the top leadership did not want. The alleged plotting could have been done with or without knowledge of the aspirants. Whatever the case, the year 2015 witnessed a thrilled nomination which threatened the breath of the ruling party.

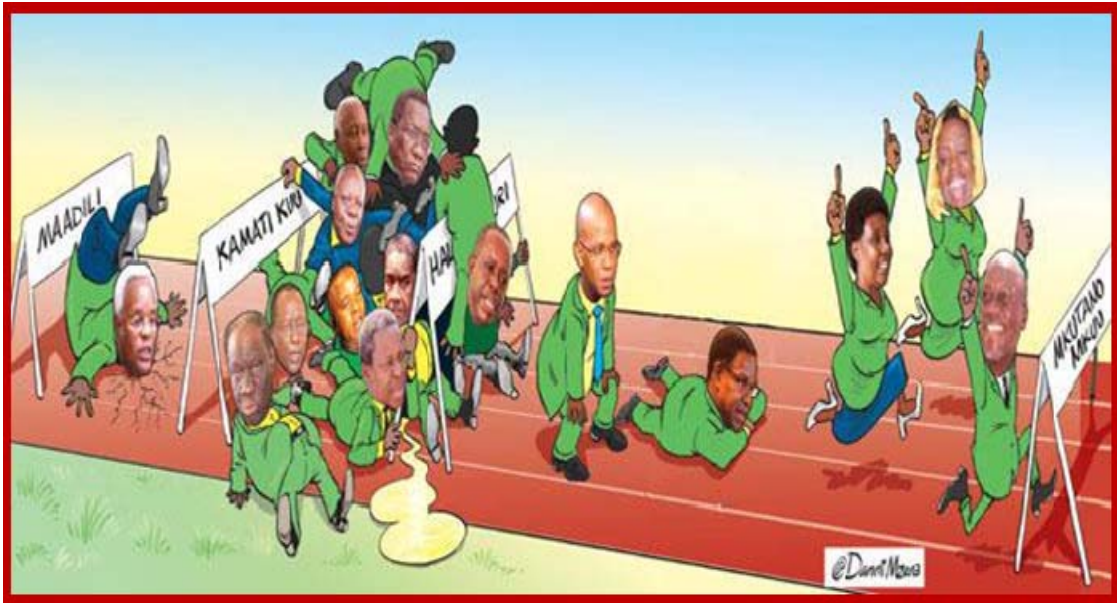
As said earlier, the legal framework on elections in Tanzania gives political parties a wide discretion to use their own rules in the nomination of candidates for various positions. On this, CCM seems to have a very well organized nomination method notwithstanding some political maneuveres. The party has three nomination organs for presidential candidacy. According to their constitution, the names are proposed by the Central Committee (CC), screened by the National Executive Committee (EC) of the party before the party congress finally endorses one name. Table 3.1 below shows CCM’s presidential nomination time table which was released in June, 2015.

Table .1: CCM’s Presidential Nomination Schedule, 2015

Date	Event
03/06/2015 to 02/07/2015	Picking of nomination form. Deadline returning the form was 6 th July, 2015 at 4.00PM.
03/06/2015 to 02/07/2015	Seeking members’ endorsement.
08/07/2015	Ethics committee (<i>Kamati ya Maadili</i>) meeting.
09/07/2015	CC meeting.
10/07/2015	EC meeting.
11/07/2015 to 12/07/2015	Members’ assembly/party congress.

Source: CCM’s Press Release, June 2015.

Despite the fact that the above procedure has been the usual nomination process of the ruling party, unlike previous years this time around (2015) the party’s disciplinary or ethics committee (*Kamati ya Maadili*) was alleged to have been invoked to screen the 42 names and produce only five names which were tabled before the CC. This was perceived to be an ‘illegitimate’ decision. The *Mwananchi* newspaper’s cartoonist, Mr. Danni Mzena, captured the procedures quite impressively, as portrayed below:



Media Clip 3: One of the giant contestants, Mr. Lowassa was dropped at the level of Kamati ya Maadili.

The ethics committee, which is comprised of former high level CCM leadership, dropped off a number of aspirants including one of the giants, Mr. Lowassa. The screening criteria were not made public.



Media Clip 3: The high tension which the CCM aspirants experienced during party's nominations, while the CC and EC were deliberating their names in July, 2015 at Dodoma.

The CC came out with five names and for the first time in the CCM's history, two women made to this stage. The five names chosen were, Mr. Bernard Member (incumbent Foreign Minister); Mr. January Makamba (incumbent deputy minister for communication ministry). He is also the son of the former CCM general secretary, Mr. Yusuf Makamba; Dr. John Magufuli (incumbent Minister for Works); Dr. Asha-Rose Migiro (incumbent minister for justice). Dr. Migiro is also the former deputy secretary general of UN; and Ms. Amina Said Ali (ambassador).



Media Clip 3.: Left: Alleged to be a tweet by Jakaya Kikwete (CCM national chairperson), announcing the names of the top five. Right: Mwananchi’s cartoon showing jubilation and frustration altogether. The one ‘fallen down’ is purported to be one of the former prime ministers – by his look

During the deliberation of the names of the aspirants, an Asian guy was arrested in Dodoma with a bag carrying millions of money as Picture 3.7 below shows:



Picture 3.7: An Asian person who ‘visited’ Dodoma where CCM was screening the names of presidential aspirants.

He was arrested and later on released on the ground that the money he was carrying was for other business in Dodoma. However, the question remained to be, what kind of business he wanted to transact in CCM grounds with such huge bundles of notes?

The five names were tabled before the party assembly, which after a long day deliberation by the members, only three aspirants were shortlisted as Picture 3.8 below shows:



Picture 3.8: Faces of CCM's shortlisted presidential nominees.

The shortlisting was followed by internal campaigns and further deliberations plus voting at EC level, whereby Dr. John Pombe Magufuli, who is now the President of Tanzania, was declared the flag bearer for CCM. He immediately appointed Ms. Samia Suluhu Hassan, an incumbent minister for union matters to be his running mate.



Media Clip 3.: The CCM's presidential aspirant-finalist was Dr. John Magufuli. He picked Ms. Samia S. Hassan as his running mate.

Dramatic as it was expected, the decision to 'slice' of Mr. Lowassa even before the central or executive committee levels as noted earlier, attracted immediate reactions by some of the party's cadres. For instance, Dr. Emmanuel Nchimbi and Ms. Sophia Simba, came out in public to allege that party's procedures were not followed. The same observation was heard from some of the members and in a more loud voice by Mr. Kingunge Ngombale Mwiru, the CCM's veteran cadre. It is not certain on how the grievances were addressed, but the outcome of the alleged irregularity resulted into Mr. Lowassa defection to CHADEMA under UKAWA coalition.



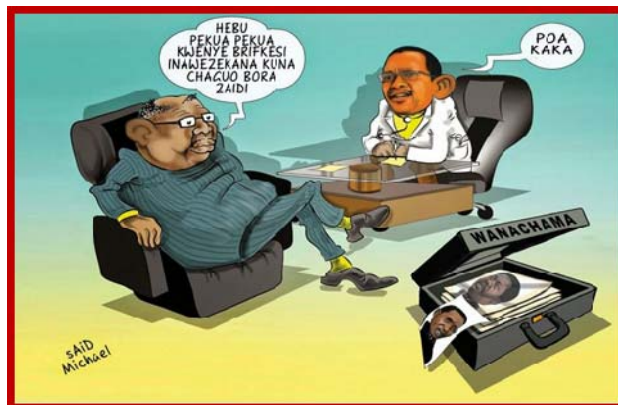
Media Clip 3.: Left: ‘Lowassa, Lowassa, Lowassa in 48 hours to decide whether his name is ‘sliced’ or not. Right: A very nice cartoon by Mr. Said Michael, who shows the defection of Mr. Lowassa from CCM house (in green window and door) to UKAWA coalition of four political parties (in blue window and door). Looking on are designed faces of persons purported to be CCM chairperson, general secretary and head of the publicity; while on part of UKAWA, purported to be CHADEMA’s chairperson and his colleagues who are in nervous-welcome mood of Mr. Lowassa.

Therefore, the final decision to nominate Dr. Magufuli ended the heated public debates as they were portrayed by the mass media. What remained to be a critical dilemma was what Mr. Lowassa would do next. This was a relevant question due to the fact that chances were very narrow for him to wait and spring back in 2020 or 2025 as the case would have been due to his age, fast changing political landscape, and other factors. He was appearing to seek for this position for the fourth time since 1995. Therefore, it was a ‘dying-or-live’ gamble to fight by all means possible. However, he failed notwithstanding the huge CCM crowds and votes gathered to endorse his nomination form.



Picture 3.: Mr. Lowassa (yellow shirt and black suit) in a pleasure mood having been able to collect a bundle of papers signed by his CCM supporters during round trips to seek endorsements for his nomination.

As stated above, his strategies and huge crowds came to support his endorsement were not good enough to make him through as CCM flag bearer for presidential race in 2015. Rumors spread in mass media that everything about presidential candidate was pre-determined. Mr. Membe was mentioned to have a close family friendship with the incumbent president, who is also the national chairperson of the ruling party; while one of the former presidents was alleged to had full control of Dr. Magufuli’s nomination.



Media Clip 3.: Purported to be the former top leader (Mkapa) ‘commands’ the incumbent leader (J.K) to check if there is better option from the list in the briefcase of presidential aspirants.

Despite the fact that it is only Mr. Lowassa who was targeted by the media, other candidates were said to have been irked or hurt by what happened during nomination. For instance, Mr. Mizengo Pinda was captured dropping tears when Dr. Magufuli was announced to be the winner of the nomination race. The picture below shows him in tears:



Picture 3.: Mr. Mizengo Pinda’s eyes in chock-full tears. Happiness or Sorrowful?

It was not certain whether Mr. Pinda’s tears were a symbol of happiness for Dr. Magufuli’s ultimate victory or, was a sorrowful communication of his heart after being ‘humiliated’ in the nomination processes.

LHRC/TACCEO is of the view that there is a need for grievances management mechanism in the parties. The Registrar of Political Parties could advise each party to have an arrangement

whereby, the aggrieved aspirants could lodge and have their complaints heard before an endorsement of the winner. It is unwise and unhealthy in democratic society to have a system which does not allow determination of grievances. This recommendation cuts across all political parties as they seemed to have the same inhibitive nomination procedures.

(a) UKAWA Camp

It is the second time in row that the opposition side took the general public in a big surprise after the 2010 incident whereby CHADEMA unexpectedly nominated Dr. Willibrod Slaa as their presidential flag bearer. During the time, Dr. Slaa was regarded as one of the strong leaders from the opposition following his excellent contributions as an MP in the 2005 – 2010 parliamentary phase. Therefore, his (Dr. Slaa's) nomination for presidential race in 2015 was more or less predictable as it seemed (from media trends) no better option was available to replace him. However, following the decision of the opposition political parties under UKAWA to elect one presidential flag bearer, things started to change. CUF, one of the UKAWA's gigantic members, was said to have its own interest in presidential candidacy. It seemed that their national chairperson, Prof. Ibrahim Lipumba, who had contested for presidential race several times, stood a better position to represent his party (and therefore UKAWA coalition). Therefore, it was a 'silent wrestling' between the two possible candidates as the cartoon below illustrates.



Picture 3.: Prof. Lipumba and Dr. Slaa in a meeting. Media Clip 3.: Prof. Lipumba and Dr. Slaa in action.

The first thing which the parties forming UKAWA did was to secure internal endorsements of their supreme organs on whether or not to join the grand coalition, UKAWA, and to have one flag bearer for them all. Apparently, each party managed to secure the endorsements and then, a series of inter-party meetings on how to work out the teamwork occurred between April and June 2015 as pictures below depict:



Picture 3.: UKAWA's top leaders (Mr. Freeman Mbowe, Prof. Ibrahim Lipumba, Mr. James Mbatia, Dr. Willibrod Slaa, Dr. Emmanuel Makaidi and other leaders in series of meetings, apparently about presidential candidacy in 2015.

The UKAWA's discussions seemed to have been strategically prolonged in order to see the outcomes of CCM's nomination, because just a week after CCM dropped off Mr. Lowassa, he was invited by CHADEMA's chairperson to join UKAWA. The welcome remarks by Mr. Mbowe was captured by CHADEMA-related daily, Tanzania Daima newspaper of 21st July, 2015 (front page picture below).



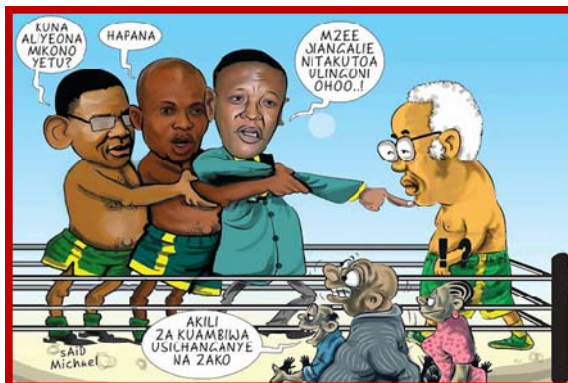
Media Clip 3.: Mr. Lowassa invited to UKAWA camp. It was predictable that he was going to join CHADEMA.

Seven days later, Mr. Lowassa formally declared his interest in CHADEMA and insisted that ‘CCM is not my father or mother ...’ to continue suffering for it, while it was evidently noticed that the party was highly rejecting him. The cartoon media clip 3.11 below tries to portray how one of the players, purported to be Mr. Lowassa, was sent off the pitch out the presidential ‘game’ in the rulling party, CCM.



Media Clip 3.: CCM demonstrated its embellished rejection to Mr. Lowassa – to ensure that he really goes out of the game!

The media alleged that Lowassa had a number of political enemies within CCM, who in most cases used the party’s head of ideology and publicity unit, Mr. Nape Mnauye, as a shadow to fight him. On this, Mr. Mnauye was really active and did it industriously almost for three years. His (Lowassa) close friend, Jakaya Kikwete, alleged to turn hostile against him; and their sour relationship became an observable fact as the media clip below depicted.



Media Clip 3.: Left: Purported to be Mr. Bernard Membe and Mr. January Makamba hide behind Mr. Nape Mnauye’s back. They are, ghostly, pumping Mr. Nape to threaten Mr. Lowassa that he will be removed from the presidential battle. Looking on are clever citizens who say that ‘dictated mindset, don’t mix with yours.’ Right: the media clip explains how the enmity between Mr. Jakaya Kikwete (JK) and Mr. Lowassa was adversely affecting CCM.

The decision of Mr. Lowassa to join opposition camp set a new political landscape. Firstly, it was for the first time in Tanzania history that a former Prime Minister defected from the ruling party in favour of the opposition. The last time was in 1995 when the deputy Prime Minister, Augustine Lyatonga Mrema defected from CCM to join NCCR-Mageuzi and then contested presidential post. Secondly, the waves of Mr. Lowassa's political powers were noticeable and brought a new taste of democratic contest.



Picture 3.: Mr. Lowassa (white hair with microphone) and UKAWA's top leadership in press conference where he announced his defection from CCM in July 2015. Right: Mr. Lowassa and his wife (Regina) displaying their CHADEMA's membership cards.

The defection of Lowassa did not happen without some criticisms from the members of public and CCM supporters. They scorned CHADEMA for dismantling their own glory by inviting and trying to cleanse a person whom they had spent years in political platforms accusing him of being a corrupt leader, unfit for public leadership. They (CHADEMA) had really to use extra powers in their bid to cleanse Mr. Lowassa. The worst 'enemy' became the best 'friend.'



Media Clip 3.: CHADEMA's leaders 'cleansing' Mr. Lowassa after joining their party in July 2015.

On the other hand, inviting Mr. Lowassa in CHADEMA seemed to erase Dr. Slaa's opportunity to recontest for presidential position. Despite the fact that he participated in various initial meetings which ushered in Mr. Lowassa to CHADEMA, he later on decided to dissent the endorsement to invite or accept the 'visitor.'



Picture 3.: Left: CHADEMA’s leadership with Mr. Lowassa in a hotel in Dar es Salaam. Media Clip 3.: Right: a cartoon showing Dr. Slaa’s presidential trance disappearing away from him.

Afterwards, Dr. Slaa decided not to attend subsequent CHADEMA and UKAWA’s meetings. His arguments against Mr. Lowassa failed to stop his party’s leadership from welcoming and ultimately endorsing Lowassa to become UKAWA flag bearer. It is not certain on whether CHADEMA’s constitution allows such kind of movement – to accept a candidate and entrust him with presidential candidacy position within ten days or so.



Picture 3.: Left: CHADEMA’s assembly after endorsing Mr. Lowassa as their presidential candidate. Right: Mr. Lowassa holds CHADEMA’s presidential nomination form after being handled to him by Mr. Mbowe.

CHADEMA had to balance representation of other UKAWA’s members into the race by inviting Mr. Juma Duni Haji from CUF to join CHADEMA as Lowassa’s running mate. The legal position of Tanzania on candidate as explained above requires one to be a member of and sponsored by a political party for him or her to contest for any political position. Therefore, because UKAWA was not a registered political party; and, also because the law is silent whether members of different political parties could co-run for presidential candidacy, then, UKAWA did not take a risk to bring in Mr. Juma Duni Haji without advising him to secure CHADEMA’s membership first.



Picture 3.: Mr. Juma Duni Haji (left) Mr. Lowassa (middle) and Maalim Seif (right). Right picture, Mr. Juma Duni Haji and Mr. Lowassa in a group photo with other UKAWA leaders. The pictures show solidarity among UKAWA.

The second blow on opposition parties under UKAWA coalition was on the resignation of Prof. Ibrahim Lipumba from CUF's chairmanship. The eminent professor of economics announced his resignation on the ground that his 'conscience does not allow' him continue engaging in politics under UKAWA arrangement by having Mr. Lowassa in the coalition. However, his decision and reasons were not clarified further. Therefore, his sudden resignation from CUF and UKAWA coalition was linked to undue influence from the ruling party as the media clip below speculated. However, Prof. Lipumba did not join CCM and he was not seen in CCM's political platforms during and after elections in 2015.



Picture 3.: Prof. Lipumba announcing his resignation from CUF's chairmanship. Middle, he waves bye-bye after addressing the press. Media Clip 3. Right, a media clip which reads, 'Prof. Lipumba has formally joined CCM.'

Political propaganda are normally common during election periods. Therefore, whatever is said always remain to be an issue which need verification..The scope of LHRC/TACCEO's work was limited to dwell into details of all these issues. But of certain was the fact that the political battle between Mr. Lowassa and Dr. Magufuli was brought into action when both of them were endorsed by the NEC as Picture(s) 3.18 below shows:



Picture 3.: Mr. Lowassa and Dr. Magufuli picking NEC's presidential endorsement forms in different occasions.

More of how the two giants fared during the elections in 2015 is discussed in the coming parts of this report, especially in the coming chapter on election campaigns.

(b) Other Opposition Parties

i) ACT-Wazalendo

It was for the first time that ACT-Wazalendo joined the presidential race in 2015. It seemed that, they were not well prepared for this high top position, but they had to stage a candidate, probably for party's publicity purposes. The nomination of Ms. Anna Mghwira came almost on the last hours, a day before 20th August, 2015 the deadline set by NEC to return the NEC's presidential nomination forms.



Picture 3.: Left: ACT Wazalendo's General Assembly during nomination in 2015. Right: Ms. Anna Mghwira and her running mate, Mr. Hamad Yusufu in one of the political activities. Looking on is Mr. Zitto Kabwe, one of the top party's leaders.

Initially, the party targeted its chief political advisor, Prof. Kitila Mkumbo, but all did not went well as expected, when Prof. Mkumbo turned down the offer saying that he was not yet ready for the position.



Picture 3.: Left: Prof. Kitila Mkumbo addressing the media in 2015. Despite the fact that he did not take the presidential candidacy position, the eminent professor remained to be in full support of party’s election activities.

Therefore, like the case for all opposition political parties, ACT-Wazalendo’s nomination process was a simple one, in terms of just picking one name, unlike CCM which had to screen several aspirants in order to single out one flag bearer. It is not certain whether CCM’s approach was more appropriate than that of the opposition.

Since the legal framework on elections allows parties to adopt own nomination procedures, whatever is decided by the party becomes final and unquestionable.

ii) ADC

The Alliance for Democratic Change (ADC) nominated Chief Lutalosa Yemba to represent their party in the presidential race. He was later on endorsed by NEC as the pictures below show. The way in which he was nominated was not widely reported by the media. But sources showed that, the party’s members nominated URT and Zanzibar’s presidential candidates on the same day.



Picture : Left: A cross section of ADC members in jovial mood after nominating Mr. Chief Yemba and Zanzibar’s presidential candidates in their general meeting in 2015. Middle & Right: Mr. Yemba after being nominated by his party, ADC and by NEC respectively.

Mr. Said Miraji was nominated by his party to be the running mate of Chief Yemba. Scant information is available about the political history of these presidential candidates.

iii) CHAUMA

Chama cha Ukombozi wa Umma (CHAUMA) re-nominated its chairperson, Mr. Hashim Rungwe Spunda, as their flag bearer for the said race. Mr. Issa Abbas Hussein was nominated as Mr. Spunda's running mate. It was not certain on how the candidates were obtained.



Picture 3.: Left: Mr. Hashim R. Spunda holding a briefcase. Right: Mr. Issa Abbas Hussein, the presidential running mate for CHAUMA.

This was the second time for Mr. Spunda to contest for presidential position. In 2010 general elections he contested via NCCR-Mageuzi. He founded CHAUMA in 2012 and quit NCCR's membership.

iv) NRA

The National Reconstruction Alliance (NRA) picked Mr. Janken Malik Kasambala to represent it for the presidential campaign in 2015. His running mate, Mr. Simai Abdulla was unknown and very little is known about Mr. Kasambala's political life.



Picture 3.: Mr. Janken M. Kasambala, NRA presidential candidate in 2015.

The nomination procedure of NRA’s presidential candidate and his running mate was not communicated to the public for LHRC/TACCEO to report on and make analysis. It is advised that all political parties should opt for CCM’s approach, whereby every nomination step is communicated to the public. This could bring confidence to public that a candidate chosen is a credible one. Informing the public of the nomination processes could also be sort of publicity strategy for the party.

v) TLP

The Tanzania Labour Party, under the chairmanship of the veteran politician, Mr. Augustine Lyatonga Mrema, held its general assembly in April 2015. On 23rd April 2015, the assembly endorsed Mr. Macmillan Elifatio Lyimo to be their presidential flag bearer.



Picture 3.: Top Left: Chairperson of TLP addressing the party’s general assembly. Middle: Mr. Macmillan E. Lyimo being endorsed to contest for presidential position for TLP in 2015. Right: Mr. Lyimo with NEC presidential forms.

Mr. Lyimo appeared for the second time in 2015 to seek his party’s endorsement for the desire to represent the party in presidential race. His 2010 attempt failed because the party picked Mr. Muttamwega Bhatt Mganywa as their candidate.

vi) UPDP

The United Peoples Democratic Party (UPDP) is headed by Mr. Fahmi Nasoro Dovutwa, who was ‘endorsed’ by his party to be the presidential candidate for the second time since 2010 elections.



Picture 3.: Mr. Fahmi N. Dovutwa receiving NEC forms in 2015.

There is no record on how he was nominated by his party in 2015 and how this party operates. Like several other 'small' parties, its affairs are hardly communicated out for public to know.

3.4.3 Parliamentary and Councillorship Candidacies

The level of education is crucial for presidential position as it is the most technical and political position in Tanzania or any other country in the world. It is necessary that the electoral laws are reformed to incorporate degree level of education as one of eligibility criteria for presidential candidacy. Secondly, LHRC/TACCEO suggests that it is important if congress/general assembly of political parties which endorse presidential candidates are attended by a representative from the office of Registrar of Political Parties in order to ensure that democratic principles within the parties are adhered to and, that, a person who is ultimately chosen to flag up party's presidential ticket meets the eligibility criteria.

After parties' preferential polls and selection by relevant political organs, the proposed names of the parliamentary candidates are submitted to the Returning Officers in constituencies for nomination and endorsement; while the names for councillors positions are submitted for nomination/endorsement to Assistant Returning Officers at wards level.



Picture 3.: The incumbent ministers who did not make it through in CCM preferential votes included (from top-left), Dr. Makongoro Mahanga; Mr. Amos Makala; Ms. Gaudensia Kabaka; Mr. Adam Malima; Mr. Pareira Ame Silima; Mr. Mahadhi Juma Maalim; Mr. Mathias Chikawe; Dr. Pindi Chana; and Mr. Kaika Saning'o Ole Telele. Others not in this picture are Dk. Titus Kamani and Dr. Seif Rashid.

While CCM maintained its usual screening procedures to secure the names of the parliamentary and councillorship candidates, which involved a number of steps as Table 3.2 below (for parliamentary candidacy) shows, procedures for other parties were not made publicly.

Table 3.2: CCM's Parliamentary Preferential Votes and Nomination Schedule, 2015

Date	Event
15/07/2015 to 19/07/2015	Take and return the nomination form. Deadline for returning the form 2/7/2015.
20/07/2015 to 31/07/2015	Preferential meetings/ campaigns.
01/08/2015	Preferential voting.
02/08/2015	Preparation of the report on preferential votes' results.
03/08/2015	District political committees' meetings.
05/08/2015	Regional political committees' meetings.
08/08/2015	Special committee's meeting of the national executive committee – Zanzibar.
10/08/2015	Meeting of the national executive committee.
11/08/2015 to 12/08/2015	The national executive committee's meeting for endorsement of the names.

Source: CCM's Press Release, June 2015.

The year 2015 witnessed a downfall of veteran politicians and ministers through CCM's preferential votes. The big names which did not make it through this time around included at least 40% of the former ministers.

During nomination process, where a candidate of the other party finds that another candidate is not qualified to be nominated he/she may file an objection to the nominating authority, that is; to the Returning Officer for parliamentary election or to the Assistant Returning Officer for councilors election. The decisions of the Returning Officers or Assistant Returning Officers are appealable to NEC. The decision of the Commission is final. A person who is aggrieved by the decision of NEC can lodge his complaints to the courts of law after the conclusion of the election. According to the Constitution of the URT of 1977, this appellate procedure is applicable only to parliamentary and councilors' candidates.

The trend of unopposed candidates for parliamentary and councillorship positions continued again this year. As usual, those who were luck to sail through unopposed were all from CCM. Almost similar reasons disqualified their opponents including erroneous filling of nomination forms (especially by not including court's stamp) and non-return of nomination forms by some of opposition parties. Mr. January Makamba (Bumbuli constituency) and the Late Mr. Deo Filikunjombe (Ludewa constituency) were 'so lucky' to have been unopposed in 2010 and 2015 as well. The Ludewa's constituency had four opposition candidates who 'failed' to sail through nomination and they quickly accepted their 'mistakes' by supporting Mr. Filikunjombe's candidacy. Other 'unopposed' CCM candidates for 2015 were Ms. Jenister Mhagama (Peramiho constituency); Mr. Rashid Shangazi (Mlalo constituency); and Mr. Abdallah Chikota (Nanyamba constituency).

In 2010, the unopposed candidates, all from CCM, were; Prof. Anna Tibaijuka (Muleba South constituency); the incumbent Prime Minister, Mr. Mizengo Pinda (Katavi constituency); Prof. Mark Mwandiyosa (Rungwe West constituency); Ms. Anna Makinda (Njombe South constituency); Mr. William Ngeleja (Sengerema constituency); Mr. Philip Mulugo (Songwe

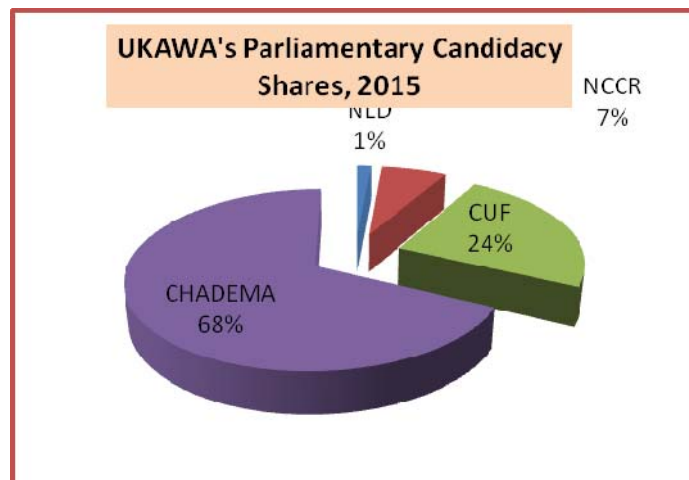
constituency); Mr. William Lukuvi (Ismani constituency); and the Late Ms. Celina Kombani (Ulanga East constituency). Most of the unopposed candidates occurred in 2010 due to opposition’s failure to nominate candidates in the constituency. This was not the case during the 2015 elections.

The consequence for unopposed candidate is provided for in Section 44 of the National Elections Act, Cap. 343, which stipulates that; ‘*where only one candidate is nominated for an election in a constituency, such candidate shall be deemed to be elected and the commission shall by notice in the gazette, declare him to have been elected.*’

LHRC/TACCEO suggests that where unopposed candidates are nominated, they should equally be subjected to voting preferences through ‘yes’ or ‘no’ system to authenticate voters’ endorsement. This recommendation is based on the allegation that some opposition parties’ candidates were bribed not to collect or return the nomination forms or cause wilful omission so that their opponents (mostly CCM candidates) can be declared winners through unopposed candidate arrangement.

As for UKAWA coalition, it decided to contest in 205 parliamentary seats countrywide (for Tanzania Mainland), of which, NLD was allocated 3 constituencies; NCCR-Mageuzi 14 constituencies; CUF 49 constituencies; and CHADEMA 139 constituencies. The Figure 3.1 below shows the proportional distribution of the 205 constituencies amongst UKAWA members.

Figure 3.1: UKAWA’s Distribution of Constituencies in 2015



Source: Constructed from UKAWA’s statement made in August, 2015.

The NLD dominated Mtwara region; NCCR-Mageuzi, Kigoma region; CUF Lindi, Tabora, Coast, Tanga and half of Mtwara’s region. CHADEMA candidates contested in other regions except Mtwara and Lindi.

The criteria used for allocation of constituencies were not indicated in the press release issued in August 2015. However, another press release dated 13th August 2015, signed by the secretaries of parties forming UKAWA, the criteria for allocation of councillorship seats amongst UKAWA members took into consideration five main things:

- (i) The 2010 general elections' results, where the incumbent councilor of the party forming UKAWA was left to reclaim his or her seat; or based on the number of votes that UKAWA candidate obtained during the 2010 elections;
- (ii) The 2014 results of the local government election results;
- (iii) Network or spread of a party in a particular area;
- (iv) Custom and tradition of the constituency.
- (v) Most acceptable candidate.

It seemed that the formula used was not clear to some of the candidates because in some of the constituencies, despite the arrangement made, UKAWA parties fielded two candidates for the same positions. This misunderstanding became obvious during campaigns to the extent that UKAWA presidential candidate had to conduct on-spot public opinion on who should remain as UKAWA flag bearer. This happened in Nzega, Mtama and elsewhere. In Segerea constituency, for example, CHADEMA candidate was not ready to offer support to CUF's candidate. Consequently UKAWA lost to CCM.

It should be noted that the nomination processes involved women special seats in Parliament and local councils, which is normally done through proportional representation whereby special seats are allocated to political parties depending on the number of valid votes each political party won in parliamentary and civic elections, as the case may be.⁵⁵

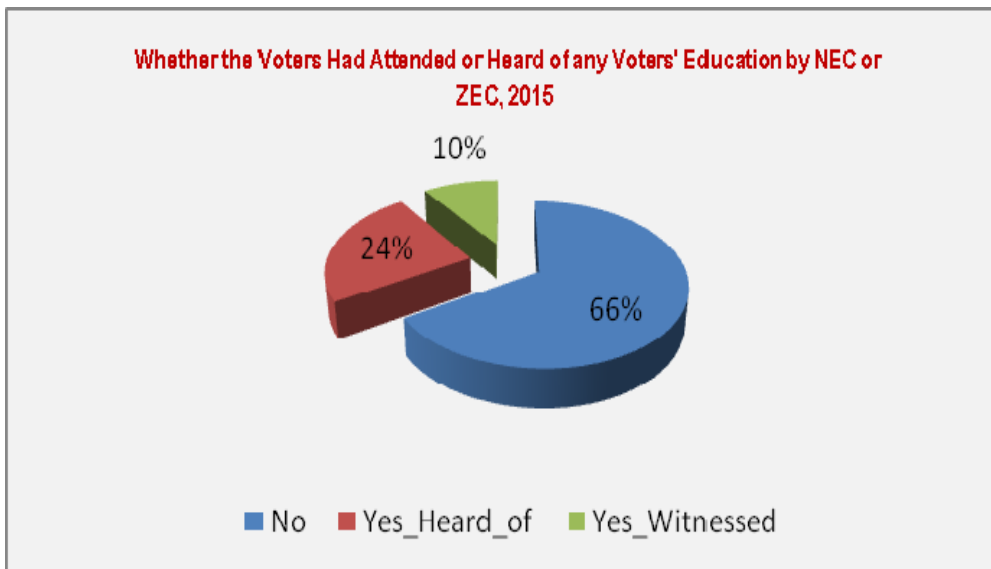
3.5 VOTERS' EDUCATION AND CIVIC AWARENESS

An effective voter education enables voters to be ready and well prepared to make informed decisions and in that way exercise their democratic right to choose or be chosen in a democratic state. As mentioned above, one of the core functions of NEC is to coordinate and provide voters education throughout the country. However, LHRC/TACCEO established from the field that voters were mostly educated through mass media and not through coherent efforts by NEC and other election stakeholders.

LHRC/TACCEO's enquiry on the status of civic awareness and voters education prior or during the campaigns revealed that only about 10% of the respondents had actually participated, involved or even seen voters' awareness programmes being carried out by NEC and ZEC. More than 60%, as Figure 3.2 below shows, responded that they did not hear or participate in any form of civic or voters education in 2015.

⁵⁵ Article 78(1) of the Constitution of URT of 1977.

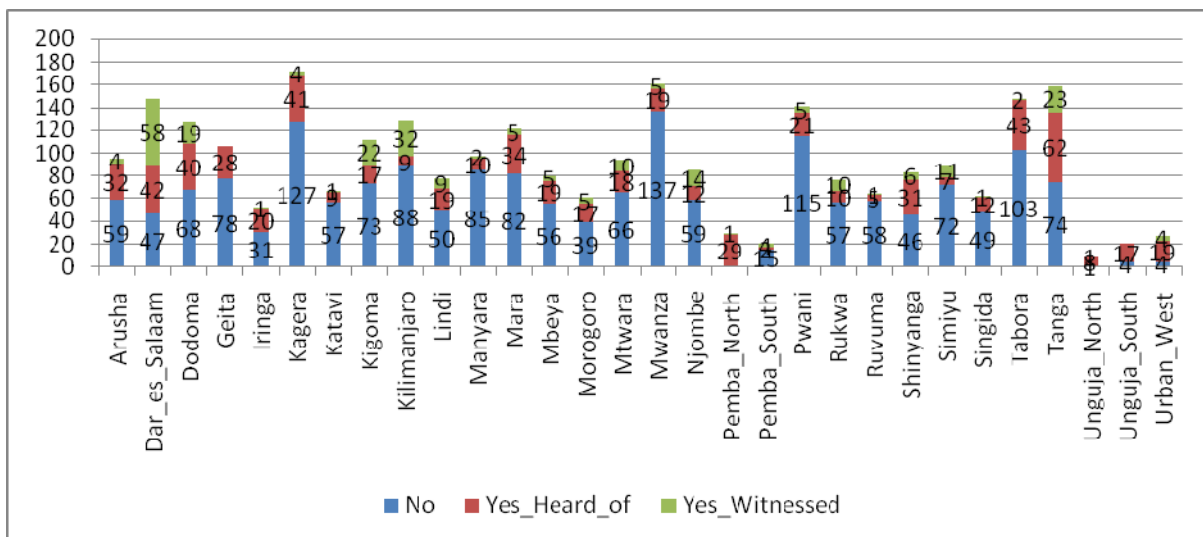
Figure 3.2: Percentage of Voters Received Voters Education from NEC/ ZEC



Source: TACCEO Election Observation Survey, 2015.

Furthermore, according to LHRC/TACCEO’s analysis, Rukwa, Iringa and Pemba regions had greater percentage of people who did not receive any form of civic or voters’ education during the 2015 elections as Figure 3.3 explains:-

Figure 3.3: Proportion of Persons Received Voters Education per Regions, 2015.



Source: TACCEO Election Observation Survey, 2015.

It could therefore be argued that a good number of people participated in 2015 election campaigns and voting without having received voters’ education. Obviously, this situation gave politicians an opportunity to manipulate voters as they could. It could not be denied that some of the voters were influenced by being given some items or monies in exchange of their votes. A chapter on election campaigns covers this issue in details.

The duty to provide voters' education, as noted above, is primarily vested to NEC and ZEC for Zanzibar. Civil society organisations can enjoy this role when they get permission from NEC/ZEC. Much of what they can do is to offer civic awareness. A good number of CSOs such as LHRC and most of the Foundation for Civil Society (FCS)'s grantees tried to cover some parts of the country with civic awareness as Figures 3.2 and 3.3 above show. However, they lacked holistic and comprehensive approach on this noble activity. Besides, the time given by NEC of less than two months to offer civic education was relatively short. It is also an issue of concern that even developing partners did not have a long-term support on civic education. The media especially East African Radio, EATV, ITV, Channel Ten and Clouds did it very well to sensitise the citizens, especially the youth to register and vote. However, they did not focus on how to make proper decision; how to participate in campaigns; and how to vote. Some of the media spots or programmes included 'zamu yako, usichukulie poa, kajiandikishe' (It's your turn, don't neglect, register yourself); 'nguvu ya binti' (power of a girl); and 'maisha ni siasa' (life is politics), some of which played as movies were quite common during election campaigns. Pictures below show those spot, programme and movie cover:



Picture 3.: The EATV spot; the nguvu ya binti programme; and a movie cover of life is politics.

Election campaigns are usually another best options for parties to raise civic awareness of their voters, albeit as a way of winning their votes. However, it was noted with concern that the way in which campaigns were carried out did not allow supporters to ask questions to the candidates, at least to get clarifications of some issues pertaining their promises and voters' expectations let alone being educated the best way to chose their leaders. The only way in which the voters communicated their feelings to the candidates were through media programmes and placard messages as pictures below show:



Picture 3.: Placards with messages for UKAWA⁵⁶ and CCM (right).⁵⁷

LHRC/TACCEO observed that in most cases, the placards were prepared by the parties' agents in order to give their candidates starting points of making speeches before the public. The placards also used to influence undecided voters that the candidate is trusted to solve the problems they have. The candidates were not bound to respond to all messages and it is not clear whether huge efforts exhausted by the people to display them would be rewarded by fulfillment of promises made during campaigns.

LHRC/TACCEO commits itself to design a mechanism whereby it will be monitoring implementation of promises made through LHRC's election and governance watches, which are currently well established and functioning.

The LHRC/TACCEO's interviews on voters' education, which are statistically presented by the figures above, showed mix results. When government leaders were interviewed especially at the local level, they seem to believe that voters' education was adequately provided. For instance, Ward Executive Officer (WEO) in Nkoanekoli ward in Arumeru East constituency, Arusha region said in September 2015 that voter education was sufficiently provided, the view shared by ACT-Wazalendo candidate for councillorship of Olasiti ward in Arusha. The latter was of the view that voters' education has helped public awareness on election to increase. However, the figures above and some incidents as illustrated below suggest that more efforts are needed to equip the general public with sufficient understanding of their civic and political rights.

- (i) Confusion: 'BVR Card will cause villagers remitting lab construction contributions!'

It happened in Mtombozi ward, Morogoro North constituency in Morogoro region that some of the villagers refused to register themselves as voters under BVR on the ground that they will be traced by the authorities to remit contributions for construction of laboratories in ward- based secondary schools as the government ordered from early last year. As a result, only 3,737 (50%) voters were registered out of 7,000 who were targeted before.

⁵⁶ The CHADEMA under UKAWA's placard bears a message which says, 'electricity, education, infrastructure, health, water, food, and employment are issue of concern while some of the leaders are arrogantly leaving a lavish life.'

⁵⁷ The CCM's placards have two requests. One from women, who request for provision of pipe water and the second one requests for electricity so that youths can employ themselves.

(ii) The Village Executive Officer orders re-registration of voters' cards.

On the 5th October, 2015, LHRC/TACCEO's observers noticed that the village chairperson of Libango village, Namtumbo ward, Namtumbo district in Ruvuma region was registering the voters and their BVR cards' serial numbers in his personal book. He had already jotted down 32 names and serial numbers of their cards. When he was asked about the legality of the work he was doing, the chairperson said that he was implementing an order of one Mr. Nuhu Ngonyani, the village executive officer (VEO). When the VEO was asked about his 'order', he contended that, it was not from him, but, it was the ward executive officer (WEO) who instructed the 'registration' of voters. When the WEO, Ms. Severin Ngwenya, was approached on this matter, he panicked and claimed that his instructions were misconstrued by the junior officers. The exercise stopped immediately thereafter. It is a pity to note that the villagers accepted and offered their cards to be manipulated in that way. It seems that more civic awareness of the importance of securing the BVR cards is needed. It is not known what would have happened to the illiterate voters if LHRC/TACCEO did not intervene.

(iii) Purchase of voters' cards: Common trend in 2015.

The incidences or allegation of purchasing voters cards were heard by LHRC/TACCEO all over the country. For instance, on 8th October, 2015 some villagers in Geita alleged that Mr. Bugomola, a councillorship contestant for Bombambili ward, Geita urban in Geita region, was purchasing cards from the known members of the opposition party by Tshs 50,000 (USD 23) per each card. On 19th September, 2015 at Njoro ward, Moshi municipality in Kilimanjaro region, anonymous sources told LHRC/TACCEO observer that some politicians have been purchasing voter cards for Tshs 20,000 (USD 9) or just recording the card's serial number for Tshs 10,000 (USD 4.5).

The fact that voters education is mainly provided by the mass media and somehow political parties or CSOs as stated above, not public body like NEC, raises some issues with the type of education provided to the voters. There are those who argue that the type of education provided by political parties is mostly biased and in some circumstances deceptive. As for the mass media, there are complaints that some media houses are biased and favour certain candidates or parties and in that way they cannot be trusted to provide correct information for the voters as discussed in the coming parts of this report. Therefore, in order to avoid systematic manipulation of voters, there is a need for NEC to be given independence as well as sufficient and permanent funds so that it can be able to conduct voters' education objectively in the future. There is, as suggested elsewhere in this report, a need to have systematic, comprehensive and sustainable national civic and voters' education plan.

3.6 PARTIES' MANIFESTOS FOR 2015 ELECTIONS

3.6.1 Essence of Election Manifestos

Democratic elections ought to provide a substantive choice between competing policy proposals or political agendas or manifestos. In normative terms, this (agenda or manifesto) is the most relevant dimension of elections. In order for a choice set to be meaningful the available choice options need to differ with regard to the policies or manifestos they would pursue if they won office after the election.⁵⁸ In this regards, it is imperative to, albeit briefly, review some of the parties manifestos for 2015 elections.

Only three political parties displayed their manifestos as the pictures below show. The parties were ACT-Wazalendo; CHADEMA under UKAWA; and CCM.



Picture 3.: ACT-Wazalendo; CCM; and UKAWA display their 2015 election manifestos during inaugural campaigns in August 2015 in Dar es Salaam.

Other parties did not have known manifestos. Some of them who were able to campaign in at least few regions were noticed using 'talking notes' or kind of reference papers or notebooks or just spoken in free-style ways. They had unwritten or unpublished 'manifestos.' As pictures below show:



Picture 3.: Left: CHAUMA's presidential candidates with talking notes. Right: TLP's presidential candidate in 'free-style' flow.

⁵⁸ Schmitt, H. (2005), Meaningful Choices: Under which Conditions do General Elections provide a Meaningful Choice Set, and what happens if they don't? MZES, University of Mannheim: Germany. Page 9.

3.6.2 ACT-Wazalendo Manifesto

The ACT-Wazalendo's 2015 Manifesto was branded as '*Tanzania Tunayoipigania 2015*' (Tanzania we are fighting for, 2015). It states clearly that ACT-Wazalendo's ideology is democratic socialism which leans on three pillars, namely; i) traditional social protection; ii) legal reforms to enforce social equality and social development; and iii) public leadership ethics.⁵⁹ The party has reinvented 1970s Mwl. Julius Nyerere's public policy which focused on peoples' centred development. Paragraph 1.3 of the manifesto specifically mentions Nyerereism as ACT-Wazalendo's drive. Furthermore, Paragraph 1.2 of the manifesto mentions people as the main national resource.

Paragraph 5 of the ACT-Wazalendo's manifesto enlists and discusses the 2015 election priorities, namely:-

- (i) Social security;
- (ii) Participatory economy which generates many and quality employments;
- (iii) Health; and
- (iv) Education.

The implementation strategies of the chosen priorities are highlighted under paragraph 6 of the manifesto, to include; i) improving agricultural and livestock economy; ii) enhancing tourisms; iii) improving good governance, fight corruption and control government's income and expenditures.

3.6.3 CCM Manifesto

Chama cha Mapinduzi's 2015 Election Manifesto⁶⁰ largely deduced their 2015-2020 priorities from the Tanzania Development Vision 2025 and the general directives of CCM policies. According to Paragraph 4 of the manifesto, CCM plans to continue addressing four main challenges, namely:

- (i) Poverty eradication;
- (ii) Reduce unemployment rates, main targets being youths;
- (iii) Continue fighting corruption and misuse of public resources;⁶¹ and,
- (iv) Sustain peace, protection and security of citizens' life and their properties.

The CCM manifesto, which is more than 180 pages, details both successes (2010-2015) achieved by its government. Most of what have been termed as implementation strategies are ideally linked to the current achievements by 'enhancing', 'increasing', 'widening', etc all socio-economic sectors including agriculture, livestock, industries and trade. The previous political

⁵⁹ Paragraph 1.1 of the ACT-Wazalendo's Election Manifesto of 2015 (termed as ACT-Wazalendo '*Tanzania Tunayoipigania*', 2015).

⁶⁰ CCM, *Ilani ya CCM Kwa Ajili ya Uchaguzi Mkuu wa Mwaka 2015* (CCM 2015 Election Manifesto).

⁶¹ The unique anti-corruption strategies proposed this time around include establishment of special court to adjudicate corruption and economic sabotage offences (paragraph 12 of the manifesto).

proclamations such as *Kilimo Kwanza* and Big Results Now (BRN) are mentioned by the manifesto as programmes which will be sustained during 2015-2020.

Improved education, provision of water, rural energy, health care services and transport especially revival of central railway line are also echoed as social protection and economic development issues which the CCM government would pursue. The regional economic integration and relations are also articulated in the CCM manifesto.

3.6.4 UKAWA/CHADEMA Manifesto

UKAWA under CHADEMA prepared a 94-page election manifesto with a caption, '*ni wakati wa mabadiliko kuondoa umaskini*' (it is time for change to eradicate poverty). Page v of the manifesto states that the document is CHADEMA's manifesto which incorporates all views of UKAWA member parties. Pages 1 and 2 lists the pillars or principles for which the implementation of manifesto will focus on. The principles include; i) enhancement of national security and unity; ii) presence of peoples' constitution which reinforces justice and equality; iii) union of Tanzania Mainland and Zanzibar basing on equal terms; iv) creation of peoples' assertiveness and country's self-reliance; v) involvement of people in economic development which focuses on poverty eradication; vi) creation of enabling environment and priorities for persons with disabilities (PWDs); efficiency, effective and accountable public sector; and productive international relations.

UKAWA's manifesto is designed in such a way that a problem is clearly articulated, strategies set and expected deliverable/outcomes of the implementation are indicated for every priority areas. Some of its priority areas are:-

- (i) Education e.g free education from kindergarten to university levels (page 17 onwards);
- (ii) Fighting corruption (pages 12 and 13);
- (iii) Health (page 23 onwards);
- (iv) Social protection (page 24);
- (v) Improvement of governance system (to have a small, effective, productive, transparent and cost-effective government. Also, control government expenditures, effective tax collection and management, control of national debt, and effective use of professionals); and,
- (vi) Freedom of the press.

3.6.5 Common Threads of Parties' Manifesto

ACT-Wazalendo and UKAWA shared a common vision on social protection. CCM and UKAWA had the same focus on education (free education). The three parties had a common vision on corruption, improved governance and social service provisions generally. Moreover, all had implementation strategies well articulated. UKAWA included also performance indicators in a form of expected results. But, its indicators were not quantified.

There are three main issues that LHRC/TACCEO observed from its analysis of the parties' manifestos:-

- (i) That, the three manifestos features all key issues of concerns to the electorates. These issues include water, education and health, and will remain to be relevant for years to come;
- (ii) That, there is a slight difference in almost all three parties on the issues addressed in the manifestos. This could imply that all political parties have no fundamental ideological differences between them. ACT-Wazalendo tries to articulate socialism e.g traditional social protection, but really fails to state on how it could contain the huge pressure of liberalized economy as opposed to socialism and imbalanced development standards between rural and urban areas which challenges ‘traditional’ social protection or rural development generally. In fact, Article 9 of the Constitution of URT of 1977 still states that Tanzania is a socialist state, while in reality it is not the case;
- (iii) That, there was variation between the parties’ manifestos against the individual candidates’ statements. In most cases, the candidates devised their own ‘policies.’ For instance, Mr. Lowassa said his top three priorities were ‘education, education and education’ while his party had more priorities than education. Dr. Magufuli focused on ‘*serikali ya magufuli*’ not ‘CCM’s manifesto.’ ACT Wazalendo had generalized issues. Both parties (presidential candidates) tuned their priorities to fit local challenges of the areas they were campaigning for the time being. Moreover, reading from the placards’ messages, it seems that the national priorities needed to be localized a little bit more to reflect real situation on the ground. For instance, as the placards below show, Lake Zone residents needed clarification on how they could survive as artisan fishermen in the presence of mechanized fishing industry, which leave them with ‘*mapanki*’ (fish carcasses) while fillets were being transported abroad. In a broader picture, the residents needed the economic definition of globalization in the light of small scale producers.



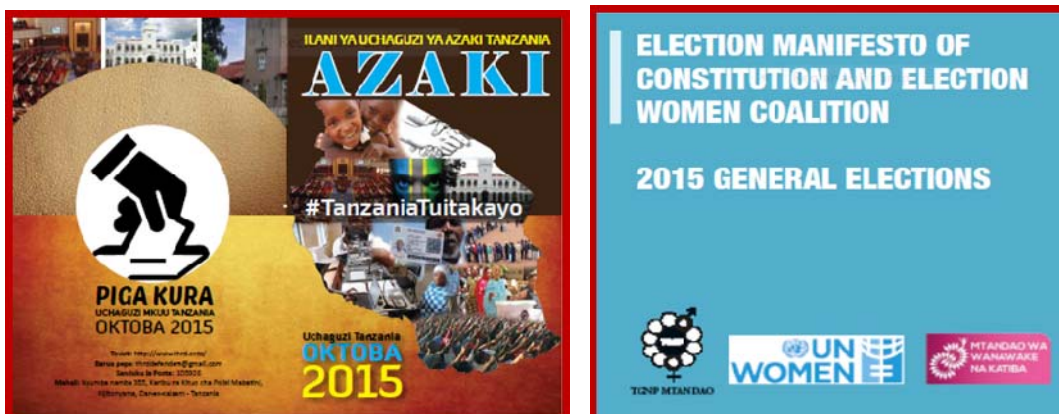
Picture 3.: Some of the pertinent issues which the 2015 manifestos did not address.

In the other placard, the youth needed soft loans or grants as capital, something which was not vividly addressed by the candidates during campaigns. The critical challenge here being, lack of ownership of valuable assets which could be used as collaterals for loan. Moreover, at least 70% of business ventures operate extra-legally (without formalization).

LHRC/TACCEO suggests that there should be a monitoring mechanism, to track down the extent to which the promises presented in the manifestos are actually fulfilled – in order to control deceits in politics, which tend to dishearten people from participating in democratic elections. As Judge Joseph Warioba’s version of new draft constitution proposed, public leaders, including politicians such as councilors and parliamentarians should be legally held accountable to their failures to meet their promises and statutory obligations. People should have power to recall them and conduct votes of no-confidence against the non-performing leaders, and if possible to terminate their leadership before completion of office tenure.

3.6.6 Election Manifestos by Other Institutions: Case of CSOs

The CSOs too prepared their 2015 election manifestos. Some of the CSOs manifesto included the one coordinated by the Tanzania Human Rights Defenders Coalition (THRDC) under the facilitation of the Foundation for Civil Society Organizations (FCS); and the other one is the ‘Election Manifesto of Constitution and Election Women Coalition’, prepared by the TGNP Mtandao; and the Mtandao wa Wanawake na Katiba (MWK) under facilitation of the UN Women. Below are cover pages of the two CSOs manifestos:



Picture : Cover pages of the 2015 CSOs election manifestos. Left, of THRDC and FCS; and, right of TGNP Mtandao and UN Women.

The THRDC election manifesto was launched on the 6th September, 2015. It is aimed at guiding the citizens, candidates, political parties, the government and other election stakeholders to focus on the process of a free, fair and peaceful election. It also expresses CSO’s wishes on the forthcoming general elections and the Tanzania which Tanzanians dream of after the election. Paragraph 2.0, at page 5 of the manifesto states that the CSOs desire Tanzania which adheres to principles of rule of law and constitution, respect for human rights, protection of national resources, nationals who access quality social services, the nation which promotes transparency and participation of the citizen on key issues, and which is free from corruption, impunity and one which excels economically. The coalition printed and disseminated more than 2000 hard and soft copies.

On the other hand, the TGNP Mtandao's manifesto envisages linking the 2015 political democratization with the 20th anniversary of the Beijing Platform of Action, which called for equality between men and women to, among other areas, political spheres. One of the objectives of the manifesto (indicated at page 3 of the manifesto) was to 'articulate the responsibility of government in overseeing gender responsive, free and fair elections.' The specific women's demands, according to page 5 of the manifesto were:

- i. To control electoral expenditure in order to ensure that public resources for the election are used in a manner that will benefit both women and men.
- ii. To urge political parties to adhere to gender equality principles in nominating women candidates and ensure that they are supported to win.
- iii. To support women candidate to access public media during campaigns.
- iv. To support all individuals with various disabilities including impaired vision, hearing, and physical disabilities, to participate in electoral process.
- v. Ban the use of derogatory, defamatory and abusive language, particularly those which are offensive to female candidates and to people with disabilities or facing other challenges.

There were also youth based manifestos prepared by the Restless Development, Tanzania Country Office; and the Femina Hip, the youth led organization.

The Restless Development, also a youth led development organization sensitized the youths and prospective leaders to consider the 2015 elections as pivotal moments for the young Tanzanians involvement in their society. Their manifesto calls for the political system in Tanzania which is inclusive of youths, some of whom were voting for the first time in the 2015 elections.



Picture : The Country Manager for the Restless Development, Tanzania, Ms. Margaret Mliwa presenting the 2015 Youth manifesto (pictured left) in August, 2015.

The Country Manager of Restless Youth said that the youth's voice in elections should be heard because they are the majority. She went further arguing that the peaceful, fair and energetically

democratic election depended on the informed, involved and empowered young Tanzanians.⁶² Therefore, the democratic processes should be youth-sensitive. On their side, Femina Hip under their '*Nguvu ya Binti*' (girl's power), had the same election agenda for young citizens – focused more on girls.



Picture 3.: Left: A Femina Hip personnel speaking something about their election agenda; Right: A poster which invites people to view Femina's 2015 election agenda show.

One of the election agendas was to have laws and policies reforms in order to tolerate and respect for people with different views and backgrounds – in order to have peaceful elections which guarantee life afterwards.⁶³

It is not certain to what extent did the CSOs manifestos were considered by the election stakeholders or voters in deciding on who and how to vote. Some of the issues such as gender equality, and national resources were also major agenda of almost all political parties' manifesto as stated above. It was also an issue of concern that the CSOs' manifestos came late, when NEC, ZEC and political parties had already issued election calendar.

It would have been useful if this election's manifestos were released some months earlier before the commencement of electoral processes. Secondly, there is a need to improve communication strategies of the issues contained in the CSOs' manifestos. For instance, the manifestos of TGNP Mtandao; and Restless Development were in English language while the majority of election stakeholders are purely Swahili speakers.

⁶² Restless Development, 'Youth Voices in the Tanzania Election.' Accessed on 29th December, 2015 from: <http://restlessdevelopment.org/news/2015/10/22/youth-voices-in-the-tanzania-election>

⁶³ Femina Hip, 'Nguvu ya Binti.' Accessed on 27th December, 2015 from: <http://www.feminahip.or.tz/sw/majarida-tv-redio/majarida/matoleo-ya-fema/Girls-Power/37>

3.7 MOBILIZATION OF FINANCIAL RESOURCES FOR 2015 ELECTIONS

There are no financial records available for public scrutiny to offer an explanation of the amount of money spent by the National Electoral Commission (NEC) and other election stakeholders to organize and coordinate the 2015 election countrywide. It is a bit weird that such records are normally termed as confidential even for the partners who supported NEC. An internet source⁶⁴ quoted Mr. Mizengo Pinda, the incumbent prime minister saying in parliament in 2015, that Tshs 218 billion was allocated for BVR; and, Tshs 268 billion was secured for the 2015 elections. Whether or not the budget allocated was sufficient is something that LHRC/TACCEO failed to establish. However, while delivering brief remarks to the Independent Electoral Commission of Lesotho on 22nd April, 2015, Justice Damina Lubuva, the Chairperson of NEC, highlighted a number of issues regarding funding of election activities.⁶⁵

The NEC's chairperson stated that his commission faces a number of daunting problems including inadequate funding, election administration and technological facilities in carrying out its functions (as they are listed above). It is worthwhile reproducing part of his remarks about financial constraints:

Because of **financial constraints faced by the Commission the election process is often affected leading to delay in the delivery of essential electoral materials to respective polling stations.** This in turn leads to delay in commencing of voting exercise in some of the polling stations which creates complaints from the voters. Likewise, as a result of the inadequacies in the result management systems in adding up presidential, parliamentary and councillors' results, the consequent delay in announcing election results can be a source of complaint of dissatisfaction from the public and political parties regarding the performance of the Commission. **At times the delay gives rise to otherwise unwarranted speculation and perception that the Electoral Commission is manipulating the election results in favour of one of the contesting political parties.** In the last general election in Tanzania in 2010, such a situation was experienced in some constituencies where the Results Management System worked so slowly. Cumulatively, if such deficiencies and inadequacies are not explained to the public and the political parties satisfactorily, delay in conducting election in some constituencies or announcing election results account for the public loss of confidence in the Commission. Hence, the clamour for the so called Independent Electoral Commission.... **[T]he major constraint which has often been a source of complaint is the inadequacy of funds for carrying out its functions well in advance country wide.** As a result, due to non-availability of funds or its availability at the last minute before the election schedule, the Commission faces a major crisis when it fails to update the Register in time before the next General Election. Such a situation leads to complaint against the Commission that it is denying qualified people their constitutional right to exercise their right to vote [Emphasis supplied].

⁶⁴ Tanzania Today, 'Sh. bilioni 268 kutumika Uchaguzi Mkuu mwaka huu.' Accessed on 23rd December, 2015, from: <http://www.tanzaniatoday.co.tz/news/sh-bilioni-268-kutumika-uchaguzi-mkuu-mwaka-huu>

⁶⁵ Lubuva, D. (2015), National Electoral Commission briefing remarks by the Chairman of the National Electoral Commission-NEC of Tanzania Honorable (Rtd) Justice of the Court of Appeal, Damian Z. Lubuva, in a Meeting between NEC and Members of the Independent Electoral Commission of Lesotho 22nd April, 2015. Pages 7 – 9 and 12-14.

Due to such constraints as NEC itself clearly admits, the chairperson calls for serious consideration of this matter by the government especially in a view to avail funds on time for NEC to be able to carry out its functions efficiently and on time.

LHRC/TACCEO strongly support the need for an establishment of the national election fund. Towards this fund, some amount of money would be voted for in the annual budget every financial year until the time of election. In this way after five years' period the financial burden on the government would be less for election, as it would not be necessary to allocate the whole election bill in a single bunch.

The election funds are needed not only to finance specific election activities as mentioned above, but also, to establish upcountry branches and deployment of qualified staff instead of continuing depending on the local government officials – who are increasingly regarded as officers of the ruling party.

3.8 SUMMARY AND ACTION POINTS ABOUT PRELIMINARY ELECTION PROCESSES

This chapter explains how the preliminary stages of the 2015 elections were coordinated. It covers in details pertinent issues about voters' registration; how candidates were nominated by their parties; voters' education; and election manifestos. As it is the case for other chapters of this report, there are specific recommendations or remarks in every issue of concern discussed in this chapter. Therefore, below are just action-points, which NEC and other election stakeholders need to consider improving the initial preparation of the future elections:

- (i) The government of Tanzania should allocate NEC (and ZEC) with sufficient and permanent budget or fund for:
 - a) Updating the voters' register (BRV) periodically – more preferably on annual basis; and,
 - b) Designing and implementing permanent national voters' education strategy which is continuously carried out after each national election.
- (ii) NEC and other public authorities to consider cost-benefit and opportunity cost analysis before deciding to make demarcation of the new constituencies in order to relieve the nation from huge expenditures occurred as a result of increased constituencies.
- (iii) The government and parliament of Tanzania to act on the ACHPR's decision by adopting constitutional and legislative measures to allow private candidacy in Tanzania electoral legal framework.
- (iv) The RPP to devise rules which compel political parties to adopt democratic and transparent nomination procedures – using CCM as the best practice of nomination.
- (v) Non-governmental organizations to design a mechanism of monitoring and evaluating extent of implementation of parties' election manifestos.

CHAPTER FOUR

ELECTION CAMPAIGNS

4.1 INTRODUCTION

The electoral or political campaign is a communication process and a platform through which the candidate communicates his or her political messages to the prospective voters. The effective campaigns are the ones which have a clear and persuasive message targeting voters' interests, a clear idea of one's voters, and of course, a good plan, which is diligently implemented to Election Day.⁶⁶ Various literatures suggest that there is no clear finding as to what exactly do influence voters during election campaigns. However, according to Keena Lipsitz,⁶⁷ conventional wisdom implies that people want more substantive information about candidates' policy positions. That is, they prefer campaign communication that is; i) informative; ii) comprehensive; and, iii) focused on the issues that matters most to them (as voters).

The three active participants (CCM, UKAWA and ACT-Wazalendo) in the 2015 general elections tried their best on this as publicity materials below show, whereby CCM preferred 'vote of a real change' and '*Hapa Kazi Tu*' (among other slogans); while, CHADEMA under UKAWA coalition had a slogan of 'Lowassa for Change' and 'your vote for development in return' (among other slogans and campaign messages). The ACT-Wazalendo preferred 'dignity, patriotism and ethics' (among other slogans and campaign messages).



Picture 4.1: Political Messages of CCM, UKAWA-CHADEMA and ACT-Wanzalendo.

The Tanzanian electoral legal framework, as discussed in the previous chapters of this report, does not contain details or requirements on what a candidate or party should entail in his or her campaign in terms of issues to address. Rather, the framework focuses on campaign's modus

⁶⁶ O'Day, J. (Undated), Political Campaign Planning Manual: A Step by Step Guide to Winning Elections. Page 6.
⁶⁷ Lipsitz, K., et al (2005), What Voters Want from Political Campaign Communication. Routledge, Taylor and Francis Group. Page 339.

operandi such as the limitation of time, expenses, nature of languages to be used and protection of campaign materials.

LHRC/TACCEO is of the view that the discretion on political parties to choose their messages especially for appearing in the posters, billboards, banners and fliers is important for political democratization in Tanzania. However, a close monitoring of what is displayed is important to ensure that; i) parties abide to the law (not to use abusive or unethical or discriminatory messages or symbols); ii) messages convey political parties' manifestos and not personal feelings of the individual candidates of various positions. There was weakness on part of law enforcement machinery to ensure that messages portrayed did not corrupt public morals, especially youngsters who perceive '*siasa ni mchezo mchafu*' (politics is a dirty game).

According to Section 51(1) of the National Elections Act, Cap. 343, the responsibility to organize an election campaign is on the candidate or his/ her agent or political party. Sub-section (2) of Section 53 requires the candidate to submit his or her proposed campaign programme to the Returning Officer, who in return, synchronizes all parties' programmes by organizing a meeting with all of them under Section 53(4) of the National Election Act. For purposes of enforcing the agreed schedules in order to avoid conflicting meetings between parties, the endorsed campaign programmes are submitted to the Police Officer Commanding District (OCD) and the District Commissioner (DC). Sections 53 and 55 of the Local Authorities (Elections) Act, Cap. 292 provide the same requirements for councillorship campaigns. The election programmes for presidential position are supposed to be submitted to the Director of Elections pursuant to Clause 40(1) of the National Elections (Presidential and Parliamentary Elections) Regulations, 2015.⁶⁸

The electoral laws are silent on public funding on elections. Therefore, each political party has to finance its campaigns. In most cases, candidates of 'young' political parties will have to dig into their personal pockets in order to manage their elections in respective constituencies. Section 53(1) of the National Elections Act, Cap. 343 gives rights to the candidates for the office of the President and Vice President of Tanzania and political parties participating in an election to use the state radio and television broadcasting service during the official period of election campaign. Sub-section (3) of Section 53 provides that every print media owned by the government should be impartial and should also refrain from any discrimination to any candidate journalistically and in the amount of space dedicated to them.

Furthermore, Clause 39 of the National Elections (Presidential and Parliamentary Elections) Regulations, 2015 has the following requirements:

- (i) Time for conducting campaign meetings is from 8.00 in the morning to 6.00 in the evening.
- (ii) Each candidate or party to comply with campaign programme. However, door to door canvassing is not bound by the said programme.
- (iii) The proposed schedule of campaign meetings should specify date, time, region and district where meetings will be conducted.

⁶⁸ Issued as G.N No. 37 of 2015.

- (iv) The programme to be shared to the political parties involved in presidential election, regional election coordinators, returning officers, regional commissioners, and the Inspector General of Police (IGP) for purpose of ‘providing security.’⁶⁹

The phrase ‘providing security’ is not included in Section 53(5) of the National Elections Act, Cap. 343 which has the same requirement on parliamentary candidacy of submitting campaign schedules to OCD. It is not certain why the law does not emphasize provision of security for lower level campaigns.

4.2 DEFECTION OF FORMER PREMIER TO OPPOSITION: HEATED CAMPAIGN GROUNDS

The heated political campaign of 2015 general elections was, undoubtedly, attributed to the defection of Mr. Edward Lowassa, the former Prime Minister (2005-2007), who was also one of the senior members of the ruling party. The unprecedented defection was received with mixed public sentiments, which generally turned almost everything in Tanzania political landscape into a critical impasse.

It was for the first time in Tanzania history, the campaigns were run to the end without knowing for sure who would be the next president of Tanzania, unlike the previous elections, whereby, it was almost easy to predict the winner even before the commencement of the campaigns. Any attempts to predict the outcome through public opinion polls was vehemently dismissed by public uproars. That was a case even for academicians and political analysts. No one was trusted to offer an acceptable political prediction.

The public feelings were highly documented by the social, print, and electronic media. The visualization of the dilemma was fancily portrayed by the cartoonists and bloggers, which this report considers worth reproducing some of them in this chapter. For instance, one of the assumptions was that the ruling party CCM will split and probably collapse because the ‘hero’ had gone. Massive defection of several CCM members was expected due to Mr. Lowassa’s influence in the party. He was known to have been one of the master-minds of Mr. Jakaya Kikwete’s presidency, especially during the 2010 national elections. Therefore, his departure was a serious challenge to CCM which could not be undermined.

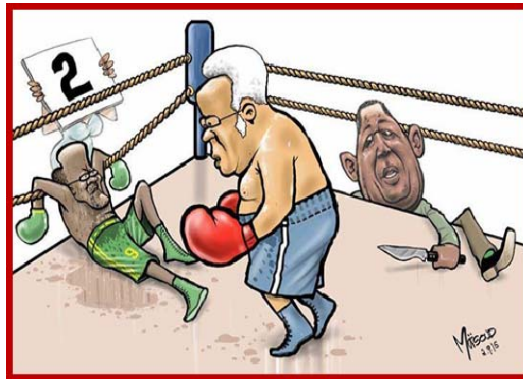
⁶⁹ Clauses 40(5)(a)-(e) of the National Elections (Presidential and Parliamentary Elections) Regulations, 2015.



Media Clip 4.1: Portraying slicing of CCM by Lowassa’s shadow and about to do the same to CHADEMA.

Apparently, due to his long preparation for presidential candidacy, the former Prime Minister was regarded (at least by looking at social media’s general trend) as the most preferred CCM flag bearer. Therefore, dropping him at party’s nomination level, especially through alleged unprocedural decisions by few top leaders seemed to pose a potential risk of CCM’s split; while on the other side (CHADEMA under UKAWA) was seen as a potential ingredient for their political move. The anticipated ‘massive’ defection from CCM did not happen. However, a sizeable potential ruling and government senior leaders quitted in favour of the parties forming UKAWA. These leaders included another former Prime Minister, Mr. Fredrick Sumaye; the veteran politician and who is one of the founders of CCM and TANU, Mr. Kingunge Ngombale Mwiru; former Secretary General of the East African Community, Mr. Bakari Mwapachu; several Members of Parliament including the outspoken ones, Mr. James Lembeli (Kahama MP by then) and Ms. Ester Bulaya (CCM special seat by then). The departure of these few cadres from CCM to UKAWA intensified opposition campaigns.

Secondly, the defection of Mr. Lowassa was seen by some analysts as a wrong strategy of the opposition (especially CHADEMA) due to their long identity and champion of national integrity as well as no nonsense to corruption, for which Mr. Lowassa was implicated in 2007 to the point of his resignation from the premiership position. Therefore, this gave the ruling party and non-UKAWA parties especially ACT-Wazalendo a chance to scorn CHADEMA. For the first time, the ruling party ‘sympathized’ with the former Secretary General, Dr. Wilbrod Slaa who exhausted his energy to craft CHADEMA to its high level of reputation, but only to find himself being ‘damped’ just like that. Even UHURU, a CCM’s propaganda newspaper had positive headlines about Dr. Slaa, especially when he decided to quit CHADEMA’s leadership.



Media Clip 4.2: Portraying gigantic stride by the defector Lowassa against Magufuli, while Dr. Slaa is seen coming in the ring with a knife to rescue the ruling party's candidate.

Dr. Slaa decided to quit his position and announced to 'retire politics.' But, mounted pressure on the side of the ruling party CCM due to Mr. Lowassa and his team implicated Dr. Slaa as a ghost-supporter of CCM to rescue the situation as Media Clip 4.2 above implied.

The same feelings implicated Prof. Ibrahim Lipumba, who also resigned his chairmanship from CUF on the allegation that the UKAWA coalition was not heading to the true sense of 'change' by bringing in Mr. Lowassa. Thirdly, the deployment of Mr. Lowassa and his team from CCM was regarded as a confusion of 'movement for change' (M4C) which was highly propagated by CHADEMA long before the election campaign period. The arguments were that a long serving CCM cadre who impliedly supported the rejection of popular Warioba draft constitution version, (which rendered formation of UKAWA), would not bring anything new in the opposition camp apart from transmitting CCM elements. Therefore, he was seen as 'an old wine in a new bottle,' a person with two personalities as Media Clip 4.3 below shows.

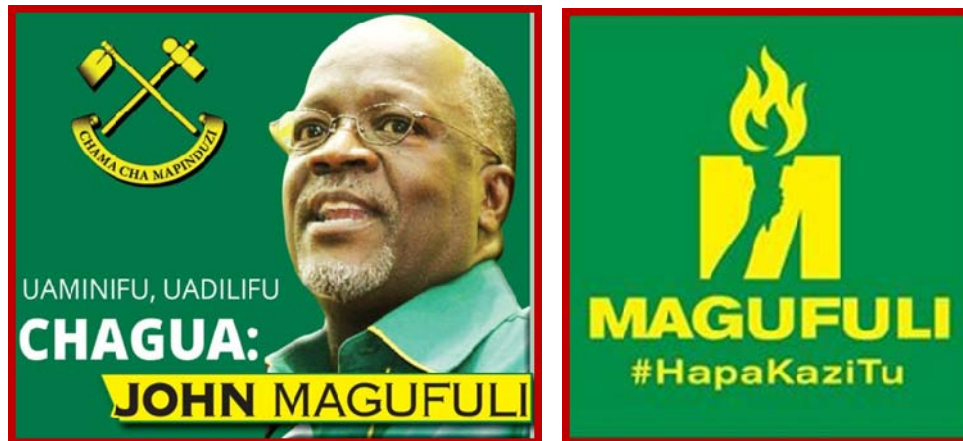


Media Clip 4.3: Communicates Mr. Lowassa in two identities, inside CCM; while outside CHADEMA/UKAWA.

This was particularly a case due to the fact that Mr. Lowassa left CCM because he was not nominated as a party's flag bearer for presidential position. Therefore, according to his political opponents, his defection was nothing apart from seeking a ladder to his political ambition, being a 'power monger.'

On the other hand, the opposition camp took him (Lowassa) as a strong driver for change they really wanted – a 'new' impetus for their wishes. They were able to read the public feelings that it was time for change especially due to the economic hardship the country faced during the last phase governance, whereby the inflation rate was a bit higher compared to the previous regime. A large part of governance system was regarded as inefficient coupled with increased grand corruption incidents and high level of impunity. On the streets, some people were heard saying that they would chose even a 'stone' just to get rid of CCM and its failing government.

The ruling party itself did not blindfold its eyes to see the criticisms levelled against them. Apparently, this is why their presidential candidate, Dr. John Magufuli tactically evaded branding CCM in his campaigns. Instead, he acted like a 'private candidate' condemning evils perpetrated by some people in his party and the government. During his campaign, he repeated saying '*Tanzania ya Magufuli*' (Tanzania of Magufuli) will do this and that. It was no longer '*Tanzania chini ya CCM*' (Tanzania under CCM). He knew that many people were not happy with the government of the rulling party because of corruption scandals and other evils. His posters were written '*Chagua Magufuli*' (vote for Magufuli) as Picture 4.2 below shows, and not vote for CCM.

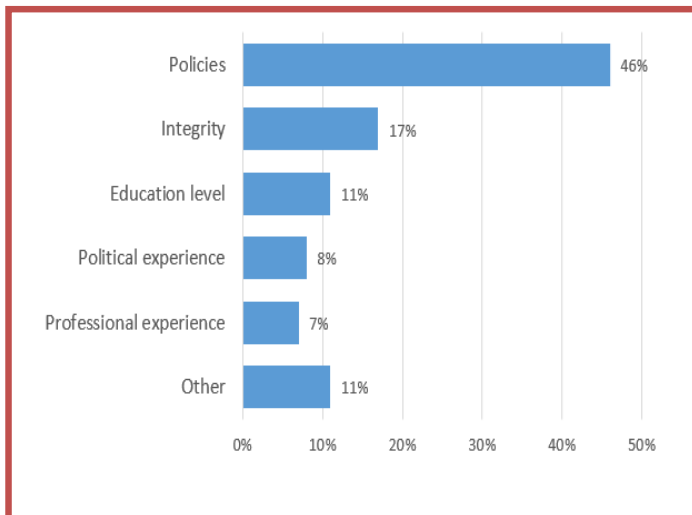


Picture : Posters of CCM's presidential candidate.

The issue of ethical integrity between Lowassa and Magufuli was not accorded due attention by the public probably due to a huge quest for change. A separate study is needed to ascertain the extent to which members of the public were positively or negatively influenced by the ethical integrity of the two candidates. However, survey results (Figure 4.1 below) on this as quoted

from Ben Laylor, 2015⁷⁰ suggested that only 17% of Tanzanians interviewed during 2015 election campaigns considered integrity as being an issue of concern in choosing their leaders.

Figure 4.1: Factor Which Makes a Good Presidential Candidate



Source: Ben Laylor, 2015.



Media Clip 4.4: Both CCM and UKAWA plus other opposition members preached ‘changes’, although in different tones.

The quest for change seemed to attract millions of supporters during campaigns. The CCM presidential candidate went further to promise establishment of special court for corruption. Surprisingly, CHADEMA under UKAWA seemed to drop its long-lived anti-corruption agenda,

⁷⁰ Tylor, Ben (2015), Lowassa joins CHADEMA and UKAWA, but What Next? Accessed on 20th December, 2015 from: <http://mtega.com/2015/07/lowassa-joins-chadema-and-ukawa-but-what-happens-next/>

and focused predominantly on other changes – to get rid of CCM. Apparently, pushing for anti-corruption agenda was at their own peril due to the fact that their candidate was accused of corruption when he was the prime minister, to the extent of forcing him to resign. These allegations continued to haunt their presidential candidate, Mr. Lowassa. As said earlier, UKAWA spent a lot of time trying to cleanse their candidate before the public.

CCM had its presidential campaign team comprised of 32 members, some of whom were said to have been strategically chosen to attack Mr. Lowassa’s personality. They did their job to their best level during campaigns. Some of them mainly concentrated on character assassination of their main political rival, Lowassa. It is not known to what extent this strategy worked out. Probably this would need a separate study. However, basing on the general perceptions, it seemed that people wanted ‘changes’ regardless of the personality of the candidates. Then, ‘changes’ in different perspective became an agenda – for both opposition and ruling parties as Media Clip 4.4 above connotes.

4.3 TWO WOMEN IN HIGHEST POLITICAL OFFICE: NEW ERA, NEW DRIVES

The second unique situation about 2015 campaigns was the participation of two women in the cotenst of the highest political position. ACT-Wazalendo, as said before, nominated Ms. Anna Mgwihira to be their flag bearer for presidential race; while, CCM endorsed Ms. Samia Suluhu Hassan, the former Minister of union matters, as their presidential running mate.



Picture 4.3: Two brave women: ACT-Wazalendo’s presidential candidate; and right is CCM’s presidential Candidate’s running mate.

The two ladies were not bringin new chapter in the history of Africa or Tanzania as there were already fellow women who have participated in elections and some of them are currently holding presidential or vice presidential positions in various countries in Africa. In Liberia for instance, Ms. Ellen Johnson-Sirleaf was the first African female president. In Malawi, Ms. Joyce Banda was elected the President and in Central African Republic, Ms. Catherine Samba-Panza is now the current president. In Uganda, Gambia, Zimbabwe, Southe Africa and Burundi, women have been appointed or elected as vice presidents.

In Tanzanian context, Anna Claudia Senkoro (pictured left) made history to become the first female presidential candidate in 2005. She contested through PPT-Maendeleo and obtained a



total of 18,741 votes (being 0.1%) of the total vote cast during election. In her campaigns she blamed women for not supporting her, even the gender-rights groups which were making statements about gender equality and women’s inferiority to vie for senior public leadership.

Hardly six months after the 2005 general elections in which she had participated as an opposition presidential candidate, Ms. Senkoro changed her political boots. Unfortunately, the history is almost forgetting her. There is scant information about her failure to make it to at least 5% of the votes despite the fact that more than 50% of the voters are women. The question remains to be whether women do trust each other especially in senior political positions like presidential candidacy.

Two decades later the two ladies emerged in Tanzanian politics to vie for senior positions. What seemed to be unique was the decision of ruling party CCM to stage Ms. Samia Suluhu Hassan as a presidential running mate because; i) this did not happen before given the fact that CCM has been in power for over 38 years; and, ii) the likelihood of CCM to win 2015 presidential election was relatively higher than of ACT-Wazalendo. Therefore, it was highly anticipated that the country would have the first female vice president should CCM win. As for Ms. Mgwhira, she was not expected to win due to the low profile of her party but it was a mark-drawer for future elections (for herself and her party as well).

As for the impacts of the presence of two ladies in the campaigns for the senior political post, TACCEO’s analysis established that save for a few incidents there was generally no gender discrimination of these and other women contestants in the 2015 election campaigns. However, the presidential campaigns of the two ladies were not well attended by people as compared to Dr. Magufuli and Mr. Lowassa’s political rallies as the pictures below show:-





Picture 4.4: Less densely vs. heavy densely crowds of supporters for female and male presidential candidates respectively.

For the case of Ms. Mgwhira, the reasons for low turn-out could be the fact that her party, ACT-Wazalendo, was still new to the people and participated in the general elections for the first time; although, it also participated in 2014 local government elections. However, being able to gather such size of population in her campaigns was a good start because it was better than other opposition parties (apart from the four parties forming UKAWA).

There is also lack of adequate support from other women. For instance, a bar attendant at Mbezi Gogoni area, Dar es Salaam, told LHRC/TACCEO observer that she did not vote for any of the female candidates (in 2010 and even in 2015) because:-

[w]anawake bwana wana nyodo sana loooh! Ukiwapa fursa za uongozi, kwanza hawatakusikiliza hasa mwanamke mwenzao ... si naona tu hata hapa baa, akija mwanamke na vihela vyake, atataka umsujudie kama Mungu. Mwanaume ni mwanaume tu ... hakuna wa kubishia hili bwana.'
(women are so arrogant, looh! If given leadership positions, they will not listen to you, especially if you are a woman ... I can see even here at the pub, if a lady comes with her little money she would want everyone to worship her as if she is god. Man is a man ... no one can deny this reality.)

The issue of getting support from women is something which needs a separate study before it is generalized to explain the Tanzanian context regarding readiness and confidence of women voters to their fellow women who dare to contest for political positions. However, in a number of studies, this issue has generally been linked to patriarchal system which remains to be highly prevalent in most African countries including Tanzania despite strong feminist movements.



Media Clip 4.5: Masoud Kipanya's cartoon: It is possible that women fail themselves from climbing up to the power while 'pretending' that 'women are able!!'

Kemi Ogunsanya⁷¹, a gender rights author is of the view that Africa has culturally been a patriarchal society and leadership the domain of men. Therefore, women seeking leadership roles should fight against several biases such as stereotypic tendencies, sexism, corruption and hostility. As a way of overcoming those challenges, it is proposed that women need to be empowered to assume leadership roles in preparation for such challenges.

LHRC/TACCEO believes that there is also a need for consistent and systematic civic awareness programmes by the electoral commissions as well as other stakeholders such as civil society organizations (CSOs), development partners and others, to come out with a national civic awareness strategic plan and ensure that it is fully funded, implemented and monitored at least for four years after every election. This would change the perception of many members of the public. Time allocated for civic awareness under NEC and ZEC's coordination was relatively inadequate.

4.4 HOW THE PUBLIC DECIDED WHO ARE THEIR NEXT LEADERS

It appeared to LHRC/TACCEO that majority of people wanted changes, especially to get rid of bad leaders whether from CCM or UKAWA. However, it was not certain what kind of leaders did they want and exact 'changes' they really needed.

⁷¹ Ogunsanya, Kemi (Undated), Women and Elections in African Politics. Accessed on 22nd December 2015, from: mercury.ethz.ch/serviceengine/Files/ISN/104119/.../Chapter3.pdf



Picture 4.5: Thrilled UKAWA's (Left) and ACT-Wazalendo's supporters in campaign rallies in 2015.

Some people were of the view that a good leader was the one who comes from the opposition because he or she can articulate better their problems and that, opposition has never been given opportunity to illustrate their capability. Moreover, there were also a good number of people who thought that a good leader should come from the ruling party because it is better to have a 'devil that you know, than an angel that you do not know.' Additionally, there was a generalized perception (as propagated by the pro-ruling party's supporters) that if the country's leadership shifts to the opposition, the peace and tranquility that have been enjoyed for a long time would disappear.



Picture 4.6: Charged CCM's supporters in campaign rally in 2015

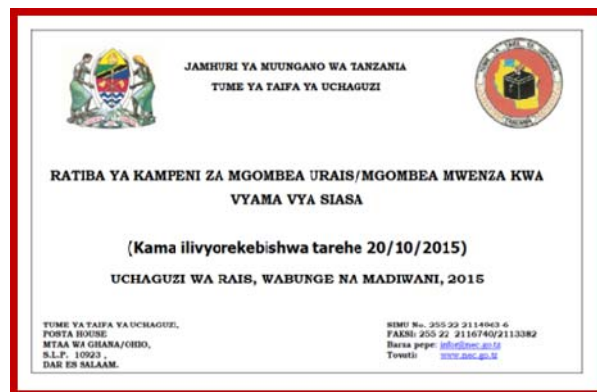
During campaigns those who were in the ruling political party were termed as '*makapi*' (garbage) when they decided to cross the floor to opposition, while some of them were highly respected leaders who even facilitated the incumbent president to climb into power. But, the main reason for this was that when they were highly criticized by the opposition when they were serving in CCM, some were put under a 'list of shame' – i.e of highly corrupt leaders. But when they crossed the flow they turned to be angels for the opposition but dirty persons for the ruling party. It was a game of words between the two sides, which complicated voters' ability to decide basing on free choice and merits.

As stated in the previous chapters, NEC and other election stakeholders did not invest much on voters' education; and, LHRC/TACCEO found this being a serious omission in democratic elections. But a few CSOs, individuals and some institutions played a leading role to provide civic education. For instance:-

- (i) Father Aristides Ngawiliyau is mentioned to have conducted a series of such awareness raising sessions to *Umoja wa Wanawake wa Katoliki (UWAWATA)* between 9th and 12th October 2015 at Uchira catholic convent, Vunjo, Kilimanjaro region.
- (ii) On 6th October, 2015 the returning officer for Namtumbo in Ruvuma region took his own initiative to explain to the people on the streets on how to vote, by showing a sample of ballot paper, etc.
- (iii) The PCCB officials from Bariadi, in Simiyu region organized public meetings at Bariadi council's football ground in October 2015 to educate the general public on various issues relating to corruptions in elections.

4.5 CAMPAIGNS' MANAGEMENT, COORDINATION AND PROGRAMMES

As stated above, the primary duty to plan and manage election campaigns is on the political parties themselves. However, for avoidance of conflicting meetings, the parties' campaign schedules are supposed to be sychronized by NEC (and ZEC in case of Zanzibar) and in the district level by returning officers. Other stakeholders who play supervisory or regulatory roles on election campaigns are police, PCCB officers, DCs and RCs. Picture 4.7 below shows a cover page of the campaign schedule.



Picture 4.7: A cover page of a notice issued by NEC endorsing campaign schedule.

The following parts of this sub-chapter present general overview on how the election campaigns were planned and coordinated in terms of access to meeting grounds and schedules for campaigns.

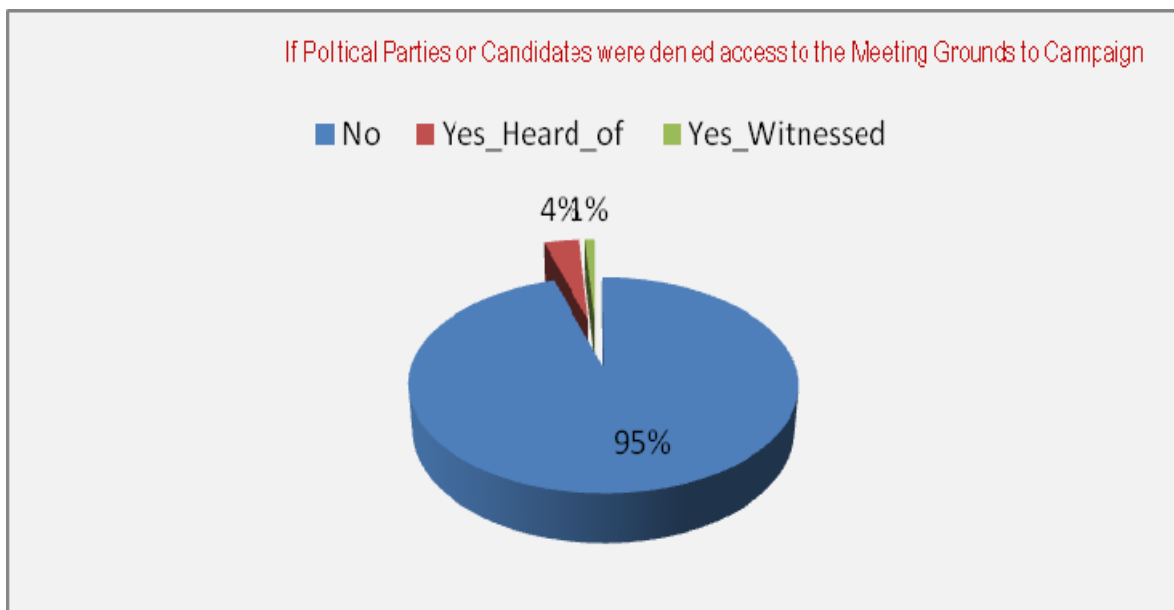
4.5.1 Venues: Access to Meeting Grounds

According to regulations, political parties and their candidates are required to hold campaign rallies at designated venues or grounds as per the schedules. The aim of this is to ensure security and accessibility to campaigns by all groups regardless of their political ideologies and disabilities. Some of the places are strictly prohibited for campaign purpose, including worship houses and market places.

(i) Formal Venues

Despite the heated pressure in the 2015 campaigns due to factors already discussed above, LHRC/TACCEO established that generally the rallies were well organized in terms of clear allocation of meeting venues. As Figure 4.2 below shows, only 5% of the observed campaign scenes had candidates complained of being denied access to the meeting grounds.

Figure 4.2: Observers Opinion on whether there was a denial of Venues for Campaigns, 2015



Source: TACCEO Election Observation Survey, 2015.

There were few inter-party clashes about campaign venues. For instance, some of such incidents in LHRC/TACCEO's database include:-

- (i) A complaint by Mr. Anthon Bundara, UDP's Secretary of Mwanza region who on 11th October, 2015 told LHRC/TACCEO observer that the meeting ground scheduled for their meeting at Jojiro village, Ng'hundi ward, Kwimba constituency in Mwanza, was on 10th October 2015 intruded by CCM candidates while the schedule was clear that it was their time on the ground. Similar incident occurred at Malemve village, Igongwa ward, Kwimba, Mwanza whereby CCM clashed again with UDP in the same meeting venue;

- (ii) A complaint by CHADEMA in Geita that they had been denied or delayed to use certain venues especially in Mbogwe district (Geita region) by the local government authorities. But, their colleagues, CCM, were choosing meetings venues as they pleased without any restriction. This situation necessitated an inter-party meeting, which did not change anything according to the situation observed and told in Geita;
- (iii) CCM and CHADEMA clashed in the same venue on 14th and 17th September 2015 at Kasanga and Samazi villages respectively in Kalambo, Rukwa region. The reason for the collision was not immediately established.

Such kinds of situation caused political parties supporters to lock horns as the pictures below show. The limitation to use certain venues was experienced more by the opposition than by the ruling party which enjoyed uninterrupted access to venues.



Picture 4.8: Lost tempers! Uproar UKAWA team and CCM supporters decided to lock-horns.

In another dramatic situation, the government refused to allow parties forming UKAWA to use the national stadium for their inaugural election campaign. The reason given was that no political party would be allowed to hold meetings in that ground. The stop order to UKAWA's parties came out three days before the date scheduled for inaugural ceremony (22th August, 2015). Then, UKAWA tried an open space in Jangwani grounds, which was used by CCM a week earlier to initiate their campaigns. The Ilala Municipal Council official refused to allow them to use it on the ground that the venue was already booked by a certain group. When the leadership forming UKAWA requested the council to give the name of the group so that they can negotiate with them due to time pressure, the council did not cooperate. After back-and-forth consultations the venue was ultimately given to UKAWA.

LHRC/TACCEO is of the view that as long as Tanzania accepted to get into multi-party democracy in 1992, every government and non-government authorities are obliged under the law and democratic principles to offer equal opportunities and unbiased decisions to all political parties. Elections are national or public events in which everyone has equal right to participate and responsibilities to ensure that everyone obtains fair treatment. Such rights and duties, as previous chapter on legal and institutional framework on election shows, are clearly guaranteed in the constitution and electoral laws of Tanzania. They are also part of the good governance principles.

There were also some incidences noticed whereby the political parties or candidates tended to postpone their meetings without sufficient notification to their supporters. In most cases, supporters were informed of the changes while they had already gathered at the meeting venues. Moreover, the frequent changes amplified conflict of schedules (in some places). Some of the rallies postponed include:

- (i) On 7th October, 2015, Mr. Charles Kitwanga of CCM postponed his meeting scheduled to take place at Mabuki ward, Misungwi, Mwanza. Ms. Samia Suluhu Hassan was visiting Mwanza on 8th October, 2015. Therefore, Mr. Kitwanga wanted time to organize their presidential candidate running mate's meeting;
- (ii) The ACT-Wazalendo meeting scheduled for 8th October 2015 at Magu, Mwanza, was cancelled because the parliamentary candidate, Mr. Andrew Nkumbi had an official meeting;
- (iii) CUF in Sumve, Mwanza region, changed their schedule between 15 and 18th October, 2015 due to internal meetings with their national leaders.

Some of the public places such as school's football grounds were included in the list of campaign spots. That implied every candidate or political party was at liberty to utilize the space. Indeed, the observation team noted that the spaces were used without any problem by some of the candidates especially during weekends. However, it was not the case in some places, where some of the political parties were denied access to such spaces. For instance, UKAWA was not allowed to organize their rally at Kitangari 'B' Primary School grounds, Newala on the account that it was a school property/premise. However, the same ground was used by CCM's presidential running mate.

The Ubiri ward ground (Lushoto, in Tanga), which is situated nearby CCM ward office was predominantly used by the ruling party. In one occasion, LHRC/TACCEO observed CUF councillorship candidate was not allowed to use that ground simply because it is situated near CCM office but it is not the property of CCM.

(ii) Worship Houses

Clause 2.1(k) of the *Maadili ya Uchaguzi wa Rais, Wabunge na Madiwani* (Elections' Code of Ethics for President, Parliamentarians and Concillors) of 2015⁷² stipulates that:-

Viongozi wa vyama vya siasa, wagombea au wafuasi wao wahakikishe kuwa majengo wanayotumia kufanya kampeni sio ya Ibada. Vile vile, vyama vya siasa vihakikishe kuwa havitumii viongozi wa dini kupiga kampeni kwa ajili ya vyama vya siasa au wagombea wao (leaders of political parties, their candidates or supporters shall ensure that, premises used for campaigns are not houses of worship. Moreover, political parties shall ensure that, they do not engage religious leaders in their political campaigns).

⁷² Issued under G.N No. 294 of 2015. The code of ethics is made under Section 124A of the National Elections Act, Cap. 343.

Clause 2.2(i) of the same Code of ethics prohibits political parties or their candidates to solicit votes on religious, ethnicity, color or gender grounds.

One of the incidents which attracted media attention involved UKAWA's candidate, Mr. Lowassa. It was alleged by the ruling party and the video clip circulated in the social media that on 6th September, 2015, while attending a mass at the Evangelical Lutheran Church of Tanzania (ELCT) in Tabora, Lowassa said that it was time for a Lutheran to rule the country as Lutherans have been sidelined since independence. Following this remarks, CCM through its Ideology and Publicity Secretary, Mr. Nape Mnauye (pictured below), reacted with a strong tone, that:-

Kwa kuwa Ndg. Lowassa siku hizi tabia ya kusahau inaongezeka kwa kasi, nimeona ninukuu vifungu hivi kwa rejea yake na wenye tabia kama yake. Lakini matamshi hayo ni uthibitisho tosha kuwa Ndg. Lowassa, Chama chake cha CHADEMA na vyama vinavyomuunga mkono chini ya UKAWA ni wabaguzi, wachochezi na waroho wa madaraka wasiojali masilahi mapana ya nchi yetu. Kwao madaraka ni muhimu kuliko nchi yetu.⁷³ (That, because Mr. Lowassa's tendency of losing memory is steadily increasing, I have decided to refer some provisions for his benefit and others who have similar behavior. His statement is sufficient evidence that himself, his party CHADEMA and all parties forming UKAWA are discriminative, trouble makers and power mongers, who do not care about interests of our country. To them, power is more important than our country).



Picture 4.9: Mr. Nape Mnauye delivering a press release on 8.9.2015.

There was no clarification from UKAWA camp about the context in which Lowassa statement was made. It is also not certain as to what extent Mr. Lowassa's statement affected their campaigns in terms of creating differences between the Lutherans and other people professing different religions or sects. What is certain is the fact that such kind of statements allegedly

⁷³ Accessed on 21st December 2015 from: <http://www.mpekuzihuru.com/2015/09/ccm-wazungumza-na-waandishi-wa-habari.html> (CCM wazungumza na waandishi wa habari kuhusu maneno ya kibaguzi yaliyotolewa na Lowassa kanisani).

made by Mr. Lowassa was contrary to the electoral laws, especially when it was made during election campaign period.

LHRC/TACCEO is of the view that parties forming UKAWA were required to clarify the statement and make public apology if what was quoted by social media was true. Moreover, CCM through Mr. Nape unnecessarily used strong tone to condemn the statement which could have sparked of tensions as it amounted to some insult (for example, a statement which says ‘...Mr. Lowassa’s tendence of losing memory is steadily increasing...’).

There were a few similar incidents reported by TACCEO’s observation team from different parts of the country including Nachingwea and Lindi, where for example, a CCM candidate was alleged to have sold his house and use part of the proceeds to bribe religious followers of a certain church in the constituency where he was contesting.

However, it is only 3% of the LHRC/TACCEO’s observers who reported incidents where some of the candidates were allegedly holding campaigns in the worship houses. There was generally an improvement in the 2015 elections as compared with 2010 elections where there were a significant number of religious leaders, for instance, in Dar es Salaam, Songea and Tabora who were preaching and campaigning for or against certain political parties in their worship houses.⁷⁴

The few reported or observed incidents include acts of some religious leaders who used their positions to campaign for certain candidates. One of such incidents involved a pastor who vividly campaigned for CHADEMA’s candidates at his worship house at Dung’unyi Lutheran church in Singida west. There was also one Elibariki Kingu who was seen canvassing from one worship house to the other seeking people to support CCM in the same constituency in Singida west. One of the churches visited by this person was the Pentecostal church at Ihaja ward sometimes in October, 2015. In Kigoma urban constituency there was a clear religious division for and against CHADEMA and ACT-Wazalendo candidates perpetrated by some religious leaders of Christian and Islamic sects. Infact, it was like a war between these two religious groups.

(iii) Door-to-Door Canvassing

Unlike the previous elections of 2010, door-to-door canvassing was widely used by the political parties to ‘chase for every vote.’ The chasing of the votes was done in the morning, noon and even night hours as TACCCEO observed. In most cases this created an avenue for bribing voters. The door-to-door campaigners were giving ‘gifts’ instead of selling out their policies. Such campaigns also provided a good opportunity for the candidates and their agents to manipulate the voters in many ways, including recording their BVR cards’s serial numbers. For instance, on the 19th September, 2015 around 6:00 PM, the CCM members were seen in door-to-door campaign at Upanga East, Ilala, in Dar es Salaam, distributing clothes and offering money to the homesteads they visited. Similar incidents were noticed in Mchikichini ward in Dar es Salaam; Mabati village, Ismani in Iringa; Kibaha urban constituency etc. Other political parties

⁷⁴ TACCEO and LHRC (2010), Report on the United Republic of Tanzania General Elections of 2010. TACCEO: Dar es Salaam. Pages 42 and 43.

also did the same throughout the country. Arguably, it was an opportunity of winning support from older persons who did not attend public rallies as Picture 4.10 below shows:



Picture 4.10: CHADEMA’s candidate hunts a voter at homestead.

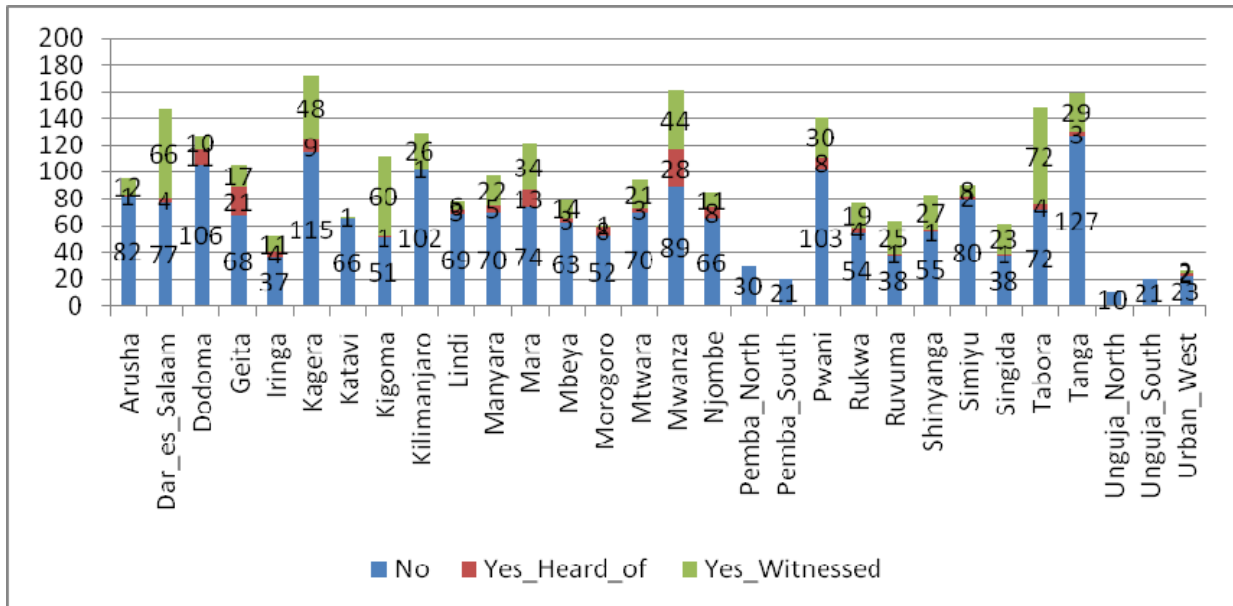
On the 24th October, 2015 (a day before election), CHADEMA youths were noticed canvassing door- to- door at Mwandoya ward, Kisesa, in Simiyu to collect BVR cards from some voters – apparently from those who appeared to be CCM followers. Similar incidents involved CUF supporters in Singida West constituency and CCM supporters at Makuyuni ward, Korogwe rural district in Tanga. It was not immediately established how recording of BRV cards’s serial numbers or collection of these cards could be used to manipulate voting process. Rumours have it that, it was just to ensure the voters whose cards were taken did not turn up to the polling stations on the Election Day or if their cards’ serial numbers have been taken, it was a tactic of creating an impression that their votes would be traced.

4.5.2 Schedules: Opening and Closing of Campaign Rallies

Apart from the door-to-door canvassing, all other forms of election campaigns were supposed to start at 8.00 AM and end at 6.00 PM. Just like what happened in 2010 elections, incidents of exceeding time lines beyond 6.00 PM were rampant all over the country. To begin with, the CCM inaugural campaign at Jangwani grounds in Dar es Salaam, went beyond 6.30 PM. Suprisingly, no police officer had the audacity of stopping this from happening while many police officers, including the senior ones were standing watching. There are incidents where UKAWA campaigns also ended slightly after 6.00 PM. The police tried to play a neutral role to avoid complaints from parties.

According to LHRC/TACCEO’s observation, the most notorious regions which had higher incidents of campaign delays were, Tabora, Kigoma, Mwanza, Kagera and Dar es Salaam. Tabora, for example, had a total of 76 incidents witnessed directly or reported to LHRC/TACCEO observers. Other regions are Mwanza (70 incidents); Dar es Salaam (70 incidents); Kigoma (61 incidents); and Kagera (67 incidents).

Figure 4.3: Whether Campaign Rallies Ended After 6.00PM – TACCEO Observers, 2015



Source: LHRC/TACCEO Election Observation Survey, 2015.

Most of those regions mentioned above were i) stronghold of major political parties; and, ii) viewed to have many voters. Therefore, political parties had to use extra efforts in order to win voters' attention. In doing so they conducted their campaigns beyond the required time.

Campaigns in most of the Zanzibar regions, except Urban West, observed time. The Mainland Tanzania regions which had fewer incidents of delays were Iringa (15 incidents); Arusha (13 incidents); Lindi and Morogoro (9 incidents); and Katavi (only 1 incident observed). Suprisingly, this time around there was a huge improvement especially on part of Arusha region as compared to 2010. The 2010 elections campaigns were characterised with commotions mainly caused by confrontation between the police and CHADEMA about the schedules and meeting venues.

Most of the delayed campaign rallies ended beyond 15 and 45 minutes from 6.00 PM. Some of the incidents relating to delayed closure of campaign rallies in some places were:-

- (i) On 7th October, 2015 Mr. Kondela Deogratus John of CHADEMA ended his meeting at Idetemya ward, Misungwi in Mwanza region at 6.15 PM. Police did not interrupt the meeting despite the delay;
- (ii) On 12th October, 2015 at Nambuhu ward, Tandahimba, Mr. Shaibu Likumbo, started his meeting at 4.30 PM and ended it at 6.09 PM. Most of the attendants in his meeting were women and children, thus keeping them listening for such long hours was an issue of concern;
- (iii) On 23rd September, 2015 at Nchenga Street, Nyegezi ward, Nyamagana, in Mwanza, CCM's parliamentary candidate, Mr. Stanslaus Mabula, ended his meeting at 6.20 PM. Most of the time was consumed by other members of his campaign team.

- (iv) CHADEMA's campaign ended at 6.30 PM on 24th September, 2015 in Magomeni ward, Kilosa, Morogoro;
- (v) On 10th October, 2015, while he was at Jojiro Primary School grounds, Ng'hundi ward, Kwimba, in Mwanza, Mr. Mansoor Shanif Hiran, who was CCM parliamentary candidate for Kwimba, ended his campaign at 6.30 p.m.
- (vi) On 11th October, 2015, CHADEMA's parliamentarian candidate for Siha, Kilimanjaro, was seen moving around with his procession at 8.30 PM with loud speakers on (at Sanya Juu ward). They were also distributing CHADEMA's flags to the *Bodaboda* (motor cycle commuter) drivers;
- (vii) In Karatu, CHADEMA and CCM teams were noticed campaigning with loud speakers after closure of campaign hours. On 23rd September, 2015 CCM at 19.12 used a vehicle with registration number T.266 BDG. On 27th September, 2015 CHADEMA campaigned with loud speakers at 19.51. All incidents were witnessed by LHRC/TACCEO's observers;
- (viii) On 26th September, 2015, CHADEMA's candidate Mr. Patrick Ole Sosopi ended his meeting at Tungamalenga village, Iringa at around 6.20 PM. He delayed again on 11th October, 2015 at Ismani, Iringa, where his meeting ended at 6.30 p.m.;
- (ix) CHADEMA was seen campaigning till 6.16 PM at Makulu ward, Dodoma, on 7th October, 2015;
- (x) Most of the campaigns in Kigoma urban were closed from 6.40 p.m.;
- (xi) CHADEMA's campaigns at Nundu village, Yakobi ward, Njombe south, in Njombe were closed at 6.45PM on 16th October, 2015;
- (xii) CUF's campaign in Ilungu village, Nyigogo ward, Magu in Mwanza was ended at 2.27 PM on 7th October, 2015, while, according to NEC's schedule, that venue was supposed to be used by another party from 2.00 p.m.;
- (xiii) On 7th October, 2015 at around 8:00 p.m, CCM was heard campaigning at Nyasaka ward, Ilemela, Mwanza.

The Independence torch, as shown below (Picture 4.11), which is run through the country between August and 14th October every year, disrupted election campaign schedules in some parts of the country.



Picture 4.11: President of Zanzibar inaugurated the *Mwenge wa Uhuru* race in August, 2015.

For instance, on 31st August 2015, the Arusha Regional Commissioner's office issued a letter with reference FA.8/286/01A, directed to the district executive directors that all political parties should suspend their rallies on 12th September, 2015 due to rounds of independence torch in Karatu.

CHADEMA did not obey the order. They continued with their campaigns, a situation which rendered the arrest of its 13 followers. However, the said followers were released after a short while. Apparently, the law enforcement body did not find a provision of law which empowered the local administrator to order suspension of election campaigns in order to celebrate independence torch.

LHRC/TACCEO advises that next time Mwenge wa Uhuru's schedule should be made in such a way as to affect the political rallies during election campaigns due to the fact that the 60 day period allocated for campaigns is relatively inadequate.

It is, however, encouraging noting that at least 71% of the campaign meetings monitored by LHRC/TACCEO were managed and ended on time (at 6.00PM). This is a significant improvement in Tanzanian elections. If political parties and their schedules are well coordinated, future elections campaigns would witness more positive things and fewer incidents of violence and exceeding time lines set for campaigns. Nevertheless, LHRC/TACCEO calls for law reforms in the aspect of time period set for campaigns by elongating the Mainland Tanzania's campaign duration to at least 90 days (from currently 60 days) in order to avoid time-pressure. This should, as suggested elsewhere in this report, go hand in hand with public funding of electoral activities as a way of boosting the young political parties.

4.5.3 Intra-UKAWA Mystification: Authors of their Own Mistakes?

There was also conflict on the part of UKAWA in terms of meeting venues, which party's ideology to use in the campaigns, fielding more than one contestant in some places etc. This situation did not only confuse UKAWA supporters during campaigns, but also gave CCM and other opposition parties a better chance to win elections. As noted, the top leaderships of UKAWA had to intervene and conduct on-spot polls on which candidate should represent UKAWA.

Political analysts, for example, were of the view that constituencies like Segerea (Dar es Salaam); Masasi (Mtwara); Kasulu (Kigoma); Manyovu (Kigoma) and several others in Kagera region, slipped off to CCM candidates just because UKAWA had two or more candidates fighting for the same seat. There were also conflicts among UKAWA parties regarding their meetings. As a way of illustration, UKAWA meeting scheduled to take place at Munanila ward, Manyovu constituency in Kigoma region in September 2015 was postponed because NCCR-Mageuzi and CHADEMA candidates planned to campaign at the same venue. Engineer Azory was for NCCR-Mageuzi, while Mr. Budiba was for CHADEMA.



Picture 4.12: Flags of three (among four) main parties forming UKAWA – NCCR-Mageuzi; CHADEMA and CUF (left to right) flying at Kigoma campaign venue.

These incidents happened between CUF and CHADEMA also at Kitete village, Mikumi on 15th September, 2015 and between the same parties on 4th October, 2015 at Mbuni Sokoni grounds, Kilosa in Morogoro region whereby CUF candidate took the liberty to campaign for himself, a decision which was objected by CHADEMA supporters on the claim that Kilosa constituency was allocated to CHADEMA candidate.

It appears that UKAWA coalition did not put sufficient efforts to inform and explain to their members and leaders at local levels on the essence and importance of their coalition. It seemed that the decision to unite efforts was a concensus of senior national leaders, who decided to partition the constituencies without sufficient consideration and involvement of local leaders. It is sad to note that the late Emmanuel Makaidi, who was the chairperson of NLD, was rejected by the crowd when UKAWA Presidentail candidate wanted to introduce and campaign for him as UKAWA candidate for Masasi constituency.

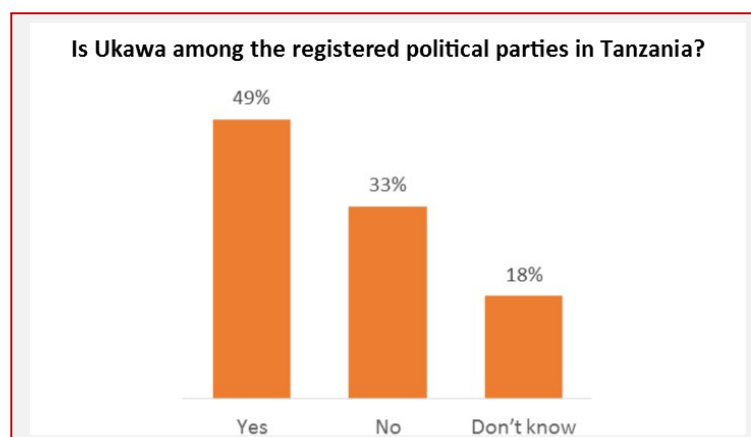


Figure 4.4: Twaweza’s study about peoples’ understanding of registration status of UKAWA.

Another thing which affected UKAWA was the fact that some people confused it as a new political party. A study by TWaweza⁷⁵ (Figure 4.4), which was released during election period showed that close to 50% of the respondents thought that UKAWA is a registered political party. It would therefore appear that a significant number of people wanted to vote for UKAWA which did not appear in the ballot paper instead of CHADEMA, NCCR, CUF or NLD.

LHRC/TACCEO is of the opinion that despite the fact that UKAWA coalition was a good idea, and has assisted them to scoop more parliamentary and councillorship seats this time around (2015 elections) than ever before, a more practical formula on how to distribute constituencies and wards was a prerequisite for their solidarity. It was noted also that the grand coalition of UKAWA positively helped CUF to gain more support on Tanzania Mainland (from only 2 parliamentary seats in 2010 to more than 10 parliamentary seats in 2015); but, unfortunately sinking the NCCR-Mageuzi (from 4 parliamentary seats in 2010 to only 1 parliamentary seat in 2015). NCCR-Mageuzi’s popularity in Kigoma, a region which used to be its stronghold, at least between 2005 and 2010, disappeared this time around.

LHRC/TACCEO calls for law reform to allow formalization of coalitions for purpose of elections. A leaf can be borrowed from Kenya on how political coalitions are working to improve democratization in the country. This suggestion is vital due to the fact that some of the political parties in Tanzania are very small and powerless in terms of financial resources, experience, etc. They need to unite in a form of a coalition to give them an impetus and financial muscles to stand competitions. Therefore, bringing them into the formal coalition will certainly increase their visibilities to the public.

4.6 SECURITY TO PARTIES, CANDIDATES, SUPPORTERS AND OTHERS

4.6.1 Security of Campaign Rallies by the Police

During election campaigns the chief security officers are police. It is their responsibility under the electoral laws as well as other laws to provide security to parties, candidates and campaign rallies. All presidential candidates (especially ACT-Wazalendo, UKAWA and CCM) and their

⁷⁵ Accessed on 16th December, 2015, from: <http://twaweza.org/uploads/files/UkawaParty.jpg>

rallies were given adequate security as Pictures 4.13 below show. On provision of security, the police force did its work quite impressively.



Picture 4.13: Personal security for presidential candidates for ACT-Wazalendo, CHAUMA and CHADEMA (UKAWA).

However, some of the rallies were held without any police officers around. A specific number of police officers deployed during election campaigns could not immediately be ascertained at the time of this reporting. But, basing on the general trend deployment of more police officers was necessary.

4.6.2 Use of Parties Personal Security Guards

Some of the political parties have their own security guards. Experience shows that there is a tendency of having no trust on the use police force by some political parties, including the ruling CCM. As it was observed in 2010 and other previous elections, CHADEMA, CCM and CUF recruited and deployed their own organized security systems to supplement the ones offered by the police force. Pictures (4.14) below, both obtained from internet sources, show CCM and CHADEMA's guards, known as 'green-guards' and 'red-brigade' respectively.



Picture 4.14: Green-guard and Red-brigade in actions – used in previous and current elections.

The Tanzanian legal framework in general prohibits establishment of paramilitary groups apart from the police force, prisons services, fire brigade, national service (JKT), and national defense forces. However, the law allows private security companies to be established to provide private security services. It is in line with this that security companies such as Chui Security, Knightly Support, Ultimate Security, and KK Security are in existence which can be hired by individuals and companies. However, the law is silent as whether political parties are allowed to establish their private para-military/security groups. But, some of these political parties got their registration based on their constitutions which indicate their desire to establish security wing. It is very unfortunate that the current legal framework does not provide adequate coordination mechanisms of these political security groups with the Police Force. Their scope of business is not well known and whether it goes to the extent of monitoring political campaigns or activities of the party. LHRC/TACCEO proposes that this situation should be addressed to avoid frictions between these security groups and the police force. The use of parties' private security can be maintained but with definite scope without having powers of the police such as making arrests, quelling violence and use of force and fire-arms.

Despite the fact that the security services provided by the police was generally good there were observed and reported incidents whereby the presence of the police officers caused anxiety and chaos instead of tranquility and orderly campaigns. For instance:-

- (i) Mr. Shabani Matimba, councillorship candidate for Viziwaziwa ward, Kibaha, in Coast region was arrested by the police in August 2015 without sufficient grounds being shown and remained in detention at Mkuza throughout the campaign period. The reasons for his arrest and detention were not immediately established;
- (ii) The APPT-Maendeleo candidate, whose name and candidacy position could not be established, was arrested by the police on 12th October, 2015 at Same East constituency on allegation that he intruded CHADEMA's meeting. It seemed that there was confusion about campaign schedule;
- (iii) There were also a number of incidents from Nachingwea, Magu and other places, whereby some of the politicians or their supporters were arrested or intimidated by the police. For instance, it took almost three weeks of legal battle between Ms. Esther Bulaya, (CHADEMA candidate for Bunda constituency – Picture 4.15) to relieve herself from being regularly arrested and interviewed by the police during campaigns. It was until the court pronounced her not guilty of the offences allegedly to have committed. She was arrested on the evening of 7th October, 2015 on allegation that she wanted to invade Bunda police station.



Picture 4.15: Ms. Esther Bulaya, (CHADEMA candidate for Bunda) in blue T-shirt, interviewed by media after her release from the police custody in Musoma.

It is alleged that while the Police, in some cases, acted harshly against the opposition candidates it did not do the same to CCM candidates. For instance, one of the CCM parliamentary candidates, who attacked with his walking stick a fellow contestant in party's primaries at Kongwa, was not arrested by the police; and yet, he was also endorsed by his party to vie for parliamentary position. Again, his party further endorsed him to be a candidate for top leadership in one of the state pillars.

It is almost vivid evidence that most of the decisions by law enforcement and administrative officers in Tanzania are adversely made to the detriment of the opposition. The relationship between law enforcement machineries and the ruling party is something which may need a separate analysis. However, presence of some incidents whereby police officers are appointed to political posts and the former Chief Justice of Tanzania to seek for party nomination in the presidential race leaves a lot to be desired and especially regarding the impartiality of the law enforcement agencies.

LHRC/TACCEO is of the view that despite the constitutional right for everyone to participate in political life, it would be more sensible if there are legal limitations for certain professionals to contest in elections unless a significant period lapses after retirement. For instance, if a senior member of the police force or army retires, he still retain some strong influence to the junior officers. In this way junior officers cannot arrest him or her in case he/she commits wrongful acts including electoral offences.

4.6.3 Vandalism of Campaign Materials

The most common campaign materials used by the parties during campaigns were placards, posters, fliers, billboards, pictures, T-shirts, khanga, flags, veils, scurf, wheel-cover and stickers. Other materials were vehicles, handbags and mobile phone covers. It was a game of visibility, to

secure every detail of attention. The pictures below show ACT-Wazalendo’s flag; CHADEMA’s sticker on wallet of the lady; and CCM’s full branded campaign van.

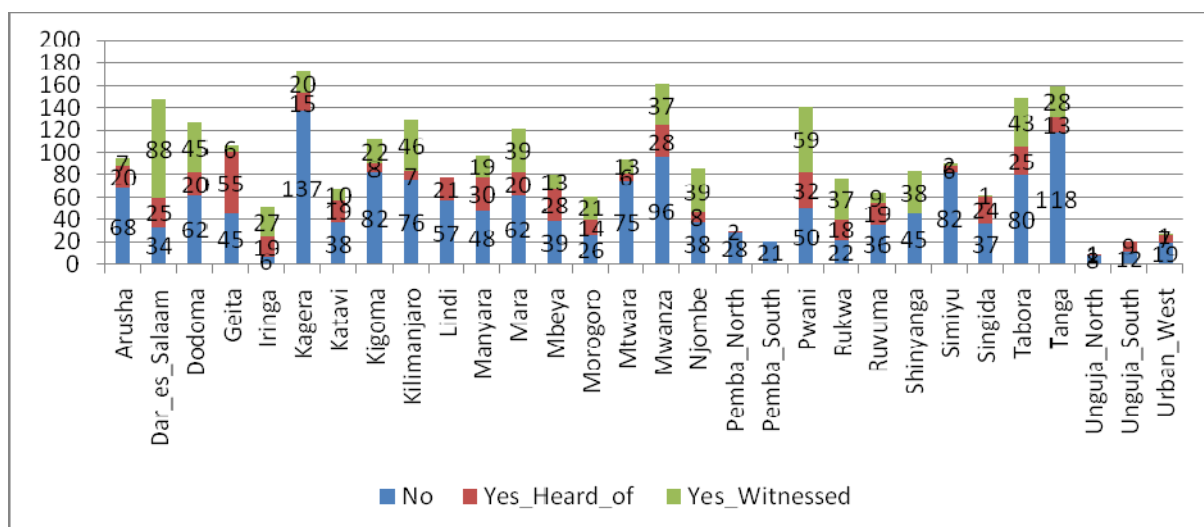


Picture : Some pictures of campaign materials and designs in 2015.

Destruction of any kind of campaign material is treated as a criminal offence under the penal laws of Tanzania. It is also unethical under the rules governing elections. LHRC/TACCEO’s observation and analysis on this matter, as it is further indicated in Figure 4.4 below, shows that incidents of vandalism of campaign materials were relatively fewer than in the past general elections (basing on the general observations and not hard facts). There was a high level of tolerance demonstrated during 2015 campaigns.

The most common regions which were notorious for vandalism of campaign materials, as Figure 4.4 below shows were Dar es Salaam (113 incidents counted); Coast region (91 incidents counted); Tabora (65 incidents counted); Dodoma (65 incidents counted) and Geita (61 incidents counted).

Figure 4.4: Prevalence of Vandalized Campaigns’ Materials including Cars – Observers Monitoring, 2015



Source: LHRC/TACCEO Election Observation Survey, 2015.

Moreover, according to Figure 4.4 above, the regions which had least incidents of vandalism were Simiyu (only 8 incidents); Lindi (only 21 incidents) Singida (only 25 incidents); Arusha (only 27 incidents); and Ruvuma (only 28 incidents).

The vandalism included pulling down of the posters which supported the campaign materials; burning; tearing; or sticking on top of other party election materials as the pictures below show:



Picture 4.17: Vandalism of campaign posters.

In most cases vandalism was done during night hours when the police or owners of the materials could not see. Apart from campaign materials, the vandalism was extended to vehicles and voters' registers which were displayed on conspicuous places (such as notice boards) as a picture taken from Tabora town shows:



Picture 4.18: Torn copies of Voters' Registers in Tabora, in October 2015.

It is not known as to how many people were arrested and prosecuted over vandalism of the campaign materials; but, at least a few of them were nabbed by the police. In connection to vandalism of campaign materials, a few people went further to vandalize non-campaign materials in order to intimidate voters. In one incident, the CUF councillorship candidate of Katoro ward, Bukoba rural in Kagera was arrested by the police following an allegation that he participated in the crime of burning three churches (ELCT of Kabanja area; Roman Catholic of Kijongo area; and the Holy Spirit Church of Misra area).

Mr. Albert Nassari, 33-year-old person was, on 23rd September, 2015 at around 7:00 PM, assaulted and severely injured by CHADEMA supporters after he was seen removing CHADEMA posters along Kijenge road in Arusha urban constituency. The assailants did not prefer to use normal legal course by calling the police as the law requires. The lawless electoral-related incidents were quite common across the country.

4.6.4 Security, Impartiality and Freedom of the Media during Campaigns

As extensively covered in chapter eight of this report, the media coverage during the 2015 election campaigns was awesome. Media based campaigns took almost 50% of total campaign strategies employed by political parties. Both local and international media outlets were staged on the field.



Picture 4.19: Left: Foreign media crew in one of the campaigns in 2015. Right: Local and foreign media in actions in 2015.

It was CCM and UKAWA which owned a lion share of free coverage during news bulletins as well as paid up media programmes or advertisements. Star TV and TBC Televisions was predominately pro CCM; such that the Tanzania Communication Regulatory Authority (TCRA) had to intervene, whereby, on 28th August, 2015 it issued a statement warning TBC1 and other media stations to give each political party a fair coverage of election campaigns' news. TBC1 found itself in trouble following its biased newspapers analysis programme aired between 6:00 AM and 9:00 AM which skipped UKAWA's news while reviewing the newspapers.

Star TV had its own way, it ran a number of CCM spots after every few minutes. Most of the spots were portraying CCM presidential candidate as a hero, hardworking and mostly loved one, whereas the UKAWA presidential candidate as a hypocrite, unfit for leadership, weak, double standards, etc. They used Mwl. Julius Nyerere's video clips to hammer their messages. Following public outcry, they mitigated a little bit the contents and setting of their spots. It was not certain if Star TV was exclusively hired by the ruling party as their propaganda media outlet. This hypothesis could be true because the owner of Star TV station is one of the senior party's cadres for Mwanza region.

According to LHRC/TACCEO and Media Council of Tanzania (MCT) media coverage analysis as explained more in chapter eight of this report, most of the media outlets failed to adhere to the principle of impartiality in reporting campaign news. Each major party and their presidential candidates had their journalists roaming with them all over the country. For instance, the Tanzania Daima, Mawio, Jamhuri and MwanaHalisi newspapers were openly in favour of UKAWA, while Uhuru, Jambo Leo, Habari Leo, Daily News, Dira and Mzalendo were predominantly pro CCM. The rest of the newspapers namely the Guardian, Mwananchi, Majira and Nipashe tried as much as possible to be neutral. But, they did not give fair coverage to ACT-Wazalendo and other opposition political parties.



Picture 4.20: Presidential candidates in media briefing during election campaigns in 2015.

At least three things tested media freedom and security during campaigns. One was ideology; two, reporting; and three, cyber crime law (for social media in particular). To a certain extent such factors threatened the security of field journalists. For instance, CCM expelled Mwananchi's journalist while they were in the Southern Zone (Mbeya and Iringa) on allegation that he did not report well their presidential campaigns in Mbeya. CHADEMA followers were reported to have attacked Uhuru journalists at their headquarters in Dar es Salaam on the

allegation that they were planted by one of the CCM cadre to fake stories about Dr. Wilbroad Slaa's departure from CHADEMA.

It does not need a deep analysis to note how cyber crime law, which was enacted so quickly a few months before 2015 elections, had contributed to the suppression of freedom of the press, especially social media discussions. On the positive side of it, it has helped to control defamatory statements, hate statements, immoral pictures, and fabricated news, which to a large extent caused public unrest.

However, the fact that the law was actively propagated and implemented during campaigns is an issue of concern for any critical thinker. Such speed and zeal to implement the law gradually decreased after elections in October 2015; and now it is business as usual. In this way, LHRC/TACCEO is of the view that it is easy to link the Cyber law with planned media censorship strategy, which was probably needed to take the country through the 2015 elections. LHRC/TACCEO suggests that the cyber law be amended to avoid suppression of the press freedom. And, massive public awareness should be launched to include the law enforcers.

There is a specific sub-chapter on media and 2015 elections. Therefore, for more details regarding media coverage, practices, etc, that sub-chapter will be more useful.

4.7 CAMPAIGN INNOVATIONS, STYLES AND FORMS

4.7.1 Use of Communication Materials

Different types of education, communication and information campaign materials were used. The posters as indicated below were for 'selling out' candidates; the flags and scurf were for publicity and visibility of the parties; and t-shirts were kind of inducement to individual voters.



Picture 4.21: Various forms of campaigns' communication materials.

LHRC/TACCEO noticed that only CHADEMA, ACT-Wazalendo, CUF, CCM, and NCCR-Mageuzi had printed such materials. CUF's materials were scattered more in Zanzibar and coastal region, while NCCR's materials were mainly in Kigoma and few in Vunjo, Kilimanjaro. Despite being a new party, ACT-Wazalendo tried to cover several districts in terms of publicity materials. CHADEMA tried its best but in remote areas such Kakonko, Kibakwe, and Ngara, its

visibility was relatively low. CCM had posters of presidential candidate, parliamentary candidates and councillorship candidates all over the country – more than any other political party. This fact proved that CCM is still giant and stronger in terms of financial resources.

Young political parties such as CHAUMA, UPDP, ADC, TLP, and TADEA had very little coverage and publicity through publicity materials. For instance, just a few copies of UPDP posters were seen at Manzese in Dar es Salaam a week before election. TLP did not have any posters apart from only few ones in Vunjo, Kilimanjaro and Kagera regions.



Picture 4.22: Presidential candidates who had low coverage.

LHRC/TACCEO reiterates its opinion that there is no way in which Tanzania can claim to have a level playing field if the political space is controlled by one giant party, and one or two more opposition parties with some little more resources than the rest of the opposition. Public funding is unavoidable.

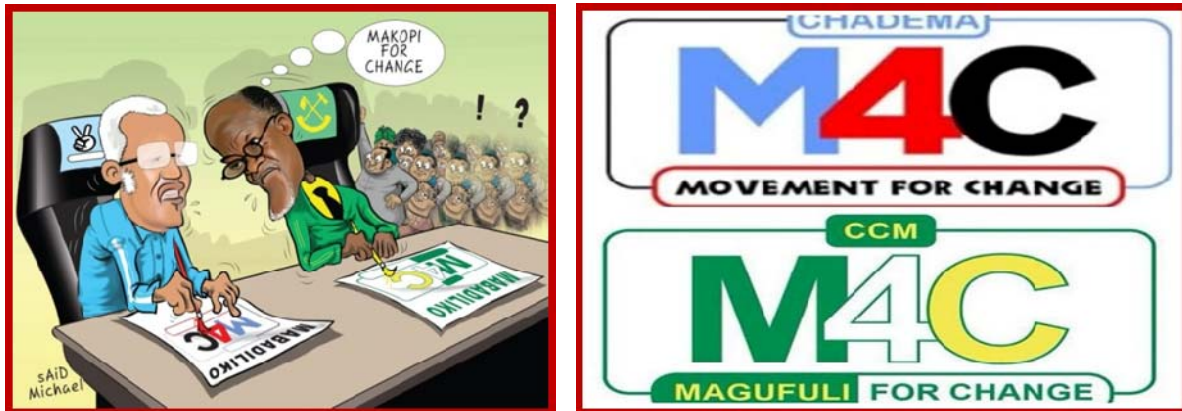
4.7.2 Body Paintings, Symbols and other Innovations

Body paintings were also part of the decorations which made campaigns colorful and fancy. Many people were attracted to attend the rallies because of such kinds of funny incidents. It was not established whether the fans who painted their bodies were paid for the work.



Picture 4.23: Thrilled supporters turned their bodies ‘painting rocks’!

Body paintings were not so common in 2010 national elections. The more the election campaigns became stiff the more the innovations. At one point in time, CHADEMA and CCM came into conflict on the use of ‘M4C’ (movement for change) symbol. CCM ‘innovately’ converted CHADEMA’s famous M4C into ‘Magufuli for Change.’ The symbol remained the same, but the color changed as Media Clip 4.6 below show(s).



Media Clip 4.6: M4C for CHADEMA and for CCM as well.

The CCM’s ‘innovation’ nearly brought them to trouble as UKAWA camp threatened to lodge a case against CCM. But the question was whether CHADEMA had its symbol registered as copyrighted material under the law to claim legal ownership.

4.7.3 Use of Incumbent and Retired Leadership - State Officials

The two giants (CCM and CHADEMA under UKAWA coalition) had a privilege of being accompanied by veteran politicians as well as former government officials. As the pictures below show, CCM had to seek support from the two retired presidents of Tanzania, Mr. Ally Hassan Mwinyi and Mr. Benjamin William Mkapa. The incumbent president, Dr. Jakaya Mrisho Kikwete was also warming up the CCM’s campaign floors. He did it in the launching date at Jangwani, Dar es Salaam; and at the climax of the campaign race in Mwanza on 24th October, 2015. Besides, he had a series of side events which indirectly campaigned for CCM presidential candidate, Dr. John Magufuli. CCM had also incumbent president of Zanzibar, former prime minister, Mr. John Malecela and several other influential officials.



Picture 4.24: CCM in green with three presidents at their disposal; and UKAWA with two former prime ministers at their disposal.

On its side, UKAWA had a big team which included Mr. Lowassa himself as the former Prime Minister, Mr. Fredrick Sumaye, also the former prime minister under Mkapa regime; former ministers; and all parties which formed UKAWA coalition. The former ministers continued to enjoy VIP treatments. However, they tested a bitter pill of being in opposition in some places such as Arusha, Mbeya and Mwanza, whereby some of their political rallies were interrupted

LHRC/TACCEO calls for law reform to prohibit or limit involvement of incumbent and former presidents into electoral processes in favour of one or two political parties. The logic is simple, and that is, once a person is elected as president he or she becomes the head of State and not of the party in which he or she is affiliated to. And, this is due to the fact that his salary when he is in power and the retirement benefits are all taxpayers' money.

with tear gases due to various reasons. No tear gases were ever used in any of CCM campaigns.

4.7.4 Use of Celebrities: Musicians, Actors, and Comedians

Again, political parties, especially CCM used the service of Tanzanian celebrities to attract attention of the public to attend their rallies. Previously, CCM depended much on its own theater group, TOT, but the group seemed to have lost its public popularity especially after the death of its master, Capt. John Komba a few months before election.

There was a bit of confusion amongst these celebrities about which political side or candidate did they support. For instance, during the CCM's nomination campaigns, the Tanzania number one new generation musician, Diamond Platinum was in support of Mr. Lowassa when he was still in CCM. He even performed on stage during his first session in Arusha. After crossing the flow, Diamond turned to Dr. Magufuli. He was heard once saying that what matters to him as a musician was the deep pocket of someone in need of his expensive services. Therefore, it can be the case that huge amount of money was used to win the services of the celebrities.



Picture 4.25: Musicians and art groups’ performing in political campaign rallies in 2015.

Besides, there were movie actors, each one was supportive of his or her party. These ones too had unsettled political ideologies. For instance, at one point in time, Anty Ezekiel actively campaigned for UKAWA team as left picture below shows (Picture 4.26 - 3rd from left). But, after some few days she shifted to CCM (middle picture); leaving alone her best friend Jackline Wolper (right side) who continued to support UKAWA.



Picture 4.26: Some of the celebrities who campaigned in one party or the other between August and October, 2015.

A number of celebrities also emerged as contestants for various positions. Such people include Joseph Haule (a.k.a Prof. Jay), the legend hip pop musician who vied for parliamentary seat for Mikumi under UKAWA and finally won; Seleman Msindi (a.k.a Afande Sele), also a legend hip pop star who contested under ACT-Wazalendo for Morogoro urban constituency but he lost; Kingwendu, a famous comedian who tried his luck through CUF in Kisarawe constituency but could not make it); and Wema Sepetu and Irene Uwoya who tried their luck under CCM’s special seats for Singida and Tabora respectively, but they did not succeed either.



Picture 4.27: Prof. Jay; Irene Uwoya; and Afande Sele.

The celebrities' enthusiasm in politics as manifested in 2015 was attributed by several factors according to LHRC/TACCEO's observation and analysis. Firstly, they were offered a huge sum of money to campaign for particular party or parties. Unverified report alleged that one famous musician was paid up to Tshs 50,000,000 to perform a single show on stage. There are some musicians who refined their songs by inserting political messages to suits their candidates.

4.7.5 Gestures, Dancing, and Magufulika: Campaigns' Thrust and Fanaticism

Dancing, pushups, and political gestures were made part of the campaign. CCM presidential candidate loved to dance just by the tune of the band or musicians, especially the Yamoto Band, which was retained by the ruling party during and appeared in several rallies. During campaigns, Magufuli used to make push-ups as a sign of being strong. Soon his actions turned to be CCM's campaigns' fashion commonly known as '*Magufulika*' (that is, Magufuli pushups style).



Picture 4.28: Several supporters make pushups in a bid to support their candidate, Dr. Magufuli.

Magufuli preferred dancing and sometimes push-ups as a way of entertaining the crowd, catching media's attention and symbolize his zeal in leadership once elected as the president. This practice was strategically used as a means to scorn Ukawa presidential candidate who was alleged to be physically unfit. However, the pushups strategy was not left without criticism. CCM political opponents argued that State House does not need physique but rather brains.



Picture 4.29: Dr. Magufuli making push-ups (‘magufulika), jumping and dancing with Yamoto Band during his campaign rallies at Misenyi.

On the other side, Freeman Mbowe, the chairman of CHADEMA introduced a style of hand-rolling to symbolize changes (*Mabadiliko*) as the left picture below shows. During campaigns, the cheering crowds were moved by a campaigner who said “Lowassa” and the crowd replied “*mabadiliko*” and vice-versa. Besides, the famous CHADEMA victory sign ‘V’ was frequently used.



Picture 4.30: UKAWA crowd charged wildly with their hand-rolling style commonly known as Mabadiliko/Lowassa. The usual victory sign of CHADEMA was used parallel with Mabadiliko/Lowassa style. The two styles identified UKAWA supporters wherever they met without even having their uniforms.

It is not certain whether people who gathered were moved to watch pushups, dancing, comedy, or listening to party manifestos. There was a game of numbers – each of the two giants wanted to show to the other it had huge crowds. The music shows were used to attract huge crowds so that the media could report. The huge crowds were called ‘*Mafuriko*’ (floods); ‘*Gharika*’ (storm); ‘Tsunami’; or ‘*Kufuru*’.



Media Clip 4.7: Newspaper’ headlines in different names to mean huge gatherings in rallies.

LHRC/TACCEO observed that a game of chasing numbers made the candidates to spend so much time in intertainments and spare just a few minutes to deliver key remarks of their manifestos. Indeed, people were entertained but also, curtailed of their quest to hear political manifestos.

4.7.6 ‘A temporary Love’ to Needy People

A ‘sudden’ or rather ‘temporary’ love to the needy persons was shown. For instance, UKAWA candidate, Lowassa decided to board *daladala* (commuter buses) in Dar es Salaam and drink tea at market places as picture below show. This style caught media attention and he ‘stole’ the headlines of most media outlets when he did so.



Picture 4.31: Mr. Lowassa in *Daladala* and at the market place having a cup of tea.

His strategy did not last long before the authorities (NEC and police force) intervened. The police stopped him and NEC supported it on the ground that this strategy was not accepted because commuter buses or market places were not official campaign grounds. A hit back of similar strategy happened in other ways, whereby the CCM running mate, Ms. Samia Suluhu was captured by the media visiting patients in hospitals ‘to know their problems’.



Picture 4.32: Ms. Samia Suluhu coddling a baby at hospital in Kilimanjaro during campaigns.

On the other hand, ACT-Wazalendo sent their officials to donate blood as ‘a gesture of love’ to the people in need of blood.



Picture 4.33: ACT-Wazalendo’s top leaders donating blood.

Of course, that happened only during election period. No such love gestures by the three political parties have ever been seen before or after elections. It was a ‘temporary love’ to win peoples votes.

It is also during this time when a dozen of *bodaboda*-football leagues, youth competitions, donations, launching of public services, etc occurred more than any time before. It was a period of showing fake love to the prospective voters.

4.7.7 Campaign Speeches: Substance against Simplicity?

As already noted in the introductory part of this chapter, elections are preceded by campaigns before citizens make their choice.⁷⁶ This is the time when politicians amass political supports and seek for votes. One of the most valuable assets for a politician during election campaigns is his/her ability to use language in order to gain the support of voters.⁷⁷ Therefore, the way in which campaign speech is delivered and the contents thereof is undoubtedly persuasive factor to win voters attention. Some studies found that a good number of voters change their political ideologies if the campaigns and speeches are appealing in their minds.⁷⁸

However, in countries like Tanzania where civic awareness is relatively low (as argued above), there is a possibility that some of the voters who participated in 2015 elections were induced to vote for a certain party just because i) the father, mother, brother or clan is in support of the party; ii) regionalism and ethnicity factors as discussed below; iii) in case of youths, just because a certain celebrity e.g Diamond or Jacqueline Walper has shown an interest to support a particular party; or iv) they have been given materials as ‘gifts’ such as T-shirts, caps, scurf and *khanga*. The politicians know all these very well. That is why they spend a considerable amount of money to ‘buy’ celebrities on their respective sides and make campaign materials. LHRC/TACCEO reiterates the need for formulating a national strategic plan for civic awareness.

Again, the two front runners were points of reference to assess the public-speeches made by them. The question was, did the general public wanted long or short speeches of candidates for them to decide who to choose. LHRC/TACCEO did not include this in its check-list to observe; and probably, it needed a deep analysis than just through a mere observation. However, the social media and public discussions on this offer something to report about.

The CCM supporters believed that their presidential candidate is a good orator as he was spending several minutes if not hours explaining his party’s manifesto and was always heard making solemnly commitments to work day and night. By spending long time reciting peoples’ needs and most of the time he was wondering why certain things happened while there are leaders, certainly, this made people to understand and believe him.

⁷⁶ Brandy, H., Johnston, R., and Sides, J. (Undated), The Study of Political Campaigns. Pages 2 – 8. Accessed on 24th December, 2015, from: <http://www.home.gwu.edu/~jsides/study.pdf>

⁷⁷ Azuma, Shoji (Undated), Campaign Speeches and Public Acceptance in Contemporary Japan. University of Utal: Japan. Page 37. Accessed on 25th December, 2015 from: http://www.institucional.us.es/revistas/philologia/26/art_2.pdf

⁷⁸ Brandy, H., Johnston, R., and Sides, J. (Undated), The Study of Political Campaigns. Pages 2 – 8. Accessed on 24th December, 2015, from: <http://www.home.gwu.edu/~jsides/study.pdf>



Picture 4.34: Dr. Magufuli making speeches and vowed to act diligently once chose as next president. He was heard promising that “I will not let you down” almost everywhere he campaigned.

There are critics who were against long speeches because the candidate was promising almost ‘everything.’ One media house conducted its assessment and came out with the findings that Dr. Magufuli had already made promises worth Tshs 50 trillion, while his prominent opponent Mr. Lowassa, had at that time (mid October, 2015) made promises worth 50% of what Magufuli had already promised. Therefore, critics suggested that being too talkative makes the candidate speaking his ideas or making impromptu promises which could not be fulfilled instead of dealing with issues written in his party manifesto.

On the other side, Mr. Lowassa’s oratory style was extremely opposite to Dr. Magufuli’s style. He preferred short speeches, mostly less than 20 minutes. Instead, his companion especially, Mr. Fredrick Sumaye, the former prime minister, became the main speaker who always tried hard cleansing the presidential candidate from corruption allegations and also condemning CCM about different things. The political veteran with high political stature, Mr. Kingunge Ngombale Mwiru, joined the team. He was also given sufficient time to speak for Mr. Lowassa or against CCM. His famous statement was that ‘*CCM imeishiwa pumzi*’ (CCM is suffocating). UKAWA’s supporters branded Mr. Lowassa as a man of few words but with huge actions and that, his speech was not boring as it was short and concise. They were keen to put the full length of written speeches of their candidate in social media.



Picture 4.35: Mr. Ngombale Mwiru; Sumaye and Lowassa in UKAWA political platforms.

Due to these short speeches, his counterpart from CCM got an opportunity to capitalize on allegation that Lowassa was unfit for the job because he could hardly manage to stand on stage for ten (10) minutes; that is why he had to rely much on his campaign team members to back-him up. His critics went further arguing he (Lowassa) would not be able to finish his campaigns. They believed that voters would not vote for him because of his failure to articulate people's problems in details as Magufuli did.

Be it as it may, LHRC/TACCEO believes that any candidate who seeks an office at any position can make enough supporters if he touched the real needs of the people, and most importantly, if he employed new strategies which make his or her plans effective. It is very unfortunate that most of the candidates who LHRC/TACCEO had a privilege to observe focused more on reciting people's problems and did not come out with best alternative solutions. Almost all presidential candidates talked about the natural gas discovery in Mtwara as their main economic booster. Moreover, a common strategy for all was to control public expenditures while at the same time enhancing revenue collections. These are common strategies which Tanzanians have been hearing. Therefore, the expectation was to hear from them 'HOW' all these would happen having failed to work out in previous years. The discovery of natural gas, despite being a boom for Tanzania, is just an addition to what we already have as a country. For instance, Tanzanite, a precious gem stones is found in Tanzania only; but it is India and Kenya who are global number one sellers of the same. The mining sector's contribution to the gross domestic product (GDP) is not more than 3% despite all gold, diamonds, tanzanite, etc which are extracted in the country. Therefore, relying on natural gas was not innovative enough.

4.7.8 Incidents of Hate Speeches, Abusive Languages and Intimidations

As stated above, hate speech, use of abusive language and intimidations seemed to be on increase compared with 2010 (basing on LHRC/TACCEO general perception of the situation). However, this observation should be taken with great caution due to the fact that the intensity of media coverage, especially social media and print media was broader than it was the case for 2010. Therefore, it could be the fact that more of such incidents were heard than before due to a wider social media coverage. It can also be due to the fact that LHRC/TACCEO's observation was much broader in 2015 than 2010. But, basing on the unprecedented election pressure of 2015 parties and candidates went wild and became unruly.

The use of abusive languages were common among the teams of the two front runners. LHRC/TACCEO documented thousands of abusive statements and pictures as illustrated below:-

- (i) In one of campaign at Kibaha's concillorship, the CCM contestant compared CUF contendant to a monkey. He went on insulting him by uttering abusive language for minutes before concentrated to his campaign agenda;
- (ii) In Lushoto, CHADEMA supporters intimidated CCM supporters at a bus stand – prohibiting them from carrying flags in their *Bodaboda* (commuter motorcycles);
- (iii) In Njombe south, CCM was busy arguing that should CHADEMA be elected to rule the nation there would be instability;
- (iv) In Morogoro south, CCM members who crossed the flow to CHADEMA, were intimidated by some of the CCM supporters;

- (v) Abusive languages were presented through posters and placards during election campaigns as pictures below show:



Picture 4.36: Left: CCM supporters portraying a message saying ‘no patients’ ward in the State House.’ Right: UKAWA supporters say ‘alcohol ends at TBL, here all is powerful Lowassa.’ TBL means Tanzania Breweries Company Limited, the local prominent company which brews and supply beer. Dr. Magufuli’s full name is John Pombe Magufuli. The middle name ‘Pombe’ in swahili language is alcohol. By looking at the faces of message-holders, one could ascertain that what they were portraying was really not within their hearts. It is just because they were ‘hired’ to do so, for the interest of the politicians of both sides.

- (vi) In Kakonko, Kigoma, CHADEMA referred CCM parliamentary contestant as ‘mad’ because his name is ‘Chiza’, which is almost similar to the word ‘chizi’ (a mad person). On their side, CCM referred CHADEMA’s contestant of the said position as a corpse in the coffin. However, UKAWA under CHADEMA were seen portraying a picture that, CCM is dead. A caption below shows UKAWA youth making CCM as a dead body in a coffin covered by its flag.



Picture 4.: Rest in Peace (R.I.P) CCM, an irritating joke indeed!

- (vii) In Kilosa, CHADEMA candidate complained in public (on 24th September 2015) that CCM was spreading rumours against him that he was homosexual, knowing quite well homosexuality attracts a lot of stigma and discrimination in Tanzania.
- (viii) At Jangwani grounds, Dar es Salaam, the former President, Benjamini Mkapa, called those who defected to UKAWA and purport to champion for change as ‘*Malofa*’ and ‘*Wapumbavu*’ (idiots and fools).



Picture 4.: Mkapa delivering his speech when he called the champions of changes as idiots and fools.

Mr. Mkapa was apparently, attacking the two former premiers, Mr. Lowassa and Mr. Sumaye, who as said above, crossed the floor to the opposition parties forming UKAWA, a few days before the commencement of election campaigns. Following his remarks, i) heated debate emerged especially in social media as to why a senior public figure like him could use such abusive words. ii) all media focused attention to what was said by Mkapa, and almost forgotten to cover what was said by the presidential candidate (Dr. Magufuli) iii)for the whole week media discussion and the public focused on Mkapa’s statement instead of the primary target, Dr. Magufuli. Interesting as it was the words spoken were interpreted by the opposition as amounting to ridicule poor people as the pictures below show (Picture 4.39):



Picture 4.: Mr. Lema (CHADEMA’s candidate for Arusha constituency) prepared a banner saying “you are not fools, you are not idiots, rather you are the children of God, we love you. It is Lema again 2015.”

**Right: a placard which reads, “winning team, Masasi (district) is where idiots and fools originate. Without Lowassa it is impossible”
Note that Mkapa’s home village is in Masasi, Mtwara.**

- (ix) Other incidents included what happened in the Igwachaya village, in Njombe, whereby the village leadership was alleged forcing everyone to be CCM otherwise a range of ‘punishments’ would be imposed including massive local government taxes;
- (x) In Ukonga, Dar es Salaam, CHADEMA alleged that Mr. Jerry Slaa who was the CCM candidate for Ukonga constituency killed the former CCM MP for Ukonga, the Late Eugene Mwaiposa, who died a few months before elections;
- (xi) On 23rd September, 2015 at 5:00 PM at Busi, Kondo, one of the CCM supporters, Ally Isele said that “*Lowassa kajinyea Geita, nani hajui?*” (Lowassa soiled himself in Geita, who doesn’t know?). The same remarks were repeated elsewhere including at Mafinga urban;
- (xii) In Mtera and Mpwapwa, Dodoma, Mr. Lowassa was named as a robbot, sick and corrupt;
- (xiii) In Dodoma urban, UKAWA said that “*Magufuli wewe ni fundi wa barabara tu, Ikulu muachie Lowassa*” (Magufuli you are a mere road worker, leaves the State House to Lowassa). Here UKAWA supporters intended to convey a message that Magufuli deserves manual work and not serious work like presidency;
- (xiv) In Kalenga, Iringa, there was yet another attack to Mr. Lowassa, that he was not for Tanzanians, but for wachaga (one of the tribes in the Northern part of Tanzania);
- (xv) In Kigoma south, CCM candidate, Ms. Hasna Sudi Mwilima was told by ACT-Wazalendo and NCCR-Mageuzi supporters on different occasions that she was originally not from Kigoma. Such words plus gender discrimination were repeatedly heard in Itebula, Nguruka, Mtegowanoti, Kazuramimba and Ilagala wards, Kigoma;
- (xvi) On 3rd October, 2015, in Kyela, CCM aspirant for councillorship remarked that, ‘*Sugu ni kajitu kafupi, Lowasa anavaa pampasi*’ (Sugu (i.e, Joseph Mbilinyi of CHADEMA) is a tiny person, and Lowassa wears dippers);
- (xvii) In Bariadi west, Mr. Bulenya John Kija of CCM said on 27th September, 2015 at Bariadi ward that:-

Ikulu hatuwezi kupeleka kikojozi ... mgombea udiwani CHADEMA ni jambazi, hatuwezi kupeleka jambazi halmashauri. Mgombea huyu, ana alama shingoni ya kukatwa na panga kwa sababu ya ujambazi. Pia, mgombea huyu, hana mke; hivyo, akipelekewa kesi na mwanamke atamwambia alale kwake kwanza. ... Niseme tena, CHADEMA wanagawa chumvi zenye madawa ya kulevya ili wanawake msizae. (We do not take a person who urinates to himself to the State House ... councillorship contestant for CHADEMA is a thug, we cannot allow him to the (district) council. This candidate has a scar on his neck as he was cut by a panga due to robbery. Also, this candidate is not married; therefore, if a woman takes a matter to him he will induce that women to sleep with him. I should say this again, CHADEMA distributes salt which is mixed with drugs in order to cause infertility to women).

Such abusive words, intimidations, etc were heard all over the country, including in Igunga, Muleba, Nzega, Iramba, Morogoro, Mbeya, Karatu, Maswa, Same and Magomeni where TACCEO deployed the observers.

4.7.9 Violence: Attacks, Assaults and Killings

The campaigns also witnessed incidents of physical attacks and killings. Several incidents which occurred all over the country were documented by LHRC/TACCEO include the attack and injury of Mwakasandu, a village executive officer (VEO) at Kisesa in Simiyu on 19th October 2015 by CHADEMA supporters just because he tried to defend the former CHADEMA member, who defected to CCM from being attacked by CHADEMA youths. Election officers were also attacked at Mwabusalu ward, Kisesa, Simiyu on 24th October 2015 when they were distributing election materials to various polling stations. It was a day before voting. Other incidents occurred in Singida, Tunduma (as pictures below show) and other places.



Picture 4.: Left: Donat Augustino the chairperson of CCM Nkunikana in Singida was allegedly attacked by UKAWA supporters on 23/10/2015. Right: the CHADEMA supporter (a man aged 28 years), was allegedly injured by CCM supporters on 17/10/2015 in Tunduma, Mbeya.

In Geita rural constituency the house of CHADEMA's candidate was burnt by unknown people. On 5th October, 2015, one of the CCM candidates while he was in a campaign rally at Isimani Tarafani, Iringa, advised his supporters to 'deal' with UKAWA youths if they attack them. Such kinds of 'orders' were issued by candidates in Mlimba, Morogoro; Morogoro south; and other places.

On 17th September, 2015 at around 4.30 PM, people who were on CHADEMA uniform attacked CCM's vehicle, which crossed the ground where CHADEMA's meeting was taking place at Busanda, Chato, Geita. There was also allegations of hired assailants from Kalimbulu rice

market in Kyela, Mbeya by the CCM parliamentary candidate, who were randomly attacking opposition supporters.

4.7.10 Offering of In-Kind and Material ‘Supports’: Resurfacing of Takrima

Political corruption has a very wide meaning. But for this context, it means all corruption activities which are connected to the electoral process. Therefore, it means any kind of inducement by a contestant or his/her supporter for the purpose of furtherance of his/her political ambitions.⁷⁹ One of the examples of political corruption in Tanzania is *takrima*⁸⁰ (traditional hospitality). However, the provisions of the electoral laws which provided for *takrima* were repealed following the decision of the High Court in 2005.⁸¹ The 2015 elections marked 20 years down the line since such election practices (*takrima*) were declared illegal. The main question then remains is whether that practice has stopped.

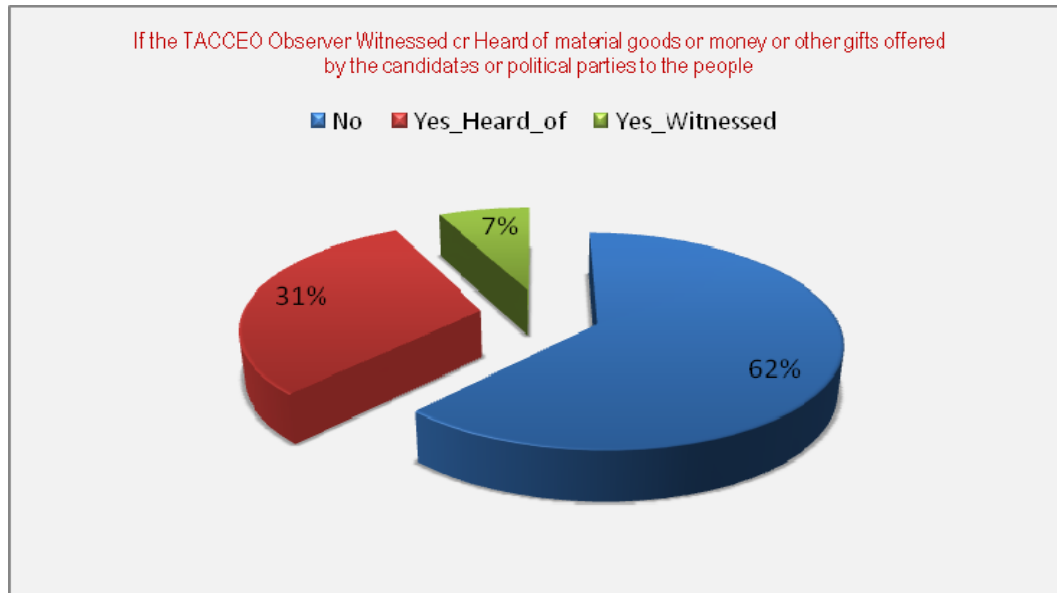
LHRC/TACCEO had this issue included in its long check list of important issues to observe. The question for observers to respond was whether there were offering of material goods or money or other gifts by the candidates or their political parties to the people. Observers were required to state whether he or she had personally witnessed *takrima* or, was informed by other field supporters on election observation. As shown in Figure 4.5 below, at least 38% of the observers had witnessed or heard occurrence of some forms of *takrima* in their areas of coverage. We cannot claim to have observed all incidents. The prevalence of *takrima* might be more than what was noted.

⁷⁹ Transparency International ‘Global Corruption Report 2007 – Corruption in Judicial System.’ Report Cambridge 2007. Page xxi.

⁸⁰ ‘Takrima’ means ‘traditional hospitality’. It is type of political corruption whereby candidates were allowed (under the old electoral laws) to offer some gifts to their supporters as a gesture of appreciation during election campaigns.

⁸¹ Seeing Takrima as a threat to the right of free and fair elections, LHRC and its partners filed petition in the High Court in 2005. [Case: LHRC, LEAT and NOLA v. The A.G, Misc. Civil Cause No. 77 of 2005 (Unreported), High Court (HC) of Tanzania at Dar es Salaam (Main Registry) before Kimaro, J; Massati, J; and Mihayo, J). The HC declared use of *takrima* during elections is unlawful because it is political corruption, which infringed the right to free and fair elections. The HC said that, the *takrima* made it difficult to distinguish expenses inevitable in the election process which did not amount to corrupt practices and those amounted to corrupt practices. Note that, *takrima* was recognized through Electoral Laws (Miscellaneous Amendments) Act, 2000 which amended the old sections 119(2) and 119(3) of the National Elections Act, Cap. 343 to provide that ‘anything done in a good faith as an act of normal traditional hospitality shall be deemed not to be treating.’ AND, that ‘normal or ordinary expenses spent in good faith in the elections campaign or in the ordinary cause of election process shall be deemed not to be treating, bribery or illegal practice.’

Figure 4.5: Presence of ‘Hospitality’ Incidents as noted or Heard by TACCEO during Campaigns, 2015



Source: LHRC/TACCEO Election Observation Survey, 2015.

Unfortunately, LHRC/TACCEO did not monitor this aspect in the previous (2010) elections. Therefore, it is not easy to make a comparative analysis of the situation between 2010 and 2015. However, basing on the general trend shown above, it appears that *takrима* is resurfacing quite strongly in elections. LHRC/TACCEO did not notice any case where a candidate offered *takrима* was arrested and prosecuted. The level of condoning this crime was therefore high.

LHRC/TACCEO documented a number of *takrима*-related incidents during campaigns. The incidents ranged from offering food, money and other hospitalities including transport to and from campaign grounds. Such incidents include the following:

- (i) On 8th of October, 2015 one of the the contestants of parliamentary seat for Kasulu rural constituency was seen offering some money to the groups of women in different wards within the constituency. For instance, in Tilye ward, Kasulu, Kigoma region, the contestant gave Tshs 540,000 to a group of seven women. He also did the same in Kalela ward whereby, he gave Tshs 360,000 to four different groups of women. Other groups which received his ‘hospitality’ included Buhoro, Muzye and Rungwe Mpya ward;
- (ii) The campaign team of one of the political parties in Kwimba, Mwanza told the public at the political rally that they should wait the arrival of the parliamentary candidate because he was going to give them hoes for every household as he promised before campaigns started. The candidate arrived at the meeting venue at 6.40 (on 10th October, 2015) while people were still eagerly waiting for him. The candidate made a 5 minute speech, and then disappeared without offering his *takrима*. We realized later it was a strategy for keeping the people waiting for him;

- (iii) On 28th September, 2015, TACCEO observation team came across a group of women cooking food right at the campaign venue at Kitangiri area, Newala, Mtwara (see a picture below). The meeting was for the councilorship candidate of Kitangiri. The cooking utensils were huge enough to make food for tens or hundreds of people.



Picture 4.: At Kitangiri, Newala women preparing food right at the campaign ground.

- (iv) Offering of drinks, including local beers was rampant according to TACCEO's observers. For instance, on 4th October, 2015 at Kilema West in Kilimanjaro, the councillorship candidate of one of the opposition parties mentioned a list of persons who would organize drinks for the congregation.
- (v) At Kisesa, Kwimba in Mwanza, youth groups received motorcycles, one per each group of thirty people. Female youths received sewing machines; while old persons were given over coats.
- (vi) Transportation of supporters was also common and was done by all political parties in different places. While it may not be an offence to give someone a ride, but prior arranged and coordinated transport for the followers could be one of the strategies to unduly win their attentions. Such kinds of practices make the candidate to brush shoulders with the prospective voters who could vote for him or her basing on the transportation favors. Such kinds of practices also create a room for the candidate and voters to interact in such a way that money could easily change hands.

The big problem observed was on the means of transport used. In most cases, as Picture 4.42 below shows, people were being transported in Lorries contrary to the road safety rules. It was an issue of concern that such overt practices happened in front of the law enforcers while the police stood aside watching.



Picture 4.: Lorries for carrying goods; but, used to carry people to campaign grounds.

Ferrying of supporters or voters, as said above, happened everywhere including, Mpanda urban; Kigoma rural; Kibiti; Ilala; Newala; Bariadi; Kiteto; Kyela; Bagamoyo; Himo; Kondo; Londigo; Tunduru South; Same East, etc. On 8th October, 2015 a car with registration number T129BKA, Land rover, was used to transport followers of a certain party to Mbulumbulu ward. Similar incident occurred in Karatu on 30th September, 2015 and 2nd October, 2015 whereby two vehicles with registration numbers T197AFL and T653BEU were seen in Kansay ward ferrying people to and from the rallies.

(vii) Other in-kind strategies included:-

- a) Filling fuel in the tanks of Bodaboda (motorcycles) was also heard as a common practice. Candidates and their parties, preferred to use bodaboda youths and attend to petty food vendors (*Mama Lishe*);
- b) During campaign the *Bodaboda* youths in Dar es Salaam were not disturbed from entering at city centre but after election, the law enforcers started arresting them;
- c) It was alleged that police's allowance was hiked to Tshs 300,000 in October 2015 from only Tshs 180,000 paid before election campaigns;⁸²
- d) The demolition of houses from prohibited spaces was not implemented (or was suspended). But hardly a month after the end of election massive demolitions began in prohibited areas such as Jangwani;
- e) The traffic police officers who implement traffic rules were 'soft' to reckless drivers during campaign period. But a month after election, it was business as usual and some gargets were bought to facilitate collection of fines from drivers who commit traffic offences;⁸³
- f) TASAF III's cash-transfer and feeding programmes were also used as a prey to get voters' attention. For instance, the chairperson of Chang'ombe village, Manyoni East,

⁸² Jamhuri 'Polisi wapozwa kwa posho nono' (police treated with plentiful allowance). Jamhuri. Accessed on 31st December, 2015 from: <http://www.jamhurimedia.co.tz/polisi-wapozwa-kwa-posho-nono/>

⁸³ Report writers' observation during and after elections in 2015 to early 2016.

- Singida openly forbidden villagers to participate in CHADEMA’s campaign meetings and threatened that any one daring to do so will not receive TASAF’s support, which included ‘*uponi*’ (maize food aid) or any other assistance such as facilitating their quest for loan from banks, threatening them, that he would not endorse their banking forms;
- g) The incumbent president, Dr. Jakaya Kikwete, did not dissolve the cabinet until the last day of campaign contrary to the usual practice whereby, the cabinet is normally dissolved before election campaigns in order to create a fair play in the political ground. Indeed, some of Ministers were all around campaigning for Dr. Magufuli. Mathias Chikawe, then Minister for Home Affairs, campaigned for Magufuli in Nachingwea, Lindi in September 2015;
 - h) The incumbent president, Dr. Jakaya Kikwete, increased the ‘pace’ of launching public projects, including the military airstrip; bridges; and buildings, while at the same time insisted that more of the same projects would be obtained if the people were to choose a person whom he supported (from ruling party, CCM).



Picture 4.: Incumbent president Kikwete cuts a ribbon to inaugurate the so-called ‘low cost housing’ constructed by the National Housing Corporation (NHC) on 14th September, 2015 at Mlole, Kigoma urban. He then went to bid fairwell to the people of Kigoma in Lake Tanganyika Stadium.⁸⁴ The two pictures show presence of CCM supporters, to imply that his mission in Kigoma was more than cutting the ribbon of the NHC houses.

The huge investments during campaigns in material goods and money almost costed the lives of some candidates after they lost election. For instance, CCM’s Kazimzumbwi councilorship candidate fainted once she realized that it is not her who won the election. Informal sources alleged that she spent substantial amount of money during campaigns.

LHRC/TACCEO tried its best to communicate these incidents to the authorities, especially the PCCB. However, in most cases PCCB wanted to receive ‘official complaint’, which LHRC/TACCEO observers, who were not residents of the areas failed to comply with. One of

⁸⁴ Full Shangwe, Rais Kikwete azindua miradi ya maendeleo Kigoma, awaaga wananchi.’ Accessed on 18th December 2015, from: <http://www.fullshangweblog.com/2015/09/14/rais-kikwete-azindua-miradi-ya-maendeleo-kigoma-awaaga-wananchi/>

PCCB office which needed ‘official’ report in order to act on the allegation was the Nkasi PCCB (in Rukwa region).

4.7.11 Use of State Resources (Vehicles, Buildings and Officials)

Despite the fact that the electoral laws prohibit the use of public resources in favor of one political party, the incidents of using public vehicles and public leaders were almost everywhere according to LHRC/TACCEO’s field reports. For instance:-

- (i) The Iringa RC, Ms. Amina Maseza was on the team of CCM presidential candidate when he visited Iringa region. She actually stood and campaigned for him in September, 2015 while at the rally in Itunundu, Pawaga, Ismaini, Iringa region;
- (ii) The Minister for Home Affairs, Mr. Mathias Chikawe, was seen campaigning for CCM presidential candidate at Nachingwea, while he was still in office as a Minister (who was in control of the police force);
- (iii) The Wanging’ombe DC (Njombe) was almost in every CCM campaign meeting to support various candidates in the district;
- (iv) The Kisarawe DC, Ms. Subira Mgao and the Ward Executive Officers (WEOs) attended some of the meetings of the ruling party;
- (v) On 4th October, 2015, Ms. Nuhu Ngonyani, the Village Executive Officer (VEO) for Libango village, Namtumbo, Ruvuma, asked the village chairperson to identify and record BVR cards’ numbers of the voters. The reason of doing that was not known;
- (vi) The Longido DC also used the government vehicle and time to campaign for CCM;
- (vii) Ms. Salma Kikwete, the First Lady was seen at Miono in Chalinze campaigning for CCM (her son Ridhiwan Kikwete). She used a government car with registration number STL 2428.



Picture 4.: Some of the government vehicles used in CCM campaigns at different places.

- (viii) On 28th September, 2015, Lindi DC used the government vehicle with registration number STL 3774 (pictured above) to Kitarangi ward (Newala) and campaigned for his friend Mr. Rashid Ngumbe, who was contesting for councillorship position;
- (ix) The government vehicle with registration number STK 4702 was seen used during the ruling party's campaigns in Muheza, Tanga.

4.8 PARTICIPATION OF VARIOUS GROUPS IN CAMPAIGNS

4.8.1 Youths' Participation

The youths were main targets during the campaigns. Obviously, this is due to the fact that they account for more than 50% of current voters in Tanzania. Besides, they were gradually becoming most influential voters, probably due to the fact that many of them have certain levels of education and are users of social media. Besides, due to unemployment, many of them could easily be manipulated. But one interesting thing is that many youths contested in various positions.



Picture 4. Some of youths who participated as contestants through various political parties.

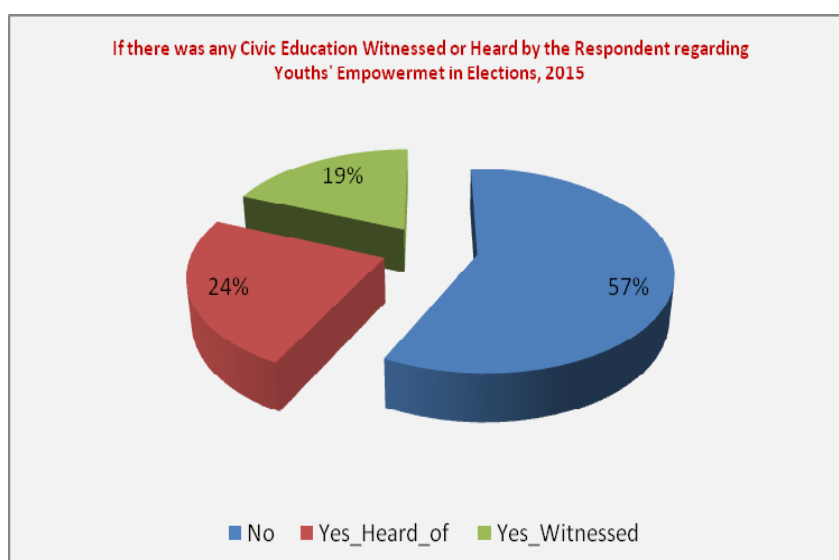
The general trend showed that youths actively participated in elections as campaigners, voters as well as contestants of various political positions. CCM and CHADEMA have several youths elected as parliamentarians and councillors during the 2015 elections.



Picture 4.: Youths involvement as campaigners and voters in 2015.

LHRC/TACCEO posed a question to respondents whether there were civic awareness campaign/education that was witnessed or heard by the respondents regarding youths' political empowerment in 2015 elections. The response was surprising. About 57% of the respondents said that they had never witnessed/ attended or heard about the presence of civic awareness targeting the youth (see Figure 4.6 below). This is a surprising result because; i) youths were anticipated to form majority voters; campaigners; and aspirants due to the changed political landscape; and, ii) youths were expected to closely follow elections including civic awareness due to their wide use of social media outlets.

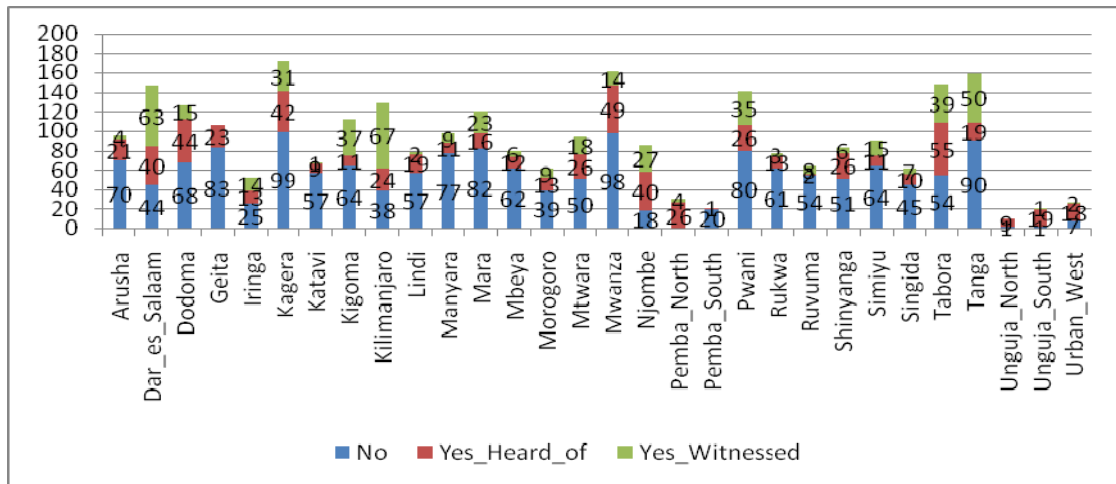
Figure 4.: Proportion of Youths Received Civic Awareness, 2015



Source: LHRC/TACCEO Election Observation Survey, 2015.

According to Figure 4.7 below, awareness seemed to be prevalent in regions which are more developed or nearby major cities such as Dar es Salaam, Kagera, Kilimanjaro, Coast and Tanga apparently due to internet coverage and accessibility of both print and electronic media. However, the statistic trend is partially influenced by the deployment of LHRC/TACCEO’s observers in which some of the places within the district or constituencies had more observers than others.

Figure 4.: Level of Civic Awareness per Region – 2015



Source: LHRC/TACCEO Election Observation Survey, 2015.

This situation does not defeat the general conclusion that by and large the 2015 elections were conducted without sufficient preparation of the voters on technical issues including on how to vote. The political parties had to use their campaign rallies especially two weeks before the polling date to teach voters (and of course influencing them) on how to vote for them.

4.8.2 Women and Children’s Participation

As it was the case for the youth, the 2015 elections witnessed more women contesting to various positions through UKAWA; CCM; and ACT-Wazalendo. Moreover, the showing up to the campaign meetings was spectacular. As pictures below show both young, middle-ages and old women alike had a space in the 2015 politics.



Picture 4.: Thrilled women responding to candidates’ slogans.

The campaigns took on stage a lady presidential contestant through ACT-Wazelendo, Ms. Anna Mghwira, a lady running mate for Dr. Magufuli, Ms. Samia Suluhu Hassan, but also, Mrs. Regina Lowassa who accompanied her husband in political platforms.



Picture 4.: The two ladies vying for senior political positions campaigning in 2015 elections.

Mrs. Lowassa showed exceptional affection in supporting her husband while he was in CCM and after defection to CHADEMA. Other contestants, including Dr. Magufuli of CCM preferred not to use their spouses in political rallies, a decision which created rumours of bad personal family relationship. But generally, it was not a big issue for public attention. However, it seems that gender issues was well addressed by Ms. Samia Suluhu Hassan as she rhetorically spoke a lot about women and vulnerable groups; promising them to be on the list of her priorities as a woman *'who attended labour four times'* as she always insisted. Indeed, CCM had a good combination of a man and a woman as presidential aspirants.



Picture 4.: A gender role in politics: Mrs. Lowassa fondly fought personally for her husband; but also, in unison with her husband all over the country.

Mrs. Lowassa also focused on pro-women issues including economic empowerment and rural development to emancipate women from abject poverty. This was to put emphasis on her husband statement that used to say he *"hates poverty."*

Ms. Anna Mgwihira focused on general national development issues, apparently because she was vying to become a president. Therefore, everyone (not only women and children) were her target. In her campaign, the lady candidate brought an issue of social protection which was a unique agenda. Indeed, the welfare of the state depends much on how best the citizens are protected from expected or unexpected shocks.

There were unpleasant incidents which occurred during campaigns and adversely affected women and children.

Firstly, women being majority of voters and probably an easy prey as most of them have low level of education; they were also the most targeted group during the campaigns. For instance, as said above, they were given some money as groups in Nachingwea, Kyela and other places. In one of the districts in Simiyu region, a parliamentary candidate from the ruling party was supplying maize to the villagers especially women, whereas men were invited in hotels or bars to be provided with food and drinks. One of parliamentary candidates for opposition party (under UKAWA) was offering Tshs 1,000 and Tshs 2,000 throughout his campaigns to women. The said candidate did not hide himself when offering his ‘hospitality’ and yet, he was ‘not noticed.’

In Kahama it was observed that some of the nominees for special seats, most of whom were average women failed to campaign due to lack of funds. Anonymous sources told LHRC/TACCEO that some of them had fallen into the hands of a tycoon business man who established with some of them sexual relationships in order for them to get some money for campaigns.

LHRC/TACCEO is of the opinion that affirmative measures are urgently needed in order to empower women politically especially those who dare to compete in elections. Such measures should include having a special political empowerment fund for women and young politicians. Despite the fact that more women are now contesting directly in the constituencies, still so many of them fail to do so because of financial constraints. Apart from two or three new women who were elected directly from the constituencies in 2015, the rest of them were former MPs under special seats who pocketed more than Tshs 200 million at the end of five year tenure (2010-2015). Therefore, they had enough ‘capital’. This is to show that without financial support, only a few women would be able to contest in politics, as politics has become a game of money and not necessarily merits.

LHRC/TACCEO found that the issue of intimidation and attacks of female candidates or supporters were relatively low. According to data from field, only 5% of the incidents that occurred in the campaign were rated as intimidative to women candidates and supporters. Such few incidents include, the attack of Ms. Elisiana Tambwe, APPT-Maendeleo parliamentary candidate by unknow cultprits at Shinyanga urban constituency. The attackers told her to quit politics.

Furthermore, Ms. Imelda Timoth Semjela, the councillorship candidate for Pugu ward, Ilala, Dar es Salaam, was allegedly insulted or defamed by CHADEMA candidate, Mr. Bonaventure Mfuru when the two clashed in a political rally at Pugu Kajiungeni. He said that Ms. Semjela was a hawker who offered her body to CCM leaders in Ukonga in order to be favoured.

In Sumbawanga, Rukwa region, Kasanga area, a pregnant woman who was CHADEMA's supporter was attacked by a group of people believed to be CCM supporters because she was hanging CHADEMA flag outside her house. The incident caused her to deliver prematurely.

These are some of the rough political incidents which tend to intimidate women from participating in active politics, especially as contestants. Previous chapters have already shown the trend of women's engagement in politics especially between 2005 and 2015 – as contestants. In some places, their percentage was less than 5% even for lower political candidacy such as councilorship. For instance, out of 31 councilorship positions at Bariadi west, Simiyu, only a single woman contested, which is only 3.2%. She was contesting for the Dutwa ward.

Things which LHRC/TACCEO contemplates that need an earnest attention in future elections are; i) adoption of gender sensitive approach in campaigns; and ii) ensure a total prohibition of exploitation of children in politics.

As for the gender sensitive approach, LHRC/TACCEO noticed that most of campaign grounds did not have public toilets around, thus women suffered the most. The solution would have been to have mobile toilets.



Picture 4.: Some of the supporters of parties forming UKAWA fainted in Tanga Region, in September 2015.

Moreover, the year 2015 witnessed tens of incidents whereby party supporters, especially women suffocated and fainted. Apart from the first aid from the Redcross the government did not have such arrangement. For instance, on 28th September 2015, tens of women (as the above photo shows) fainted in Tanga region during UKAWA campaign, something which rendered postponement of Lowassa's campaign.

As for involvement of children in political activities, it is crystal clear to every political party and probably the candidates that engaging children in politics is contrary to the election laws and the Law of the Child Act, 2009, which generally prohibit 'child exploitation'. Tanzanian politics especially during campaigns are full of nasty words. For instance, one of the CCM parliamentarians from one of the constituencies in Dodoma usually boast himself as a 'good

insulter.’ It is extremely risky allowing children to attend campaign rallies where abusive words are uttered.

Unfortunately, LHRC/TACCEO noted that children were actively involved as part of campaign groups in some constituencies albeit a few compared with 2010. For instance, the observation team saw children involved as entertainers in campaigns at Newala, Mtwara and Musoma in Mara as pictures below show:



Picture 4.: Children were seen as part of the campaign groups on 30/9/2015 in Musoma Rural Constituency in Mara (left); and, Newala, Mtwara (right).

In Isimani, Iringa region, the Kimange primary school class sessions were suspended on 29th September, 2015 because the CCM presidential campaign was visiting the area on that date. A child told LHRC/TACCEO observer that their teachers instructed them to attend the rally. Efforts to reach out the teachers for their comments did not yield results.

4.8.3 Participation of PWDs

The governing law on disability⁸⁵ in Tanzania is the Persons with Disability (PWDs) Act, 2010.⁸⁶ The law provides for the health care, social support, accessibility, rehabilitation, education and vocational training, communication, employment or work protection and promotion of basic rights for PWDs. The right to participate in political life is provided for under Section 51 of the law. Sub-section (1) of Section 51 of the PWD law states that “*every person with disability who has attained the age of eighteen years and above shall be entitled to enjoy and exercise political rights and opportunity as any other citizen without any form of discrimination.*” Section 51(2) clarifies further that PWDs have a right to vote, hold public office and otherwise participate in the political rights and opportunity as any other citizen without any form of discrimination.

According to the 2012 national census, the rate of the national disability prevalence in Tanzania is about 10% of the total population.

⁸⁵ According to Section 3 of the PWDs Act, 2010, ‘*disability*’ in relation to an individual means loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical, mental or social factors.

⁸⁶ Act No. 9 of 2010.

Table .1: Number of PWDs, Tanzanian Mainland (2012 National Census)

Albinism	Seeing	Hearing	Walking	Remembering	Self-care	Other disabilities
16,127	821,213	410,182	513,558	391,281	317,224	97,503

Source: NBS, 2014.⁸⁷

Above 50% of PWDs are adults. Therefore, basing on the total number of 2,567,088 about 1,000,000 PWDs were eligible voters or contestants of political positions in 2015. A total number of PWDs who vied for various positions countrywide during the 2015 elections was not obtained and probably, it could not be easy to get. This is due to the fact that, disability as part of gender issues has never been accorded sufficient attention in terms of adopting disability sensitive plans. For instance, there are special seats for women (as gender group), but not for PWDs (as the most vulnerable gender group in Tanzanian context). It is only CCM which has, at least, created a special seat for PWDs in its party’s system. Mr. Salum Barwany (pictured below), who is a person with albinism went through a very tight path in 2010 and luckily he won Lindi urban parliamentary seat under CUF. His victory came after an extra-ordinary efforts against open discriminations and stigma from the then CCM contestant. He tried again, through personal efforts in 2015, but this time around he was unable to get through. There was no direct discrimination manifested during campaigns against him, but, basing on the 2010 experience, it could be the fact that his albinism was part of his failure to make it through. The pro-disability organizations might find time to investigate this more.



Mr. Salum Barwany

Other issues which appear unimproved during 2015 campaigns as far as PWDs’ rights are concerned were; i) challenges relating to mobility and disability friendly environment in campaign venues; and ii) communication of the campaign messages. Section 37 of the PWD Act, 2010 requires universal accessibility of public services to PWDs. Sections 38, 55 and 56 of the same law are for access to information. Section 55(1) of the disability law requires all TV stations to provide sign language inset or subtitles in all newscasts, educational programmes and others covering national events. Section 56 requires all persons providing public telephones

⁸⁷ National Bureau of Statistics (2014), Basic Demographic and Socio-Economic Profile, Statistical Tables, Tanzania Mainland. Ministry of Finance. Page 162.

services to install and maintain telephone devices or units for persons with hearing disabilities and tactile marks on telephone sets to enable persons with visual disabilities to communicate through telephone system. Section 38 of the same law generally directs that, the contents of the communication should be communicated in a form that is accessible to the person concerned (depending on disabilities).

It is only on few incidents, for instance in Mwanza, where contents of the communication were made friendly for PWDs by staging a sign language experts. All newscasts including the ones by national television (TBC1) were done without sign language inserts as the law requires. It was a case even for UKAWA camp's media programmes despite the fact that they propagated 'changes' in everything for the benefits of everyone as Picture 4.52 below show(s).



Picture 4.: Live TV programmes on election campaigns. There were no inserts of sign languages as the law requires.

LHRC/TACCEO did not notice any printed election campaign paper written in a format which persons with visual impairment could read. Despite all these obstacles, some of the PWDs were able to attend the campaigns physically, and could, indeed penetrate through the crowds to meet some of the candidates as pictures below show. However, some of the candidates visited PWDs in their residential homes. Obviously, the message was that they will consider everyone, including persons with disabilities.



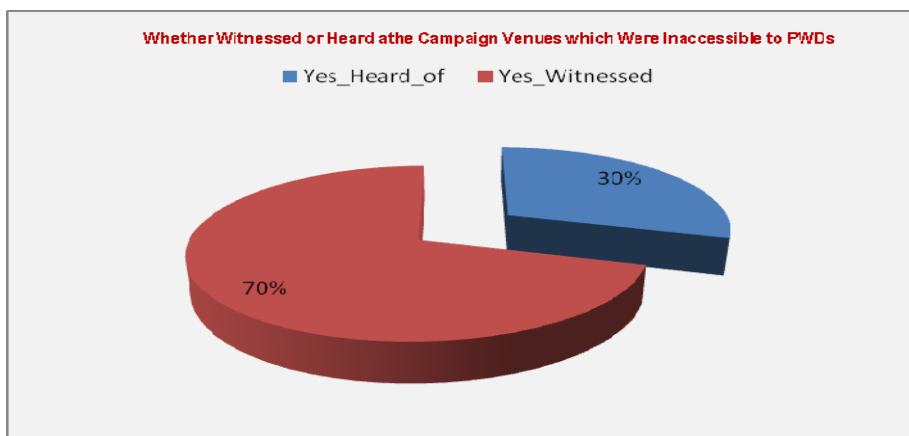


Picture 4.: Top Left: Dr. Magufuli reacted to a child with albinism by offering him some money for him to buy school needs. He saw this child at Kitama ‘A’ village, Mtwara. Top Right: Mr. Zitto Kabwe, ACT-Wazalendo national leader, when he visited Buhangija special camp for children with albinism, Shinyanga urban. Down Left: Mr. Lowassa in one of the campaign rallies; Down Right: Dr. Magufuli in Mbinga, Ruvuma.

ACT-Wazalendo had a very good disability sensitive campaign plans. For instance, in some places like Salasala, Wazo Hill ward, Kawe in Dar es Salaam, PWDs were offered by the party with chairs and they sat at the front positions so that they could easily follow the campaign proceedings. This best practice was not seen in any other party during the campaigns. Sign interpreters were seen mostly in Zanzibar during CCM and CUF campaigns. Zanzibar could be cited as best practice on the use of sign languages.

LHRC/TACCEO observation on universal accessibility of campaign venues for PWDs established that 70% of the total venues which were sampled for observation were not sufficiently accessible to PWDs. Some of the venues were located far away from the township areas; others were completely open space without any shade especially for persons with albinism; and other venues were in rough areas where wheelchairs could not be dragged on.

Figure 4.: Percentage of Campaign Venues which were Inaccessible to PWDs



Source: TACCEO Election Observation Survey, 2015.

From the general and specific trend illustrated above, it seems that a comprehensive assessment on how best can PWDs be involved in electoral processes is urgently needed. It is, indeed, an issue of concern that even the public machineries which are entrusted to ensure gender equality and enforcement of the disabilities rights, do not have known efforts to ensure that disability rights are mainstreamed into the electoral processes.

LHRC/TACCEO views on this issue is that discrimination and stigma of PWDs in politics is still a reality, a fact which implies urgent needs for affirmative measures as explained above. Mama Nawanda, a CCM special seat contestant for Newala rural, was scorned by other contestants that she is unfit to lead fit persons.

LHRC/TACCEO suggests that one of the easy-to-implement measures is to amend the existing laws on elections, in order to make it mandatory that every political party must nominate at least 20% of the proposed nominations for PWDs. There is also a need to have disability seats in parliament.

4.9 GEOGRAPHICAL COVERAGE OF ELECTION CAMPAIGNS

4.9.1 Factors Influenced Geographical Coverage

The geographical coverage of political parties' campaigns was also an issue of concern which LHRC/TACCEO finds it worth reporting here. This is due to the fact that general national elections mean choosing public or national leaders. Therefore, every Tanzanian has the right to hear candidates' policies and then make a good decision on who fits to be his or her leader. Just like the case for 2010 elections there were at least two factors which influenced the geographical coverage, and therefore voting for a particular candidate or party in 2015 elections. Such factors included institutional capacity and regionalism.

(i) Institutional and Financial Capacities of Political Parties: Public Funding

As mentioned above, the 2015 elections were dominated by two front runners, CCM and UKAWA candidates. CCM is a well established political institution with branches and leadership down to the grassroots levels. It has the *mabalozi wa nyumba kumi* (ten cell leaders) all over the country. Besides, the ruling party has numerous resources including the over ten storey building in Dar es Salaam, which is youth wing (UVCCM) project; and several football stadiums⁸⁸ including CCM Kirumba, Mwanza; Samora, Iringa; Sokoine, Mbeya; Sheikh Amri Abed, Arusha; Majimaji, Ruvuma; Kaitaba, Kagera; Ali Hassan Mwinyi, Tabora; Lake Tanganyika, Kigoma; Mkwakwani, Tanga; Jamhuri, Morogoro; Jamhuri, Dodoma; Nelson Mandela, Rukwa; Umoja, Mtwara; Ushirika, Kilimanjaro; Mabatini, Pwani; Mao Ze Dong, Zanzibar; Amaan, Zanzibar; and Kamarage, Shinyanga, which earn CCM some money.

⁸⁸ The name of CCM's stadiums were copied from: Makongoro, Imani 'Wanamichezo waishukia CCM kuua viwanja' (CCM blamed for not developing stadiums) Mwananchi, 5th February 2016. Page 40.



Picture 4.: Some of the CCM’s investments; office apartments in Dar es Salaam and Kambarage stadium in Shinyanga region.

Besides, CCM receives billions of shillings per year as subsidy from the government. Note that, all political parties with representation in parliament receive public funds appropriated to them in accordance with the size of representation in the national assembly. Previous parts of this report explained about this arrangement (public funding of political parties).



Picture 4.: The investment and resources enabled CCM to have stylish and huge motorcades for election campaigns.

The rest of the parties do not have known assets apart from office structures which have been rented by them. Their financial power depends on government’s grants. However, only CCM, CHADEMA and CUF qualify to receive such grants for the 2015-2020 due to eligibility criteria. They have more than 1 parliamentarian. TLP and UDP with one representation for each in the previous parliamentary phase failed to make it through in 2015 elections. They could not even defend the constituencies which were regarded as their strongholds (Vunjo for TLP and Bariadi for UDP).

Lack of public funding to young political parties had adversely affected their campaigns in 2015. LHRC/TACCEO documented a number of incidents whereby the candidates of ACT-Wazalendo, TLP, SAU, UDP, CHAUMA and TADEA were to move within limited campaign

areas because of financial constraints. Other parties or candidates postponed their meetings without notice due to the same reasons. For instance:-

- (i) On 8th October 2015, Mr. Benedicto Masanja, a parliamentary candidate for Ilemela, Mwanza under UDP ticket failed to organize a meeting scheduled to take place in the constituency due to financial constraints (to hire public speaking systems, transport, publication materials, etc);
- (ii) On 13th October 2015, the ACT-Wazalendo candidate for Misungwi, Mwanza, failed to hold his meeting at Misungwi ward due to financial constraints. The meeting was scheduled to commence from 10:00 AM. In lieu thereof, the candidate decided to do a door-to-door campaign in the area;
- (iii) On 7th October 2015, Mr. Deogratius Kajoki, ACT-Wazalendo candidate failed to hold meeting at Inonelwa village, Misasi ward, Misungwi constituency due to the same reason;
- (iv) Rev. Yonna Kiyuga, ACT-Wazalendo's candidate for Kwimba, failed several times to hold his meetings due to financial constraints. For instance, he was supposed to organize a campaign meeting on 12th October 2015 at Chamela village, Ngudu ward, Kwimba; but that did not happen due to similar reasons;
- (v) SAU and other parties' campaigns were cancelled in Karatu, Kilolo, and other places due to financial constraints;
- (vi) The CHAUMA and ACT-Wazalendo presidential candidates tried their best to reach out several regions in Tanzania Mainland. ACT-Wazalendo had a wider coverage and attracted more supporters compared with other parties which were under UKAWA coalition. Mr. Hashimu Rungwe for CHAUMA did not bother to engage in expensive preparations of his meetings. He was noticed using 'ready-organized' scenes such as bus stands, market areas, busy streets and the like. Therefore, passerbies were to stop for a while, listening to him and proceeded with their journeys. In most cases, he attracted just a small audience. But, he did not stop speaking for hours, without any companion, music, poster, etc.



Picture 4.: Presidential candidates of CHAUMA, Hashim Rungwe and some of the opposition parties received a relatively small crowd of supporters compared with a newly registered ACT-Wazalendo.

(ii) Regionalism, Ideologism and Ethinism

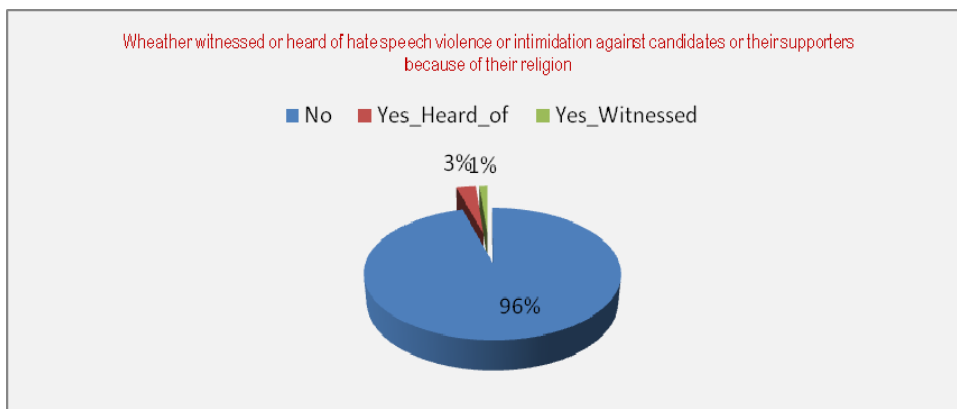
Apart from CCM which is spread all over the country the sense of regionalism was noted in 2015, as it was the case for 2010. Examples are shown above, whereby supporters of NCCR-Mageuzi and ACT-Wazalendo openly preached choosing a person from Kigoma ('Kigomaism'). Unfortunately, they forgot that their lady presidential candidate is originally not from Kigoma region.

Similarly, the UKAWA coalition's distribution of constituencies had some feelings of regionalism and religionism. For instance, Kigoma-based constituencies were for NCCR-Mageuzi which had a stronghold between 2010 and 2015. CUF was offered coast-based constituencies where it is believed that these are moslem dominated regions. All northern-based constituencies were allocated for CHADEMA. Unlike other opposition, ACT-Wazalendo fielded candidates almost all over the country, but of course, with huge concentration in Kigoma where one of their senior leaders is originating.

CCM too had similar elements especially on tribalism even though it is the most experienced and well established party. For instance, almost all Lake Zone constituencies which were under opposition elected candidates from CCM as a bid to support Magufuli who originates from Lake Zone. On 8th October 2015, Prof. Anna Tibaijuka was heard by LHRC/TACCEO team saying that "*tumchague Magufuli kwani ni jirani yetu, ndugu yetu ... tuachane na hao wanaotoka huko Arusha*" (lets elect Magufuli because he is our neighbour, our relative ... let's leave those who come from Arusha). She repeated similar remarks at Izigo ward, Muleba north on 13th October, 2015. It is worth to note that Mr. Lowassa comes from Monduli in Arusha; Mr. Fredrick Sumaye from Mbulu in Arusha; Mr. James Mbatia (the chairperson of NCCR-Mageuzi) and Mr. Freeman Mbowe (the chairperson of CHADEMA) come from Moshi in Kilimanjaro. So, obviously Prof. Tibaijuka was referring those UKAWA leaders.

LHRC/TACCEO had this matter in its long check list of things to observe. As per Figure 4.9 below, only 4% of observers said that they witnessed or heard speeches which propagated regionalism, religionism, and ethnism in the areas which were covered for election observation.

Figure 4.: Obsevers' Opinons Whether Regionalism, Ideologism and Ethnism were practiced/ heard during capaigns, 2015.

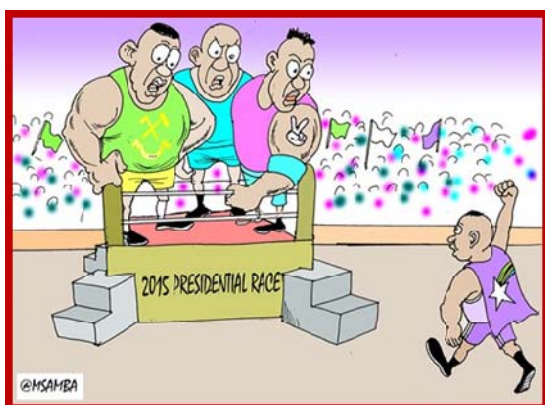


Source: LHRC/TACCEO Election Observation Survey, 2015.

Other remarks which propagated regionalism included the ones given by TLP candidate for Sumbawanga municipality. He advised his supporters they should vote for him because he is their fellow Fipa tribesman. In the other occasion, a religious leader from one faith-based organization (FBO) in Bukoba rural constituency in Kagera was on 2nd October 2015 seen actively participating in the campaign rally at Nyakibimbili ward to support a candidate from his religion. He was mobilizing support from his religion's followers to vote for him.

4.9.2 Suffocation by Two Giant Sides: Questionable Legitimacy of other Parties?

Mr. Fami Dovutwa of UPDP launched his presidential campaigns less than a week before the Election Day. This seemed to be a serious political joke because others parties especially CCM and CHADEMA/ UKAWA had already trekked more than 90% of the country. Despite the fact that it was obviously a battle between the duo (CCM and UKAWA), ACT-Wazalendo tried to engage in the 'war.' But, seemingly, it had relatively tender muscle to fight with them in equal terms as the cartoon pictures below illustrate:



Media Clip 4.8: Left: ACT-Wazalendo person tries to stretch its infancy muscles while approaching the 'boxing ring' where the two giants are fighting. Right: ACT-Wazalendo, Zitto Kabwe dreams to grow bigger like the

two parties in green (CCM) and blue (CHADEMA). This symbolized that ACT used 2015 elections as a platform to increase its visibility.

During its inaugural campaign at Mwembeyanga area in Dar es Salaam, the top leadership of ACT Wazalendo and members of the campaign team used a lot of time attacking UKAWA and not CCM. The initial trend implicated ACT-Wazalendo as an affiliation of the ruling party CCM. When the attack from social media increased, it changed its direction and started to campaign for its manifesto – leaving the two giants fighting each other.



Media Clip 4.9: The media clip showing ACT-Wazalendo as CCM’s fire-extinguisher to the opposition’s fire but without any ‘effects.’

The contestants from other young political parties apart from ACT-Wazalendo and CHAUMA also delayed to commence their campaigns. TLP tried to have a few steps of campaign coverage outside Dar es Salaam but its national chairperson, Mr. Augustine Mrema had a quite different direction. Instead of campaigning for his party candidate Mr. Mrema was seen to support Dr. Magufuli of CCM. In one occasion, Mr. Mrema stopped Dr. Magufuli’s campaign team at Himo, Vunjo in Kilimanjaro region, where he was also a parliamentary candidate and jumped into the CCM’s campaign vehicle as picture below shows and spent some minutes campaigning for CCM and not his party. Magufuli promised to find ‘something’ for Mr. Mrema should he wins elections.



Picture 4.: Left: Mr. Mrema in TLP yellow T-shirt campaigning for Magufuli at Himo Township, Vunjo. Right: The presidential candidate for TLP when collecting

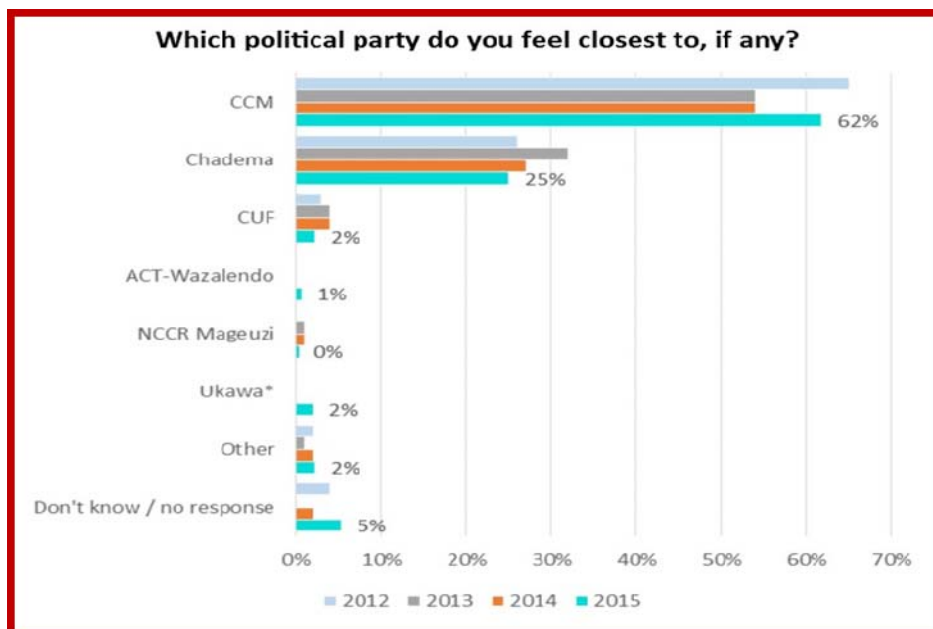
nomination forms from NEC. Mr. Mrema did not even attend when the candidate went to collect his nominat forms.

Of course, the habit of Mrema did not surprise people because his reputation as a strong opposition politician has continued to decrease as times pass by. People are wondering whether Mr. Mrema is really an opposition politician or still serving the ruling party's side where he came from.

4.10 STATUS OF OPINION POLLS DONE DURING ELECTION CAMPAIGNS

Right at the heated campaign period where the two sides (CCM and UKAWA) were enermously amassing public support in their campaign rallies, TWaweza, a local civil society organization, released its opinion poll results finding that CCM was still the most favoured political party in Tanzania. This findings was widely criticised as a ploy to influence people to vote for CCM. According to their findings, which involved less than 2,000 mobile phone users (alleging to be the same sample size they have been using for different surveys), more than 6 out of 10 respondents (62%) reported that they felt closest to CCM out of all political parties. Further, according to this organization, when respondents were asked which candidates (without reference to specific names) they will vote for in the election, more than 6 out of 10 citizens said they will vote for CCM candidate for President (66%), Parliament (60%) and Councillor (60%). Figure 4.10 below shows part of TWaweza finding:

Figure 4.: TWaweza's Opinion Poll during Election Campaigns, September 2015. TWaweza's Opinion Poll during Election Campaigns, September 2015.

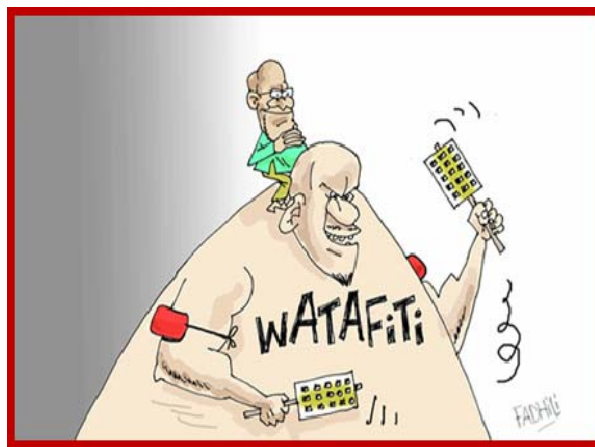


Source: TWaweza, September 2015.⁸⁹

⁸⁹ Twaweza, Party Affiliation. Accessed on 20th December, 2015 from: <http://twaweza.org/uploads/files/PartyAffiliation.jpg>

Part of their finding remarks stated, “these data suggest a return to a level of support for CCM last seen in 2012.” However, while this was the research finding which was highly celebrated by CCM leaders but even CCM itself was not confident to sell out its presidential candidate by calling upon people to vote for CCM as argued earlier. Rather, both the presidential candidate as well as his team preferred to say “Chagua Magufuli” apparently due to the fact that there was a growing indication that CCM’s long-term grip on power was continuing to dissipate.

Therefore, as the Media Clip 4.10 below implies the opinion survey was to a large extent, regarded as a tactic in favor of one side of the political contest. The rejection of the opinion polls was almost felt countrywide, especially from those who favored opposition.



Media Clip 4.10: The clip showing a caricature of a CCM presidential candidate (known from the colour of his uniform) lifted up by a giant called watafiti (researchers), and who are doing their prophetic work as traditional doctors.

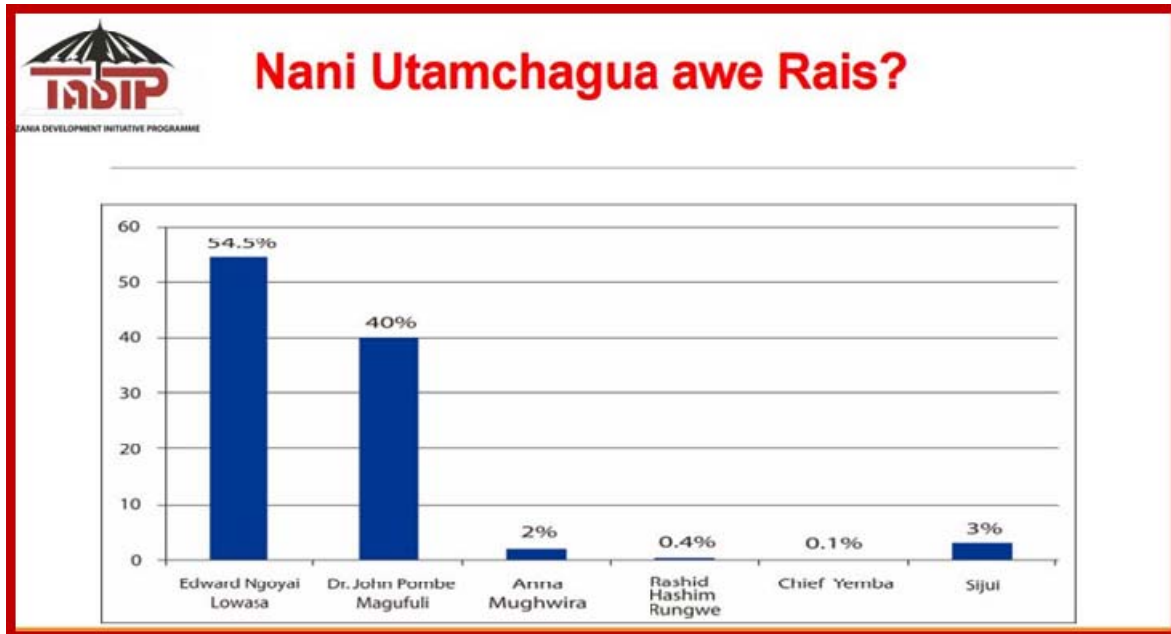
As naturally expected, there were genuine reasons to reject the opinion poll result because it was contrary to the situation on the ground. During that time i) there were heated campaign rallies whereby each side (CCM and UKAWA) attracted huge crowds; ii) the findings came out hardly a week after January Makamba a spokesperson for CCM campaigns, who predicted almost the same results two days before TWaweza’s opinion poll results were released; and iii) UKAWA had their own research based on assessment which showed that Lowassa was the most favored presidential candidate in Tanzania.

TWaweza results sparked a wave of informal opinion polls which were conducted even at market place or on streets. This was done in Kariakoo market in Dar es Salaam, and along the streets in Arusha and Mbeya. All informal opinion polls had the intention of discrediting TWaweza results.

The same month (in September, 2015) another civil society organization known as the Tanzania Development Initiative (TADIP) released its finding on opinion polls which showed that the

presidential candidate who was being supported by parties forming UKAWA was leading by far against the CCM candidate and other parties as Figure 4.1 shows:

Figure 4.: TADIP’s Opinion Poll during Election Campaigns, September 2015.



Source: TADIP Survey, September, 2015.⁹⁰

However, their findings did not earn wide public attention, probably because; i) people did not want to hear the so-called ‘cooked’ opinion results any more; ii) this organization is less popular than TWAWEZA; and iii) to some, it satisfied the feeling of those who were aggrieved by previous results.

The comment posting section of the website which posted the findings had no any comment about the findings. TADIP will have to consider a better way of releasing scientific research results in future, by including sample types and size used.

LHRC/TACCEO is of the opinion that much as these kinds of survey are imperative for candidates and political parties to enhance their campaign strategies, there is a need also to consider two important issues; i) most of Tanzanian voters have little civic knowledge, therefore, releasing results at the time of campaign could confuse or cause reactions either positively or negatively basing on the opinions; and ii) despite the fact that a sample size of 2,000 people could be sufficient to create a general impression concerning a particular national issue, it could be more justified with regards to elections in particular to widen the scope of of participants and evenly randomize the respondents in terms of urban-rural; women-men; youth-old, etc. It is also an issue of concern to recycle the same respondents for two or more studies by the same organization, and more seriously using the same methodology of data collection. Obviously, it

⁹⁰ Full-Habari, Lowassa aibuka kidedea urais: Utafiti. Accessed on 20th December, 2015 from: <http://fullhabari.blogspot.com/2015/09/lowassa-aibuka-kidedea-urais-utafiti.html>

cannot be easy for such organizations to be relied on in future research results especially under political platform. In this regard, they have a huge work ahead to re-establish their scientific reputation before the public.

4.11 ACTIONS POINTS ABOUT ELECTORAL CAMPAIGNS

As above discussion shows, this Chapter carries the gist of the electoral processes. Campaign, as it is indicated above, is the most sensitive part of the said processes. It involves a direct interaction between candidates, political parties, voters as well as other election stakeholders. Moreover, campaigns are formal political platforms in which the voters make their minds on who could be their leaders. Therefore, the way in which candidates, political parties and other stakeholders organize, coordinate and supervise election campaigns, will certainly influence voters' decision in favour or against a particular candidate or political party. Basing on this reality, LHRC/TACCEO spent a considerable amount of time and resources to observe the campaign situations. Specific recommendations for each campaign component are highlighted above. Therefore, below are action-points which political parties, voters, NEC and other election stakeholders need to consider in improving the electoral processes:

- (i) The government should establish a permanent national election fund in order to facilitate NEC, political parties and other stakeholders to have effective management of election campaigns;
- (ii) Political parties should use public relation specialists who can design for them catchy, fancy and useful election campaign messages, unlike the 2015 ones which were full of strong words and unclear messages.
- (iii) The ORPP, PCCB and other law enforcers should be adequately supported both financially and technically in order to enable these organs to monitor excessive expenditures and corruption practices in election campaigns. LHRC/TACCEO noticed that *takrima* was still being practiced;
- (iv) NEC, CSOs, media, development partners and everyone should ensure that in the coming elections political parties should mainstream gender-sensitive approach in their plans so that there is fair play, equal opportunity and effective participation of all gender groups including women and PWDs;
- (v) Pro-women civil rights groups to adopt systematic and sustainable women empowerment programmes for women to effectively participate in politics as contestants, voters or party's leaders;
- (vi) Religious groups and individuals as well as government officials, including retired presidents and incumbent public officers should be limited from election campaigns in order to maintain national unity;
- (vii) NEC or other appropriate authorities to be given powers to suspend a candidate (from continuing with election processes) who violate election rules especially during campaigns;

- (viii) Police force to deploy police officers in all election campaign meetings. Moreover, police officers should not act differently during and after campaigns;
- (ix) Political candidates should learn to articulate people's problems and how they will address those problems;
- (x) Legal space should be created to empower voters to recall their leaders (apart from the president) before end of their tenure if they fail to honour their promises made during election campaigns.

CHAPTER FIVE

POLLING, COUNTING, TALLYING OF VOTES AND DECLARATION OF RESULTS

5.1 INTRODUCTION

It is said '*kura ni haki yako na ni kwa mustakabali wako na nchi yako*' ('a vote is your right and destiny for yourself and your country').⁹¹ Therefore one's vote is for him as well as for the whole country even to those who are not eligible to vote. It is the ultimate stage of the electoral processes.⁹² As part of the election process, voting summarizes the decision making process of the democratization processes by allowing the populace to choose their representatives and express their preferences for how they will be governed.⁹³ Despite the fact that voting is a one-day event, still it can frustrate the whole election if it is not well handled. Therefore, it is the most sensitive part of the election process.

The aforesaid statements imply presence of a good voting system which abides with the laws and other democratic principles in order to give the voters and candidates confidence about the election results. Protection or preservation of ballots and transparency of the voting, counting and tallying of the votes are some of the principles pillaring the voting process. These were some of the principles which LHRC/TACCEO used as standard criteria of the election observation in 2015. Chapter one of this report explains more on the criteria used.

Other prerequisites for effective voting include presence of sufficient financial, human (polling assistant officers) and physical resources (such as ballot papers, ink, spacious polling room, lamps, and booths) and security arrangement.

This chapter gives details of situation related to voting, counting, tallying and declaration of the results as happened during the 2015 general elections. The chapter also offers some recommendations on the same issues.

5.2 PRE-VOTING PREPARATIONS

5.2.1 Presence, Qualifications and Efficiency of Polling Assistants

Sections 7 and 8 of the National Elections Act, Cap. 343 and Clauses 10 – 17 of the National Elections (Presidential and Parliamentary Elections) Regulations of 2015⁹⁴ provide for appointment of election officers at the district and municipal levels. Section 7 of the election law

⁹¹ NEC, Risala ya Mwenyekiti wa Tume ya Taifa ya Uchaguzi Mhe. Jaji Mstaafu Damian Z. Lubuva kuhusu upigaji Kura katika Uchaguzi Mkuu wa Rais, Wabunge na Madiwani utakaofanyika Tarehe 25 Oktoba, 2015. Page 2.

⁹² TACCEO & LHRC (2010), Report on the United Republic of Tanzania General Elections of 2010. TACCEO and LHRC: Dar es Salaam. Page 84.

⁹³ Wallach, D. *et al* (2003), Analysis of an Electronic Voting System. Accessed on 30th December, 2015 from: <http://www.c4i.org/diebold-vote.pdf>

⁹⁴ Published under G.N No. 307 on 31st July, 2015.

designates every city director, municipal director, town director, and district executive director to be the returning officers of the constituencies falling within their jurisdictions. Subsections (2) and (3) of the same section 7 give NEC discretionary powers to appoint other election officers from amongst the persons holding public offices. Clause 13 of the said 2015 regulations designates positions of assistant returning officers who are supposed to perform their duties under the returning officers. Furthermore, Clause 14 allows the returning officers to appoint presiding officers, polling assistants and direction clerks who are supposed to be deployed in every polling station.

From LHRC/TACCEO's stand view, it seems that NEC (and ZEC) deployed sufficient election officers in all polling stations. According to observers, at least 99% of the polling assistants and direction clerks of the stations monitored were already in their respective stations between 6.00 AM and 6.30 AM on the Election Day.



Picture 5.1: Election officers of various levels in preparatory trainings (left); and, polling assistants deployed in one of the polling stations at Mbagala-Misheni, Dar es Salaam in 2015.

As it was the case for the 2010 general elections, there were polling assistants and direction clerks in every polling room. However, it seemed that more presiding officers were needed as LHRC/TACCEO witnessed some of the presiding officers serving more than three rooms in a polling station. For instance, at Majani ya Chai Secondary School 'A' polling centre, Kipawa ward, Mji Mpya street in Dar es Salaam there were at least four polling rooms which were all supervised by one presiding officer (who was seen working by LHRC/TACCEO observers). However, there is no single case reported on whether this situation affected voting exercise.

As for the adequacy in the number of polling officers, it was observed that only one person was allocated for each polling step, doing the folding and stamping of the ballot papers. Some of the polling assistants were seemed to be slower than others to imply that more orientation training was needed before deploying them. But generally, NEC did its work very well in terms of deploying competent polling officers compared with previous elections. LHRC/TACCEO suggests that NEC can do better in future elections if it receives sufficient, permanent, and timely disbursed funds to make all preparations in time.

5.2.2 Availability and Timely Distribution of Elections Equipments

Section 56(g) and (h) of the National Elections Act, Cap. 343 requires the returning officer to provide each presiding officer with ballot boxes, papers, writing materials and other instruments or equipments with which can be used for the elections.

Save for a few places like Kibangu constituency in Dar es Salaam, generally the equipments were in place a day before the polling day in all polling stations which LHRC/TACCEO managed to observe.



Picture 5.2: The election materials received and cross-checked before distributions to the polling districts and stations.

Unlike previous elections, the 2015 was marked with allegations of presence of fake ballot papers, which the opposition camp especially UKAWA alleged that these were prepared to favour CCM. Such allegations caused anxiety among the voters in some places in such a way that some of the election officers who were distributing the materials were harassed and some had their materials destroyed. For instance, ballot boxes and papers were destroyed in Sumbawanga and Vunjo on the 24th October, 2015. In Sumbawanga, the car with registration number T 865 BEU was blocked by a group of people on the way while ferrying two election

officers from Sumbawanga urban to Milepa polling area. The officers and driver were assaulted and everything in the car relating to elections was burnt.⁹⁵

In Vunjo, Kilimanjaro region, the polling officers were attacked on 25th October, 2015 at around 2:00 AM on allegations they were in possession of already casted ballot papers. The incident came after the two officers were found in the car of one of the CCM cadres at Marangu Kiremema, Himo area. The two election officers were rescued and apprehended by the police. Then, members of the public launched an informal inspection of every car that was travelling between Himo and Vunjo to search for ‘fake’ ballot papers. It was not immediately established on the progress of the case that was pending at Himo police station about the two election officers.

Earlier on, especially from mid-September 2015 during campaigns, UKAWA national leaders were heard in different occasions advising their supporters not to use NEC’s pens for ticking the ballot paper on 25th October, 2015 because the tick mark would disappear or transferred to their opponent. The leaders of parties forming UKAWA went further to advise the supporters on how to fold the ballot papers before dropping it in the ballot box. It seemed that UKAWA did not trust not only the way in which the election materials were supplied but also the way in which the materials were manufactured. The skepticism of the process and materials themselves necessitated the NEC chairperson to clarify from time to time about the authenticity of the materials and the impartiality of NEC.⁹⁶

There are at least two factors behind the skepticism of NEC impartiality to all political parties. First, as argued earlier, the appointment of NEC senior officials and designated returning officers are all single handedly appointed by the president who is also the chairperson of the ruling party, CCM. Therefore, whatever they do could not avoid critics even if it is done in good faith. Second, there has not been sufficient transparency on the election management on the part of NEC to the political parties themselves. For instance, when NEC decided to use BVR technology the parties demanded to be informed on how it works, including employing party IT specialists in the registration processes to see how the machines work. Besides, the procurement of the materials especially the printing of ballot papers could have been more transparent to political parties even if it is purported to follow ordinary public procurement procedures. This is important to create trust in what NEC was doing to coordinate the elections. LHRC/TACCEO reiterates its recommendation on the importance of NEC to be fully independent and effective involvement of primary stakeholders (i.e political parties) in election coordination and management. The ZEC model of party representation in its commission might be one of initiatives. However, the representation should be widened to include more parties.

⁹⁵ Mussa Mwangoka and Daniel Mjema, ‘Wananchi wateketeza vifaa vya kupigia kura Sumbawanga.’ Mwananchi, 25th October, 2015. Accessed on 22nd December, 2015 from: <http://www.mwananchi.co.tz/uchaguzitanzania/Wananchi-wateketeza-vifaa-vya-kupiga-kura-Sumbawanga/-/2927048/2929712/-/httji0/-/index.html>

⁹⁶ For instance, the chairperson was quoted by all media on 1st of October 2015 saying that the pens to be placed in the polling stations or rooms were normal pens. If a person still doubts about this reality he could just go with her or his own pen during the Election Day.

5.2.3 Proximity and Other Convenience Factors of the Polling Stations

Section 56(a) of the National Elections Act, Cap. 343 requires the returning officers to provide sufficient number of polling stations in each polling district. Clause 47A(3) of the National Elections (Presidential and Parliamentary Elections) Regulations of 2015⁹⁷ directs the returning officers to issue to the candidates or political parties the names and addresses of the polling stations within 14 days before the polling day.

There were a total of 23,254,485 registered voters for 2015 general elections compared to 20,137,303 eligible voters for 2010 general elections.⁹⁸ That means a total of 3,117,182 (13.4%) voters increased within a time space of five years (2010-2015). The registered voters for 2005 general elections were only 15,919,749. Therefore, at least 7,334,736 (31.5%) voters had increased within one decade. The increase of voters has financial and administrative implications, one being a consideration of convenience of polling stations in terms of proximity of the venues and voters density per polling station.

It seems there is an average of 3.5 million after every five years. Therefore, estimated number of voters for the 2020 general elections can probably be around 26.5 million. It is not certain to what extent resources have proportionally been increased to cope with an increase in the number of voters after every election. LHRC/TACCEO is concerned by the fact that if the same NEC institutional arrangements continues, especially in terms of centralizing responsibilities in Dar es Salaam and work through a yard stick approach of using *ad hoc* election officers who are government employees, there is an eminent danger of failing to organize well elections. Justification of this argument has already been given elsewhere in this report.

A total of 64,736 polling stations (63,156 for Tanzania Mainland, and 1,580 for Zanzibar) were allocated for 2015 general elections⁹⁹ compared to only 53,039 polling stations for the 2010 elections.¹⁰⁰ That means, 11,697 polling stations (18.1%) were added. Proportionally, the 2015 polling arrangement had an average of 359 voters per each polling station while the 2010 election had an average of 380 voters per each polling station. That means, 2015 had more polling stations than 2010 basing on the number of voters divided by number of polling stations. In other words, there was an improvement especially in terms of mitigating voter's density per each polling station.

It was noticed from 2015 list of polling stations that the maximum number of voters per each polling station was around 400, while the minimum number was as little as below 100 voters. For instance, Shule ya Msingi Mwenge 'A' 1 and 2 stations (Kijitonyama, Dar es Salaam), had each 496 voters on the register. A good number of upcountry polling stations had an average of 250 voters per each polling station. For instance, most of the Rorya polling stations in Mara

⁹⁷ Published under G.N No. 307 on 31st July, 2015.

⁹⁸ NEC, Taarifa ya Tume ya Taifa ya Uchaguzi Kuhusu Uchaguzi wa Rais, Wabunge na Madiwani, 2010. June 2011. Page 22.

⁹⁹ NEC, Risala ya Mwenyekiti wa Tume ya Taifa ya Uchaguzi Mhe. Jaji Mstaafu Damian Z. Lubuva kuhusu upigaji Kura katika Uchaguzi Mkuu wa Rais, Wabunge na Madiwani utakaofanyika Tarehe 25 Oktoba, 2015. Page 1.

¹⁰⁰ NEC, Taarifa ya Tume ya Taifa ya Uchaguzi Kuhusu Uchaguzi wa Rais, Wabunge na Madiwani, 2010. June 2011. Page 22.

region had between 200 and 300 voters. For example, Shule ya Msingi Tingirime-1 polling station in Rorya, Mara had 262 voters. The polling stations with less than 100 voters include the Mti-wa-Kiberenge Nanai-1 polling station, Nachira area, Serengeti in Mara region which had only 43 voters; the Kikarabwa-1 polling station, had only 84 voters; while the Ofisi ya Kitongoji Bugogo, Itilima, Kishapu, in Shinyanga had only 88 voters.

There are several factors which appeared as issues of concern about the distribution of polling stations, namely:-

- (i) The last minute transfer of voters from one polling station to the other caused a lot of inconveniences on the part of voters and party agents in some places.
- (ii) Some of the polling stations, as stated above, had more than 480 voters. To manage them in terms of number of polling staff and the size of the polling room was really a challenge. LHRC/TACCEO noticed, despite the fact that the turnout was relatively lower than it was expected; still the polling officers did their work with huge pressure to manage the big crowd of voters who were seeing the voting process going slow. For instance, at Bahi Hospital polling station, in Dodoma, the voter turnout was very big, while the number of polling officers and size of the polling rooms were smaller to accommodate polling staff, voting activities, and voters in and outside the polling rooms. Due to this, chaos erupted from time to time compelling security guards to use force to contain the voters.
- (iii) Some of the polling stations were located in residential houses while the electoral rules require allocation of the stations in public premises only. For instance, 6 (33%) out of 18 polling stations observed by TACCEO in Korogwe urban, Tanga region, were premises of individual people. Similar situation of using private residential houses was noticed almost all over the country. The picture below shows one of such houses in Bukoba urban in Kagera region:



Picture 5.3: A polling station in Bukoba urban hosted in a residential house.

The law prohibits use of residential houses for good reasons, including; i) to ensure impartiality of voting, because owners of the houses might actually be cadres of political

parties; ii) security of the polling staff and polling materials; and iii) in order to make the voting process look formal and serious for everyone to respect. A separate study might be needed to ascertain the extent in which voters could be affected positively or adversely if a polling station is housed in residential premises.

Out of 1,900 polling stations which were observed by TACCEO on 24th and 25th October 2015, 177 (9%) were in residential houses or premises while the rest, 1,731 (91%) were located in public building or spaces. The percentage could have been bigger than that if all polling stations in the country were to be assessed. The challenge of securing public buildings for voting is very well known. However, the best way could be for NEC to install temporary camps or tents in public spaces such as football grounds; village assemblies and open market places as the picture below shows:



Picture : Some of the low cost polling stations made by tents used in 2015. NEC can improve such kinds of tents in future elections.

- (iv) In connection to this, some of the polling stations were in very bad shape, small and unsafe for voting exercise. One of such stations was Kona ya Inyala polling station, Ludete ward, Busanda in Geita region, whereby the room was very tiny in such a way that confidentiality was seen as an issue of concern.
- (v) The sensitivity to the right of persons with disabilities (PWDs) was more on ballot papers and voting without a due consideration of other important factors. The coming parts of this chapter will discuss this in detail.

However, some of the polling stations were well arranged despite the fact that they were located in open spaces as they guaranteed confidentiality of the voter when was casting his/her vote. There were booths in every polling station reached out by LHRC/TACCEO which were placed some steps apart from where the polling officers and party agents were sitting.



Picture 5.5: Voters were guaranteed secret balloting. Each one was given time to chose a leader of her or his choice in a secured booth.

5.2.4 Assurance of Voting: Voters' Register

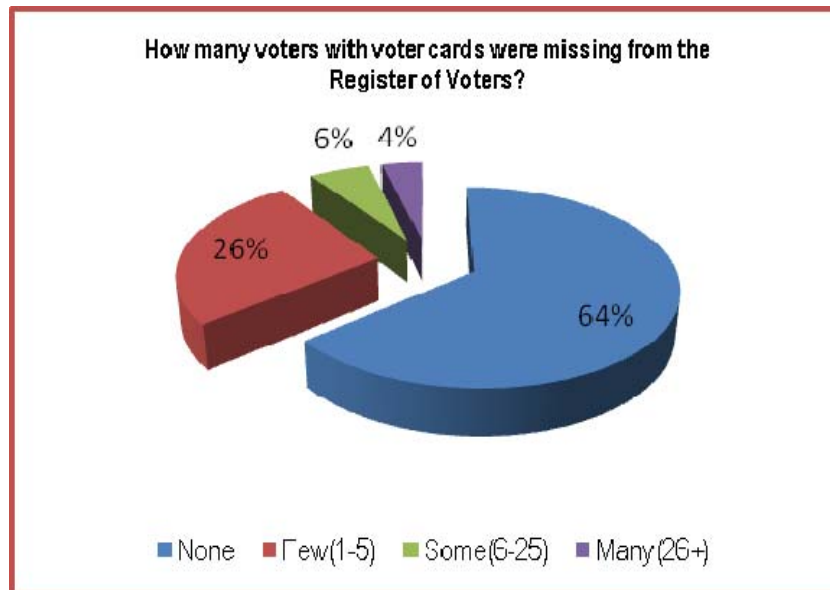
Section 56(i) of the National Elections Act, Cap. 343 requires provision of copies of register of voters (or part of the register) in each polling station. The register or part of the same should contain the names of voters allowed to vote at that polling station. It was established that the voters' names were displayed outside the polling stations around seven days before election. This enabled voters to locate specific pages of the register and the rooms for which they were supposed to vote.



Picture 5.6: Some voters including the ACT-Wazalendo's presidential candidate (a lady with pink veil on the left) checking their names on the Election Day.

There were a lot of shortfalls noticed on the voters' register. Some of the voters did not find their names despite the fact that they reported the omission when NEC circulated the register for verification of information prior to election campaigns. Secondly, some of the voters did not find their names in the polling stations where they were registered. As Figure 6.1 below shows, TACCEO noted 6% of the polling stations reached out had 'many voters' whose names were missing from the voters' register. And, around 26% of the polling stations had less than 5 voters whose names were missing from the register.

Figure 5.1: Percentage of Polling Stations with Voters' Name Missing from the Register



Source: LHRC/TACCEO's Data Centre, 2015.

The NEC chairperson explained about the splitting and reshuffling of voters from one station to the other. However, the problems seemed to be i) lack of sufficient communication flow from NEC to the rural areas and ii) delayed voters' register – the final version was displayed a few days or hours before the voting day. Some of the specific examples of these and other incidents were as follow:-

- (i) In Kasulu rural constituency there were three 'ghost' polling stations contrary to what the voters' register supplied by the district returning officer showed;
- (ii) Delayed voters' register in Mlimba, Morogoro, whereby as of 17th of October, 2015 the registers were not yet to some of the constituency's polling stations;
- (iii) Inconsistence of information between BVR cards and voters' register was noted almost in every station reached by TACCEO;
- (iv) Missing names in the voters' register displayed at the polling stations. For instance, more than 100 prospective voters with cards in their hands did not vote at Dawasa polling station, Kawe in Dar es Salaam, because their names were not on list displayed. TACCEO noted, most of the voters whose cards started with 'T1003' had their names missing in the register. A polling officer clarified the omission as '*BVR machines' technical errors.*' No alternative solution was provided for such kinds of voters to vote (this was purely NEC's negligence). Similar incidents of missing names was noticed at Mvumi mission ward, Mtera in Dodoma; Ishozi village, Nkenge in Kegeza; Mvuha ward in Morogoro south; Magu in Mwanza; Igunga primary school station, in Igunga Tabora; Ofisi ya Ujenzi station, also in Igunga; and several other places;

- (v) Other voters had their names posted twice and therefore were disqualified from voting. For instance, one Halifa Hassan Ikasa of Kisese, Kondoa in Dodoma region was not allowed to vote because of double posting in the same register's page as she alleged.

LHRC/TACCEO recommends that preparation for the next local government and national elections scheduled for 2019 and 2020 respectively should start immediately, where possible from August 2016 after appropriation of funds from the national budget (2016/ 2017 fiscal year).

Moreover, there is a need to have facilities for verification of voters' names at the polling stations especially when the challenges highlighted above happen. A mobile phone connected to a server could be sufficient instead of having computers and scanners which could not work out in rural areas due to challenges of electricity and internet networks. LHRC/TACCEO's electronized election observation and monitoring, as the picture below shows, could be used as a model for NEC and ZEC to learn and scale it up.



Picture 5.7: LHRC/TACCEO's ICT Lab attendants in multiple actions – emails, phone calls, texts messages etc, to and from the field election observers.

As stated in chapter one of this report, LHRC/TACCEO's ICT lab for 2015 elections was able to receive and work out thousands of communication in and outlets for less than ten minutes per each intake or outlet. The short and long term observers were sending to Dar es Salaam based saver dozens of pictures, scanned papers, and e-forms every minute and the system was able to receive process, filter, and store and analyze the same within a short period of time.

LHRC/TACCEO is of the view that similar communication management and flow to and from the field (polling stations) can be adopted by NEC to verify on spot voters' doubts or erroneous information countrywide rather than letting them go back home without voting. The development partners could consider this as an important area to support as far as the right to franchise is concerned. One or two missing votes could determine the better destiny of the people's livelihoods. Therefore, it is costful to lose a vote due to lack of simple solutions.

5.2.5 Pre-voting Awareness of Procedures Initiatives

As stated in the previous chapters of this report, civic awareness was and is still vital for effective democratization in Tanzania. Specific understanding of voting procedures was also imperative due to the fact that more than 3.1 million (13.4%) voters were voting for the first time in 2015.

It was observed that NEC and other election stakeholders including media did not do it well to educate voters on how to vote. NEC and ZEC's awareness initiatives were mainly 'directing' what the electoral laws and their feelings as electoral commissions dictate about voting process. The instructions to leave polling stations after voting, for example, was heavily rejected by UKAWA on the ground that people have the right to 'guard' their votes. Chapter two of this report has more discussions about this matter.



Picture 5.8: Left: Ms. Jessica Mongi from NEC explaining procedures of voting. Right: NEC and ZEC's poster (funded by UNDP) instructing people to leave polling stations after voting

On the other hand, media, civil society organizations (CSOs) and other stakeholders had their own way of telling people what to do during voting. Some of the newspapers, especially Mwananchi and Tanzania Daima, published some drawings and cartoons for easier understanding of the procedures.



Media Clip 5.1: Mwananchi newspaper repeatedly published this clip as a mass education initiative on how to vote. It shows eight procedures which a voter has to follow.

CSOs also supplemented the work of NEC, ZEC and media. The LHRC; TAMWA; WLAC; and TYA, are some of the CSOs which offered civic awareness on 2015 elections. TYA went further to follow its targets down to the grassroots levels, whereby, apart from sensitizing the community members to vote through theoretical teachings, it demonstrated practically on how to vote as pictures below show:



Picture 5.9: Residents of Songea Peramiho ‘B’ during and after voters’ education session organized by TYA in 2015. The broad white paper displayed (far) reads ‘I will vote peacefully ...’. The right side picture shows three containers used to demonstrate on how the the ballot boxes will look like, marked and arranged on the Election Day.

The political parties too were busy doing the same to their supporters during last weeks of their campaigns. However, they focused mainly on how the supporters could vote for their respective political parties. CCM and CHADEMA/ UKAWA prepared dummy ballot papers of presidential candidates and showed their supporters on where to put a tick on 25th October, 2015. They did not bother to educate their supporters on other things pertaining to voting.

The LGAs leaders who are the returning officers of the polling districts displayed samples of ballot papers and some pages of BVR register on public notice boards, especially in urban centres. The sample ballot papers were accompanied with other posters which demonstrated on how to put a tick in the box for a candidate whom a voter likes. It is unfortunate these useful materials were destroyed in many parts of the country to signify more awareness is still needed.



Picture 5.10: Displayed samples of ballot papers (left); and part of voters' register, which is torn in 2015.

There are three important issues which NEC and ZEC could do in future to improve pre-voting awareness initiatives. Firstly, is to offer such sessions at least six months before election date. Secondly, is to invest more in rural areas because urban and peri-urban areas are privileged to have a wider media coverage including the social media than remote areas. NEC, ZEC and other stakeholders may wish to make use of social media, including *Whatsup* which can attach or display pictures or documents. Thirdly, there is a need to have comprehensive and holistic approach to civic awareness among NEC, ZEC and their stakeholders as it has already been discussed above.

Lack or insufficient understanding of voting procedures has adverse effects in political democratization not only to individual voters but also to the candidates and political parties as well. LHRC/TACCEO is concerned with the fact that the situation of awareness dropped in 2015 than it was in 2010 whereby, a total of 1,507 votes (3.29%) for presidential elections were rejected as spoiled ballot votes in 2015, compared with only 227,887 spoiled votes (being 2.65%) for 2010 presidential elections.¹⁰¹ Therefore, the situation worsened by almost 1%, contrary to the expectations, despite the increase of mass media, level of literacy among Tanzanians, etc. A vote is regarded as 'spoilt vote', 'invalid vote' or 'spoilt ballot paper' if; i) the paper is not marked at all; ii) it is wrongly marked by putting a tick outside the box or across two boxes at the same time; iii) it is marked with multiple ticks e.g. choosing more than one

¹⁰¹ NEC, Taarifa ya Tume ya Taifa ya Uchaguzi Kuhusu Uchaguzi wa Rais, Wabunge na Madiwani, 2010. June 2011. Page xix.

candidate; or, iv) it is correctly marked but the voter adds some remarks or signs on the paper.¹⁰² All these were common in 2015 as it was the case for 2010 general elections.

5.3 OPENING OF POLLING STATIONS AND TURNOUT OF VOTERS

The laws cited above require all polling stations to be operational from 7.00 AM on the Election Day. LHRC/TACCEO noted at least 99% of the polling officers at the polling stations monitored were already at their duty stations by 6:00 AM on the Election Day. For instance, polling stations in Butimba, Mwanza were all ready by 6.00 AM. Therefore, all of the constituencies and polling stations monitored (save for Kibangu in Dar es Salaam and few others which had no polling assistants on the Election Day), were opened by 7.00 AM. LHRC/TACCEO applauds NEC, ZEC and its supporting election staffs for being punctual. The presidential candidates and other senior government leaders were among the voters who showed up early in the morning of the Election Day:



Picture 5.11: Some of the presidential candidates for URT and Zanzibar presidential races turned out to vote in various places on the Election Day.

In all polling stations monitored the voters had already lined up before 7.00 AM. This was notwithstanding the fact that it was rainy and chilly day in some of the upcountry regions in Tanzania Mainland.

¹⁰² Section 61(3) of the National Elections Act, Cap. 343.



Picture 5.12: Left, at Manyovu ward in Kigoma, voters queued up despite a daylong rain fall; right, voters in Kawe, Dar es Salaam in long queues before 7:00 AM on the Election Day.

The voter turnout differed from one polling district or stations to the other – each had its own peculiar situation. For instance, the Namanga Shuleni – ‘3’ polling station, Longido, in Arusha had around 60% turnout due to, among other reasons, nature of voters livelihood (pastoralist with nomadic lifestyle). Magu urban constituency in Mwanza, only 225 (being 0.15%) out of 147,155 registered voters did not vote. Therefore, a total of 146,930 (being 99.84%) turned out to vote. In some of the constituencies the voter turn out was very high due to the very heated campaign involving two main rivals. For instance, in Bunda, there was CCM cadre who was the former Minister and also incumbent MP, Mr. Steven Wasira, versus Ms. Ester Bulaya (CHADEMA) who defected from CCM in August 2015. The lady, Ms. Bulaya, is known as an outspoken and bold young politician.

The overall national turnout of voters for the 2015 general elections was generally impressive as already presented in other parts of this report.

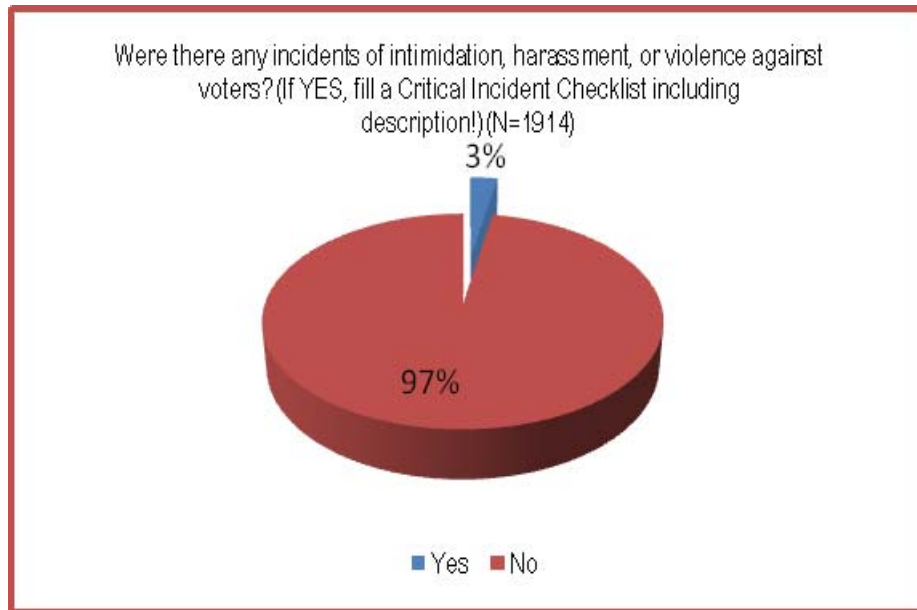
5.4 POLLING PROCESSES ACROSS THE COUNTRY

5.4.1 Treatment of Voters Generally

Voters are main players for which the voting process is supposed to concentrate on the Election Day. The end result of the process depends on how the voters were treated, for example, security of voters and responding to their enquiries on how to vote. It is unfortunate that most of their enquiries on issues pertaining to BVR cards or missing of their names on the register were not accorded due attention and there was no known appeal procedures where they could secure further clarifications at the polling stations.

LHRC/TACCEO’s check-list questions on whether there was any incident of intimidation, harassment or violence against voters which the observers were required to monitor received a response that only 3% of the observers had noticed some incidents of violence and harassment of voters from the law enforcers, polling officers or among voters themselves. Figure 6.2 below shows the percentage of the responses:

Figure : Trends of Incidents of Violence against Voters at the Polling Station, 2015



Source: LHRC/TACCEO's Data Centre, 2015.

The isolated cases of harassment or intimidation of voters included the one which happened in Kasulu rural constituency in Kigoma region, whereby on the Election Day police officers ordered people queuing on the line not to speak 'anything' to each other. The weird order from police officers went further stating, if anyone was found in 'breach' of this order he or she will immediately be banished from voting. This happened at the Ofisi ya Mtendaji wa Kijiji polling station in Kigoma rural. Few 'elite' voters rose up their voice against the illegal order. Chaos erupted and lasted for about 10 minutes after LHRC/TACCEO observer decided to intervene and spoke to the police. Then, the illegal order was ultimately suspended.

As for the treatment of voters with special needs such as pregnant women, mothers with infants children, sick persons, PWDs and old persons, NEC's chairperson said a day before polling day that these groups would be given priority not to stand in long queue as other voters. Moreover, he said persons with visual impairment would be allowed to go to the polling station with an assistant of his or her choice; and tactile ballot folders, which were to be supplied countrywide, would be given to the person in need of them at the stations.¹⁰³ Indeed, special treatments were noticed for these groups as pictures below show:

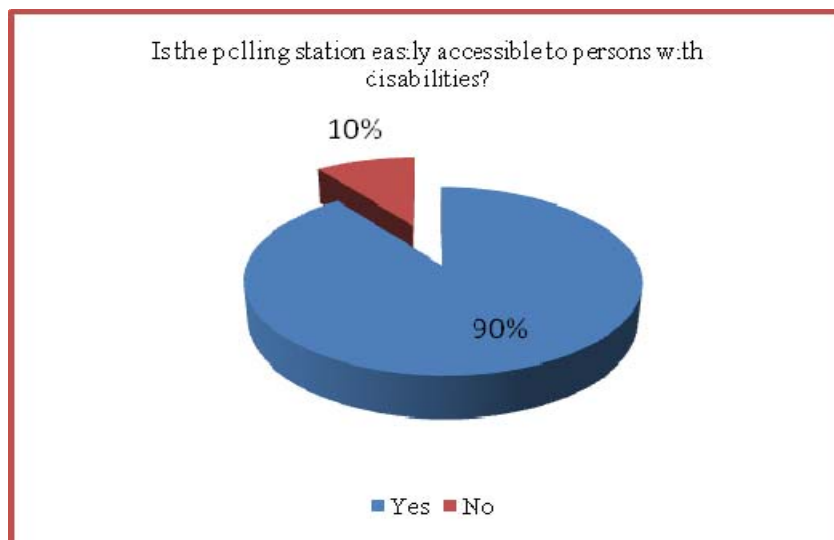
¹⁰³ NEC, Risala ya Mwenyekiti wa Tume ya Taifa ya Uchaguzi Mhe. Jaji Mstaafu Damian Z. Lubuva kuhusu upigaji Kura katika Uchaguzi Mkuu wa Rais, Wabunge na Madiwani utakaofanyika Tarehe 25 Oktoba, 2015. Pages 3-4 and 7-8. Note that, this is basically a recital of the legal requirement. For instance, Clause 53 of the National Elections (Presidential and Parliamentary Elections) Regulations of 2015 (fully cited above) states, inter alia that '... where a blind voter wants to vote at any election and upon satisfaction by the presiding officer or polling assistant that the blind voter's name appears in the register and that, the voter has been assigned to vote at such polling station and if the voter requests insert a ballot paper into tactile ballot folder and deliver to such voter.'



Picture 5.13: Persons with physical disabilities had their special booths; and ballot boxes were positioned on the flow for them to access the needed space to put the ballot paper in the boxes.

LHRC/TACCEO noted that the sensitivity of PWDs’ special requirements was more on ballot papers and voting materials without due consideration of other important factors such as mobility rights (universal accessibility of entrances). For instance, 10% of the polling stations visited by LHRC/TACCEO observers did not have ramps for universal accessibilities as Figure 6.3 below shows:

Figure 5.3: Percentage of polling stations without ramps for PWDs (TACCEO coverage only)



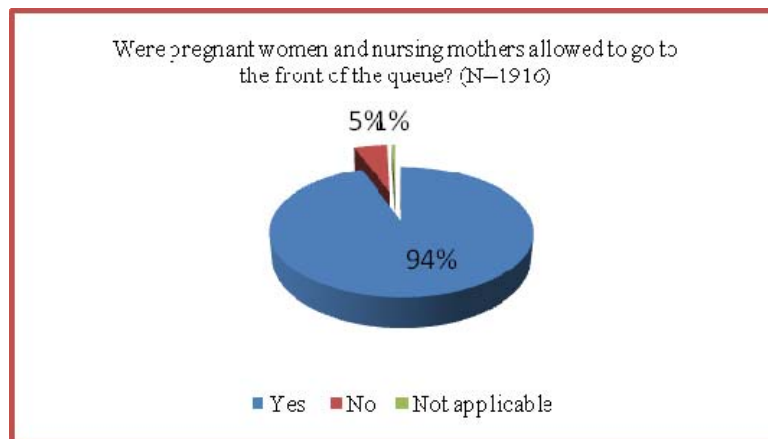
Source: TACCEO’s Data Centre, 2015.

Moreover, contrary to the NEC chairperson’s statement on the availability of the tactile ballot folders countrywide, LHRC/TACCEO noted at least 30 of the voters with visual impairments did not use such folders during voting. Probably, the papers were not available at the polling stations; or, the said voters were not informed of the availability of the special ballot papers; or, they were informed but did not want to use them because of the ignorance on how to use them.

Be it as it may, this remains to be an issue of concern for NEC and other stakeholders to consider in future elections. It seems that the blind persons depended much on their assistants.

As for special arrangement for women, particularly pregnant women and mothers with infant children, LHRC/TACCEO noticed at least 94% (as Figure 6.4 below shows) of the polling stations covered, allowed these groups special treatments:

Figure 5.4: Polling stations with special arrangement for pregnant women and mothers with infant children.



Source: LHRC/TACCEO's Data Centre, 2015.

Kinds of treatment given included; i) allowing them to jump the queue and ii) forming a separate lines as the picture below shows at Manyoni East, in Singida:



Picture 5.14: Pregnant women and mothers with infant children had separate lines at this polling station in Manyoni East, Singida in 2015.

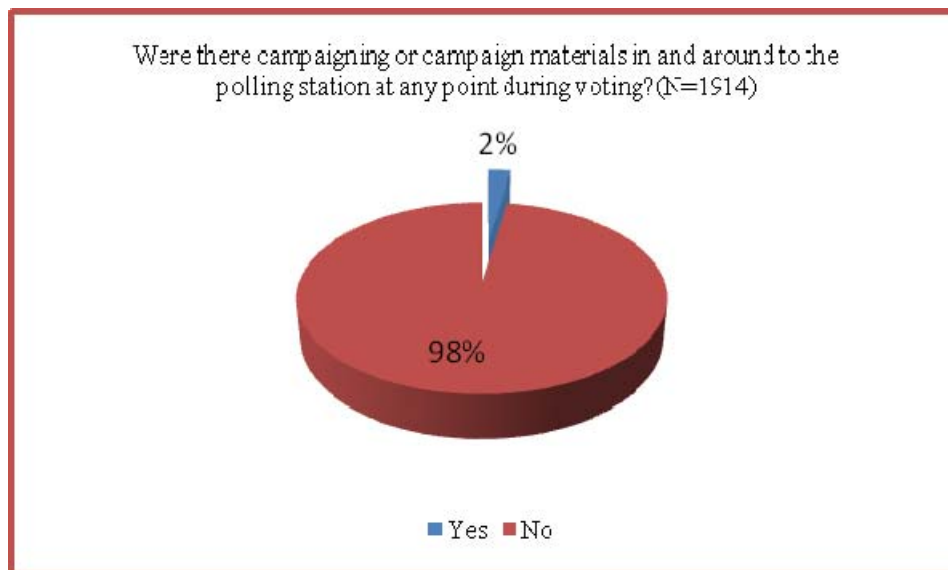
The illiterate and semi-illiterate were also allowed to be accompanied by their assistants. This was observed at Lufilyo Dispensary – 1 polling station, Busokelo, in Mbeya region.

LHRC/TACCEO is of the view that NEC could improve more on the treatment of voters with special needs by, among other things, liaising with disability organizations and LGAs to map up the needs of PWDs per polling districts. In this way, it could be able to plan for modality of civic awareness as well as concentration of special ballot papers for the needy persons. It is inappropriate to generalize the situation because the disability prevalence rates differ a lot from one region to the other. For instance, while Manyara's disability prevalence rate is only 1%, the Mara's rate goes as high as to 13% of its total population. The same kind of sensitivity election plans could also consider other groups such as the elderly and pregnant women. For instance, it is possible to find more old persons in rural settings than urban or peri-urban areas due to demographic characteristics and other socio-economic factors.

5.4.2 Campaigns during Polling Day

Campaigning, by all means, during voting day is strictly prohibited by the electoral laws and regulations. Apparently, the prohibition is aimed at allowing the voters to exercise their free choices of the candidate they need; but also to have peaceful voting processes. This requirement was well observed by the voters, candidates and political parties as only 2% of the monitored polling stations had some forms of campaign materials as Figure 6.5 below shows:-

Figure 5.5: Percentage of polling stations found to have some forms of campaigns materials during Election Day (LHRC/TACCEO's observation)



Source: LHRC/TACCEO's Data Centre, 2015.

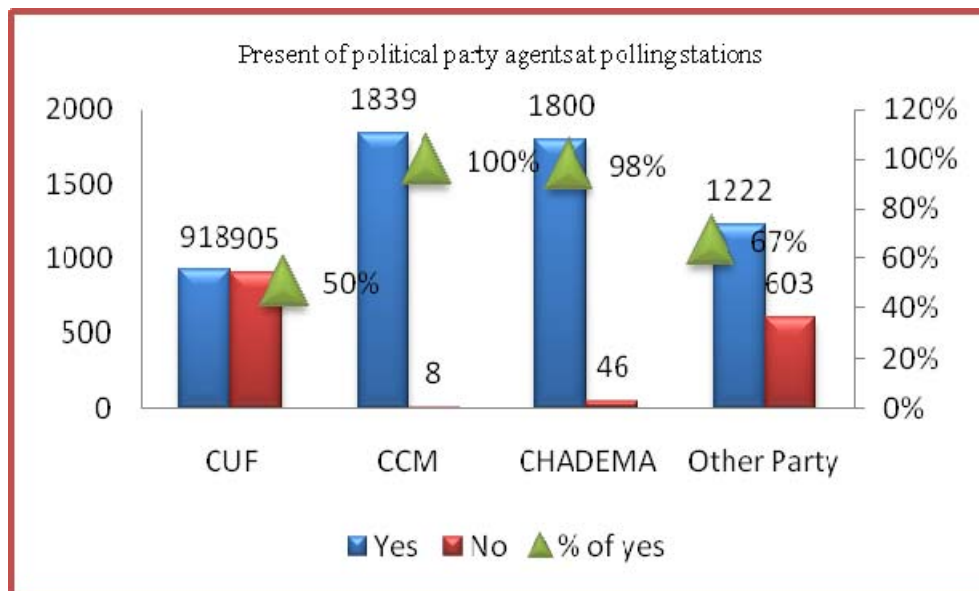
Few of such incidents forming the 2% indicated in Table 6.5 above included the Nandwahi polling station, Newala rural in Mtwara, whereby people believed to be CCM supporters were inducing voters in the lines to vote for their candidates. In Bariadi west constituency, Simiyu region, especially at Sokoni polling station - 2, Sima ward, campaign posters were still glued around the polling station. It is however, not certain as to what extent the presence of such posters influenced the decision of the voters queuing for voting. In any case, election officers

were supposed to ensure that the stations are in good shape and arranged in accordance with the election laws.

5.4.3 Presence of Party Agents

The recruitment, deployment and coordination of polling agents in the polling stations are on the shoulders of each individual political party – at its own costs. This arrangement automatically favors parties with financial resources to be able to deploy their agents to a number of polling stations depending on the financial muscles. As Figure 6.6 below shows, only 8 (0.4%) out of 1,839 polling rooms (not stations) which were covered by LHRC/TACCEO did not have CCM agents. Therefore, CCM had 99.6% deployment of agents while other parties were unable to deploy their agents in many polling stations.

Figure 5.6: Presence of Political Parties’ Agents in the Polling Stations (LHRC/TACCEO’s coverage)



Source: LHRC/TACCEO’s Data Centre, 2015.

From Figure 6.6 above, only 50% of the polling stations visited by LHRC/TACCEO had CUF’s agents; while, CHADEMA did not deploy agents in only 46 stations (2.5%) out of 1,846 polling stations which LHRC/TACCEO managed to observe on the Election Day. Other political parties,¹⁰⁴ (apart from CCM, CUF and CHADEMA) had their agents deployed in very few polling stations. For instance, only 33% of the polling stations visited by LHRC/TACCEO had representation of other political parties.

The importance of representation of the political parties in the polling stations is something which cannot be overemphasized. Such persons (the agents) play crucial roles to ensure the interest of their political parties are safeguarded; for instance, to defend or reject alleged spoilt

¹⁰⁴ They are more than 20 in number – see the list of political parties in chapter two of this report.

vote or ballot paper. Moreover, they are in the polling stations to ensure voters (specifically their supporters, if known by face) are allowed to vote without unjustifiable restrictions. For instance, the agents were really keen to stop, argue, and enquire about the age of and other information of some of the voters at the Magerezani polling station in Sumbawanga urban, Rukwa region.

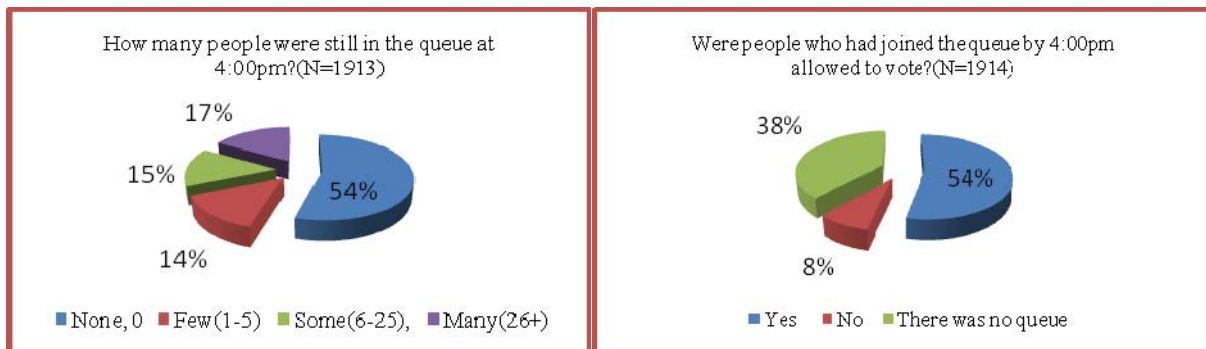
LHRC/TACCEO reiterate the importance of public funding to political parties' activities especially during election period. Otherwise, as said in chapter four of this report, less than five political parties will continue to be active in elections if affirmative measures to uplift other parties are not adopted.

5.5 CLOSURE OF POLLING STATIONS AND COUNTING OF VOTES

Polling is supposed to end at exactly 4.00 PM. Section 68 of the National Elections Act, Cap. 343 directs that, *'where at the hour of the closing of the poll at any station there are voters present, who have not had an opportunity to vote, the poll shall be kept open for a sufficient time to enable them to vote.'* That means, no voter on the line is supposed to be turned away if he or she was queuing before 4.00 PM.

The two twin figures below (labeled as Figure 5.7) show that around 46% of the polling stations (visited by LHRC/TACCEO) had voters queuing at the time polling was supposed to end and only a few of them (8% of the polling stations) did not allow them to vote on ground that they were late.

Figure 5.7: Percentage of polling stations which had voters on queue after closing polls (LHRC/TACCEO's coverage)



Source: LHRC/TACCEO's Data Centre, 2015.

LHRC/TACCEO did not gather evidence whereby any voter complained his or her right to vote was infringed by reason of justified delay. There is ongoing concern about scheduling polling days to be on Sundays, where some of the voters go to church. It is suggested that the government should change this practice and declare two week-days to be voting days so that everyone can effectively participate in voting without any interference. NEC may wish to consider this as an important factor which causes some of the voters to delay going to the polling stations.

5.6 COUNTING AND TALLYING OF VOTES

5.6.1 Counting of Votes

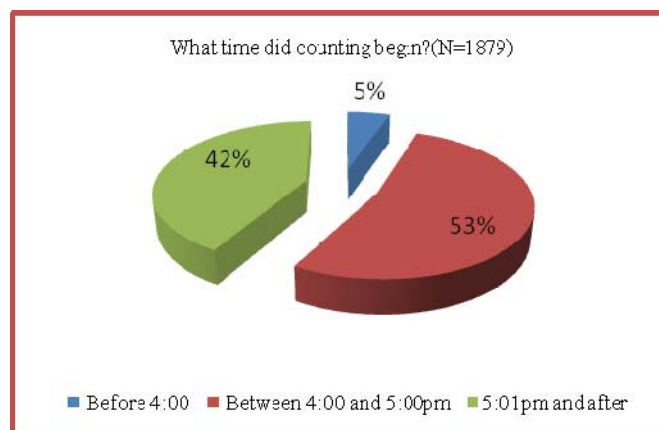
As the picture below shows, polling rooms or stations automatically turned to be counting venues of the vote casted. According to Section 70 of the National Elections Act, Cap. 343 polling agents also turn to be counting agents. Therefore, the polling assistants were required to change the sign boards of the stations to suit the legal requirement.



Picture 5.15: Polling officer converting the station to be a counting centre after polling ended.

The law does not put time limitation for the counting to be completed. It therefore depends on the number of votes to be counted and presence or absence of interruptions by the polling agents. Figure 7.8 below shows, about 5% of the polling stations (counting stations) commenced the counting processes before 4.00 PM apparently because voting ended some hours before the official closure time as no more voters were coming.

Figure 5.8: Time when Counting of Votes Began (LHRC/TACCEO's coverage)



Source: LHRC/TACCEO's Data Centre, 2015.

The counting and tallying processes went through night hours in some of the stations, a situation which necessitated them to use lamps or other alternative sources of rights. As it was the case for 2010 elections, this time around, the same challenge of using ‘defective’ lamps occurred. As pictures below indicate, counting and tallying officers and agents were to use battery or a rechargeable lantern, which in some places did not operate beyond 9:00 PM.



Picture 5.16: Counting and tallying going on through lanterns and mobile phone’ torch.

Poor lighting delayed counting and tallying processes which resulted into anxiety on part of the voters who gathered around the counting stations and tallying centres at ward and district levels demanding immediate release of results.

In general, however, counting of votes in many places went quite peacefully. The ballot papers were opened and displayed in front of every authorized person present as the pictures below show:



Picture 5.17: Counting officers exercising transparency in the counting processes. Each ballot paper was displayed for the agents to verify.

This happened in almost all counting stations in Arusha; Kasulu, Kigoma; Busokelo, Mbeya; Mbozi; Makete, Njombe; Korogwe urban; Pemba; Unguja; and elsewhere in Tanzania Mainland and Zanzibar. At least 97% of the LHRC/TACCEO observers said the counting and tallying

exercise was peaceful and there were no incidents of chaos or intimidations against the election officers or party agents.

Only a few disorderly incidents were reported across the country – mainly attributed to the delay in releasing of the results. For instance, the Kisiga Shuleni counting station, Lupalilo ward in Njombe released its results on the following day on 26th October 2015 at 2.30 PM (being almost 12 hours after the commencement of counting and tallying). This situation generated public pressure and verbal confrontation.

5.6.2 Tallying of Votes

The tallying centres were at the ward for councillorship candidacy and district or municipal level for parliamentary and presidential results. NEC maintained the 2010 general election system of counting and tallying of the results, whereby after counting and posting the result forms outside the polling stations the presiding officers and security officers, as pictures below show, transported the result forms to the ward level and handed them over to the assistant returning officers.



Picture 5.18: Transportation of ballot boxes to the tallying centres.

After collecting the results from all the polling stations in the wards, the assistant returning officers transported the result forms to the district tallying centres and handing them over to respective returning officers who were in charge of aggregating the results of their constituencies.

The district based tallying centres which were regarded as apex centres for parliamentary elections; and transmittal centres for presidential elections, tallied the results from the wards for both positions

(parliamentary and presidential). It took between 6 to 72 hours to announce the parliamentary results at the district level. The delay seemed to have been caused by three factors, namely; i) delayed tallied results from the ward levels, which was attributed to challenges mentioned above (e.g geographical locations and poor light); and ii) bulkiness of the results to tally. Each district had an average of 15 wards.



Picture 5.19: Left, poor light at ward level tallying centre in Vunjo, Kilimanjaro; and right, dozens of ballot boxes which had to be recounted in some of the constituencies in 2015.

Tallying of the results manually was really a tedious work. Moreover, some of the candidates demanded recounting of ballot papers – a process which delayed the results for more than 72 hours. For instance, in Newala rural (Mtwara region) constituency, parliamentary results were announced on 27th October, 2015 at 23.30 Hours, being more than 50 hours after polling was completed. The Musoma municipal parliamentary results were announced on 29th October, 2015, being more than 72 hours after the Election Day.

The district electoral offices were equipped with computers and scanners for which the presidential election results tallied from ward and district levels were scanned and sent to the national tallying centre in Dar es Salaam, where the NEC chairperson announced those results as NEC received them from the districts.



Picture 5.20: Left, NEC chairperson and other commissioners (facing in front) announcing the presidential results as randomly received from the tallying centres in

districts; right: Media crew coordinate live broadcast of the results on TV and Radio. Almost all TVs and Radio stations broadcasted live the preliminary results.

CHADEMA presidential candidate under UKAWA grand coalition immediately reacted on the process of announcing the results as they were received by NEC. Mr. Lowassa's argument was that NEC favoured the ruling party CCM by firstly picking the constituencies which CCM had obtained more votes than CHADEMA in order to prepare people psychologically when results are changed to favour CCM. NEC made clarification that it was announcing the results as received from the district tallying centres.



Picture 5.21: Left, Mr. Lowassa, CHADEMA's presidential candidate speaks to the media on his dissatisfaction with the way NEC was announcing the results, as well as the authenticity of the results; right, CHADEMA's presidential running mate, Mr. Duni Haji, handing over to NEC officials an objection letter after having been denied access to the national tallying centre to present the letter directly to the NEC's chairperson.

Moreover, parties forming UKAWA were not comfortable with the announced results on the ground that some of the NEC's results were fabricated. They alleged that what NEC was announcing differed completely to what UKAWA had gathered from some of the districts tallying centres. They tried to intervene again for the second time by sending Mr. Duni Haji to lodge their complaint to NEC's chairperson right at the national tallying centre. He was not allowed to access the chairperson, instead he was asked to hand over the letter to NEC's office, where as the picture above shows, he was received and attended by a junior staff. It is not certain on how their letter was dealt with.

While UKAWA team was on and off to the streets trying to cause declaration of presidential election results suspended, the ruling party's presidential candidate, Dr. Magufuli, was luxuriously invited in the State House with the incumbent president, Mr. Kikwete, following live broadcasting of the results on TV as the picture below shows:



Picture 5.22: Left, CCM presidential candidate in the State House with the incumbent president in jolly and relaxed mood listening to NEC’s live broadcast of the results; right, the two (the president elect and incumbent president) hugging each other after NEC had finally declared Magufuli as the winner.

It is as if the victory for the ruling party was quite ‘certain’ because its candidate was really ‘ready’ to receive the results in terms of his appearance, the person he was with, and the venue (State House) where he was sitting at the time when the final pieces of results were being announced by NEC.

It is sometimes easy to predict the results especially basing on the modality in which the results were being rolled out. However, one thing which should not be underestimated is when the incumbent president, who is also a commander in chief, seats together with one of the presidential candidates in the State House before final declarations of results. By this approach, it can be argued that Tanzania has a long way to go to attain a fair and level playing field in the election process, whereby each candidate and/or every political party is treated equally without any form of favour by the government, electoral bodies as well as law enforcement agencies. Even where the incumbent President belongs to the same party which sponsors one of the presidential candidates, and when final results are predictable, one could not be stopped to think, that waiting results at the State House was a strategy or rather a strong message to whoever, that a person sitting next to the incumbent president, the head of the State and commander in chief ‘should be the president.’ It all depends on one’s stand point. But, this remains to be an issue of concern and sometimes add on to doubts about the independence of NEC from the undue influence and wishes of the appointing authority.

As explained in chapter two of this report, Article 41(7) of the Constitution of URT of 1977 prevents anyone from challenging presidential results once the same is announced by NEC. The provision states,

[W]hen a candidate is declared by the Electoral Commission to have been duly elected in accordance with this Article, then **no Court of law shall have any jurisdiction to inquire into the election of that candidate** (emphasis supplied).

No matter what kind of complaints another candidate may have, such constitutional restriction leaves all parties aggrieved with the electoral processes for presidency to have no legal recourse apart from threatening to use ‘people’s power’ to enforce ‘justice.’ Despite being aggrieved, wisdom prevailed. The main opposition candidate, Lowassa and his team chose to keep quiet. Some months after the elections, Mr. Lowassa was quoted by the media saying he decided to keep quiet about his grievances for the ‘interest of the nation’s wellbeing.’

LHRC/TACCEO recommends that it is high time that such kinds of legal restrictions be removed from the legal framework as chapter two of this report argues further. Addressing political grievances in the court of law could be a better strategy to contain possible commotion after elections as the judiciary is still regarded as an independent institution to render justice.

5.7 DECLARATION OF THE RESULTS

Declaration of results is the ultimate state of the electoral processes. The results for councillorship and parliamentary seats were announced by the assistant returning officers and returning officers from the wards and districts respectively. Section 81 of the National Elections Act, Cap. 343 requires ‘immediate’ release of the results by declaring a candidate with majority of valid votes as a winner of the election. Article 41(6) of the Constitution of URT of 1977 provides the same for the presidential elections.¹⁰⁵

Only a few constituencies, some mentioned above, had delayed to announce results for parliamentary elections. Looking at the general trend in 2015 and especially by comparing with the 2010 elections, it seems there was a big improvement. The results were released quite swiftly even in those constituencies which are strong holds for the opposition. Until the time this report was being compiled less than 5 cases had been lodged in various registries of the High Court challenging the results. However, less number of cases lodged to avoid election results could be attributed to the presence of very high cost of petition (filing fees and security for cost charged by the court in order to file an election case) which amounts to Tshs 5 million. Therefore, it is risky especially when chances of winning the case are narrow. A discussion on this matter (cost of filing election petitions) was made under chapter two of this report.

A few days before the polling day the police force, the president and other senior public leaders issued strong warnings against all people who had planned to frustrate the final stage of the electoral process. The Inspector General of Police (IGP), Mr. Ernest Mangu, pictured below, appeared on a live TV programme during the release of the election results to reiterate police’s order on peaceful elections.

¹⁰⁵ It states, ‘any presidential candidate shall be declared duly elected President only if he has obtained majority of votes.’



Picture 5.23: IGP, Ernest Mangu on a live TV programme during the announcement of the election results across the country.

Five days before the Election Day, on 20th October, 2015 the President, Dr. Jakaya Kikwete handed over a total of 399 out of expected 777 police vehicles. A good number of the vehicles handed by the President to the police were actually riots control vehicles. A combination of pictures below shows more actions on what happened on 20th October, 2015:



Picture 5.24: H.E President Jakaya Kikwete inaugurating police vehicles and handing the same to the police leadership, IGP Ernest Mangu. The Minister for Home Affairs and Dar es Salaam's RC were also in attendance on 20th October, 2015.

As Nigerian political science professors once said, *'the electoral process is one of the bulwarks of democracy with voters as major stakeholders in the process. This is because, if the people lose confidence in the process, democracy as a system of populace participation in government will become a sham.'*¹⁰⁶ Therefore, the electoral processes are supposed to build public trust through transparency of the electoral activities and judicial processes once grievance arises instead of creating an intimidating environment. It is not certain why the State and its security organs invested so much in 2015 elections.



Picture 5.25: Streets and tallying centres were filled with heavy security troupes. Sometimes, the streets were temporarily closed down during the tallying and declaration of the election results in 2015

Whether it was a way of confirming the sensitivity of the 2015 elections and result announcement processes or preventing confirmation of results from other sources, immediately before the final declaration of the presidential results, LHRC/TACCEO's election ICT centre was ambushed by the police officers. Those officers alleged that the centre was counting, tallying and disseminating election results contrary to the law. A number of LHRC/TACCEO data clerks and officers were arrested. LHRC/TACCEO's equipments were seized and remained in the police hands at the time when this report was concluded. They tried to clarify all what is done by the centre, but all in vain.

¹⁰⁶ Ejue, B., and Ekanem, S. 'Voter Rights and Credible Election in Nigeria: The Imperative of Rethinking the Content of Citizenship Education.' *International Journal of Humanities and Social Science*, Vol. 1 No. 19; December 2011, pp. 284-294.



Picture 5.26: Press releases and physical follow-ups of the matter by LHRC/TACCEO's leadership. A deep clarification of legality of election observation and the e-procedures used to collect data from the field, seemed not to satisfy the police officers. It is not certain why the authorities were so much sensitive of the presidential results this time around than any other period in Tanzanian democratic processes.

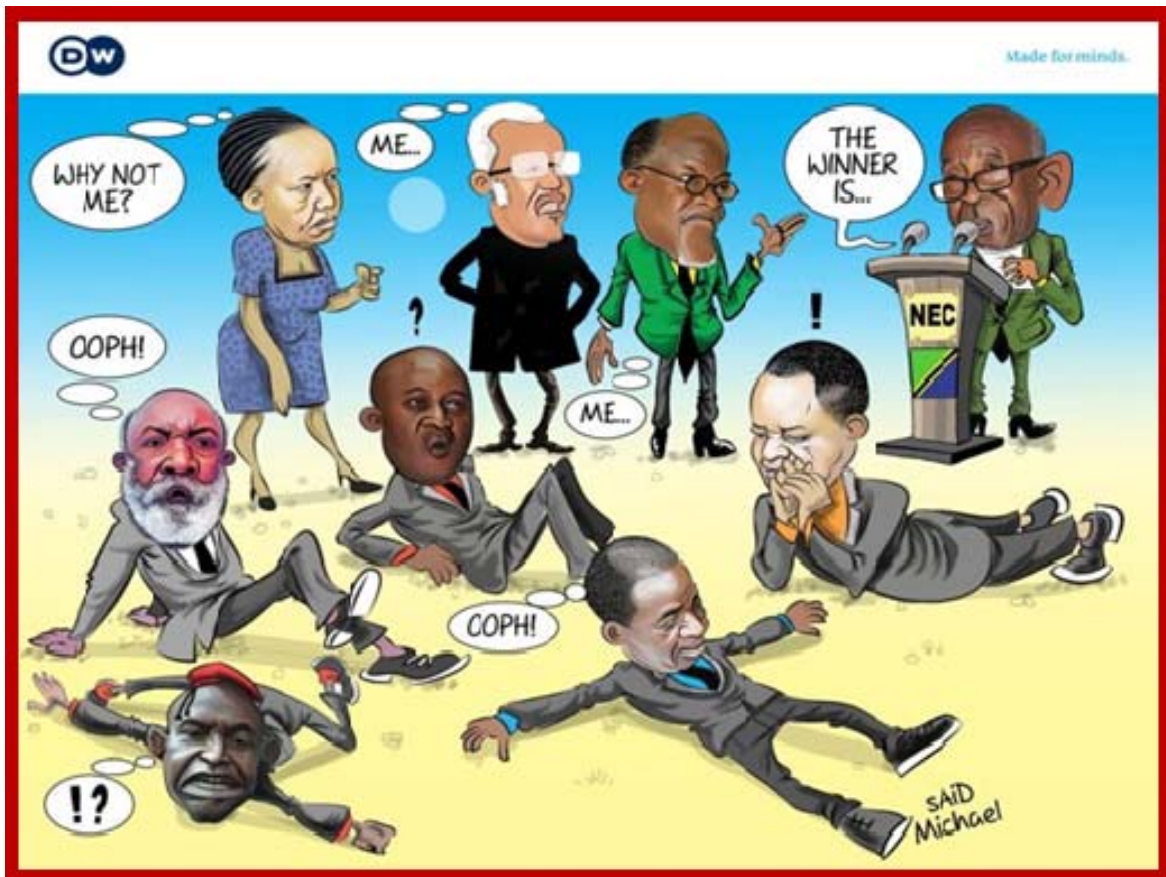
The effects of massive deployment of security organs in the management of the election processes during and after election results— were many, some being:

- (i) Failure of LHRC/TACCEO to retrieve some of its data collected from the field which were stored in the computers – now under the control of the police;
- (ii) Low turnout of voters in November and December 2015's countermanded elections; and
- (iii) Absence of celebrations and jubilation in the streets even after the announcement of Dr. Magufuli as the winner of presidential seat.



Picture 5.27: Left, Geita’s CCM supporters and Babati’s CHADEMA supporters celebrating the victory of their parliamentary candidates. But only few people went to the streets to celebrate the victories of their candidates, including that of presidential post.

The presidential election results were announced amid UKAWA criticism and boycott as stated above. The flow of provisional results showed the two giants, CCM and CHADEMA candidates were leading. On the part of Unguja, Zanzibar, it was CCM; while on the part of Pemba, Zanzibar, it was CUF. Overall, CHADEMA seemed to have secured majority votes from the northern and southern parts of the country, while CCM got its lead from the east, central, Lake Zone, and western part of the country. The third run-up was ACT-Wazalendo’s lady candidate, who was trading far away from the duo. The rest of the candidates for presidential race were really out of the race as the cartoon below suggests:



Media Clip 5.2: The provisional presidential results suggested that it was only three candidates who were really on the race. The rest of the candidates were in ‘pathetic’ condition, with relatively little hope as the cartoon picture jokes.

It was Dr. Magufuli, the CCM candidate who was declared the winner of the 2015 presidential election. According to NEC, the winner secured a total of 8,882,935 (58.46%) of the valid votes and Lowassa obtained 6,072,848 (39.97%); while Ms. Anna Mghwira, ACT-Wazalendo, obtained 98,763 (0.65%) votes. The fourth runner was Mr. Chief Lutalosa Yemba, ADC, 66,046 (0.43%) votes, followed by Mr. Hashim Spunda, CHAUMA with 49,256 (0.32%) votes; and the rest Mr. Kasambala Malik (NRA); Mr. Lyimo Elifatio (TLP); and Mr. Dovutwa Nasoro (UPDP) got 8,028 (0.05%); 8,198 (0.05%); and 7,785 (0.05%) votes respectively.



Picture 5.28: Left, the president-elect, Dr. Magufuli displaying NEC's declaration certificate; right, Dr. Magufuli after being sworn in as the president of URT.

5.8 ACTION POINTS ABOUT VOTING, COUNTING, AND TALLYING OF VOTES

The chapter has illustrated and discussed how the voting, counting and tallying of votes, as well as declaration of the results were handled in the 2015 elections. There are also specific recommendations per each issue of concern raised. Below are action-points, which NEC and other election stakeholders need to consider for future improvement:

- (i) Names of voters should be displayed outside the polling stations where a voter is going to vote at least two weeks before the Election Day;
- (ii) Changes regarding voters' polling stations should be sufficiently communicated to the voters at least one month before the Election Day – to be communicated through grassroots leadership and displaying of voters' register on the notice boards;
- (iii) Number of assistant returning officers to be increased because some of the polling stations had more than four rooms for one assistant returning officer to oversee;
- (iv) All polling stations to be designated and located in public places and not at residential houses;
- (v) Complain mechanisms which include prompt response from NEC to be adopted in order to address voters' enquiries right on the polling stations;
- (vi) BVR should be updated regularly (at least twice per annum) to avoid last minute disappointments of voters;
- (vii) Sufficient and quality facilities should be provided, including lights and torches;
- (viii) Legal framework to be amended in order to allow presidential results to be challenged in court of law.

CHAPTER SIX

SITUATION OF COUNTERMANDED ELECTIONS

6.1 INTRODUCTION

6.1.1 Countermanded Elections and their Constituencies

The legal framework on elections guarantees voters an opportunity to participate in election at another time set by the Commission if there is an occurrence of death to one of the candidates. So, when death occurs the party whose candidate dies would be given an opportunity to replace the deceased candidate with another one through internal party's nomination processes. On this matter, section 49(1) of the National Elections Act, Cap. 343, provides,

Where after four o'clock in the afternoon in the nomination day and before the close of the poll in an election, a candidate in a constituency dies, the Returning Officer shall, upon being satisfied of the fact of death, countermand the election in the constituency.

The elections can also be countermanded by the electoral commission by reasons of withdrawal of the candidate or for any other reasons,¹⁰⁷ including chaos and absence of election materials.

During the 2015 general elections, eight (8) constituencies (for parliamentary elections) and more than thirty (30) wards (for councillorship elections) had their elections countermanded (postponed) due to death of some of the candidates or delayed supply of election materials. The parliamentary election for Lushoto urban constituency, Tanga region, was postponed to 22nd of November, 2015 following the death of CHADEMA candidate, Mr. Mohamed Mtoi. Mr. Mtoi died from an accident on 13th September, 2015. The Arusha urban constituency had to defer its election to 13th December 2015 due to a sudden death of Mr. Estomih Mallah who was the parliamentary candidate for ACT-Wazalendo. Again, the death of Ms. Celina Kombani, CCM parliamentarian candidate for Ulanga East constituency in Morogoro was postponed to 22nd November, 2015. Ms. Kombani died in India on 24th September, 2015 when she was being treated.



Picture 6.1: From left, the Late Mr. Mohamed Mtoi; Mr. Estomih Mallah; and Ms. Celina Kombani.

¹⁰⁷ Section 50 of the National Elections Act, Cap. 343.

Others who died a few weeks before the Election Day were Dr. Abdallah Kigoda, Mr. Deogratius Filikunjombe, and Dr. Emmanuel Makaidi. Dr. Kigoda was a CCM parliamentary candidate for Handeni constituency in Tanga. He died on 12th October, 2015 in India where he had gone for treatment. Mr. Filikunjombe was also a CCM parliamentarian for Ludewa constituency in Njombe. He died in a plane crash at Selous National Park on 15th October, 2015. Dr. Makaidi, who was also the chairperson of NLD, one of the parties forming UKAWA, died in Lindi on 15th October, 2015. He was vying for parliamentary seat under NLD ticket in Masasi urban constituency.



Picture 6.2: From left, the late Dr. Abdallah Kigoda; Mr. Deogratius Filikunjombe; and Dr. Emmanuel Makaidi, 2015.

Elections for Handeni urban, Ludewa and Masasi urban constituencies were countermanded to 13th December, 2015. The wards which had their elections countermanded to other dates in November and December 2015 were Muleba, Uyole, Bukene, Msingi, Bomang’ombe, Kasulo, Ipala, Mvomero, and Nyamwilolewa due to the death of candidates; and 25 other wards, elections were countermanded due to some errors in the ballot papers. These were Ludete, Kiloleni, Malambo, Ngaresero, Mizibaziba, Tongi, Bukula, Bupumbwa, Mwambani, Itewe, Mkola, d Mbuyuni, Isebya, Matongo, Majengo, Songwe, Mkongobaki, Mahanje, Kagera, Milepa, Rujewa, Magamba, Mkongo-Gulioni, Lisimonji and Saranga.¹⁰⁸

6.1.2 TACCEO’s Observation Methodology and Coverage of Countermanded Elections

Apart from being an observer with the largest team and wider coverage during the 25th October 2015 general elections, once again, LHRC/TACCEO was accorded with a privilege to observe the countermanded elections. The coalition managed to observe four (being two-third) out of six constituencies namely, Arusha urban; Handeni urban; Ludewa and Masasi urban. The remaining two countermanded elections were not covered by LHRC/TACCEO because at the time when the election in Ulanga East and Lushoto were being conducted (on 22nd November, 2015) LHRC/TACCEO’s observers and its information unit were busy compiling the reports of more than 2,100 observers who were deployed countrywide in the general elections. A dozen of observers were deployed for the countermanded elections, and the coverage of the constituencies

¹⁰⁸ Mwandishi Wetu, ‘Changamoto za Uchaguzi Mkuu zimeacha Historia ya kipekee.’ Habari Leo, 5 January 2016. Accessed on 6th January, 2016 from: <http://www.habarileo.co.tz/index.php/makala/4978-changamoto-za-uchaguzi-mkuu-2015-zimeacha-historia-ya-kipekee>

monitored was 100%. For instance, 17 observers were deployed to Handeni urban constituency which has 12 wards. Therefore the coverage per each ward was at least two observers per ward.



Picture 6.3: LHRC/TACCEO’s observers in countermanded elections in 2015.

In Masasi urban constituency observers managed to cover all 14 wards (i.e 100%). However, owing to a huge number of polling stations (174 in total) it was not easy to observe all stations. The same applies to Arusha and Ludewa where observers covered all wards (100%) but not all polling stations.

The same observation criteria (as explained in chapter one of this report) were used. LHRC/TACCEO recruited and deployed experienced observers some of whom monitored the general elections in 25th October, 2015. The observers were required to observe not only general situations, but also, where possible, to advise and seek opinions from the election stakeholders including the police officers; political parties; returning officers; candidates; as well as parties’ supporters as a combination of pictures below shows:





Picture 6.4: Top-Left, LHRC/TACCEO Observers with Returning Officer for Masasi, Mr. Mathew Kagoro; Top-Right, LHRC/TACCEO Observers with OC-CID for Masasi; Down-Left, LHRC/TACCEO Observers with CUF leaders in Masasi; and Down-Right, LHRC/TACCEO Observer interviews CCM supporter in Masasi during campaign rallies.

6.2 PRELIMINARY ORGANIZATION OF COUNTERMANDED ELECTIONS

6.2.1 Voters' Registration and Authenticity

The chairperson of NEC, retired Justice Damian Lubuva announced that the same eligibility criteria and electoral procedures would be followed during countermanded elections in November and December 2015. That means, the same BVR cards and registers were to be used.



Picture 6.5: Justice Lubuva making announcements prior to the conduct of countermanded election in the six constituencies in November 2015.

There was no rectification of the challenges experienced during the October general elections regarding BVR or any other issues. LHRC/TACCEO noticed a number of incidents, whereby voters had issues with their cards, including missing of names and other essential information in the voters' registers. For instance, the assistant returning officer for Kwenjugo primary school, polling station 1, Handeni in Tanga, told LHRC/TACCEO observers in December 2015, that one of the main challenges which faced the voters in his station was lack of voters' photos in the register.

Some voters could not find their names in the register during these elections which also was experienced in the general elections in October 2015. LHRC/TACCEO observed in Masasi and Arush, papers bearing names of voters which were roughly hanged on trees and electricity polls as the picture below shows:



Picture 6.6: Voters' register pages nailed on the coconut tree, at Jida area in Masasi in December, 2015.

LHRC/TACCEO advises that voter register books should be kept in the local government offices so that voters could access their names for verification or updating at anytime they wish to do so. Sticking some pages of the voters' register on poles and branches of tree could facilitate unscrupulous people to fabricate pages, or remove them so that people could not see their names – and therefore, lose an interest to vote. It seems NEC and its grassroots officials did not pay attention to this issue because the names of voters were displayed long time before the Election Day. However, experience shows that people tend to remove names of voters from the public notice boards immediately after elections because the owners or users of election premises start occupying the same; or, sometimes, other announcements or advertisements are glued on top of the voters' names.

6.2.2 Nomination of Candidates in Countermanded Elections

The provision of section 49(2) of the National Elections Act, Cap. 343 makes it clear that, '*no new nomination shall be required in respect of any other candidate validly nominated at the previous nomination and every such candidate shall be deemed to have been already nominated unless that candidate gives notice of withdrawal.*' However, the law is silent on how and to

whom the said notice of withdrawal (if any) could be given. It is also not clear the time space within which such notice should be given.

Basing on the legal directives it is only parties which had lost their candidates were allowed to nominate new candidates for replacement. ACT-Wazalendo nominated Ms. Navoi Mollel (her picture in the coming sections of this chapter) as their flag bearer for Arusha urban constituency. It is not clear on how she was nominated. It seems that she was just picked having shown an interest. The rest of the candidates for the Arusha urban election were the same; namely, Philemon Olais Mollel (CCM); Godbless Lema (CHADEMA); Zuberi Mwinyi (CUF); and Rashid Mkama (NRA).

LHRC/TACCEO noticed that eight (8) CCM aspirants showed interest for Ludewa constituency. The aspirants were Philip Filikunjombe (brother of the deceased incumbent MP); the famous comedian, Emanuel Mgya (a.k.a 'Masanja Mkandamizaji'); Johnson Elly Mgyimba; James Mgya; Sephania Jwahula; Deo Ngalawa; Dr. Evalisto Mtitu; and Simon Ngatunga. According to LHRC/TACCEO's observation, Ludewa had more heated CCM's preferential campaigns and voting in such a way that aspirants were to campaign as if they already in the countermanded election campaign. Pictures below show some fliers and actions of the contestants in Ludewa:



Picture 6.7: Mr. Ngalawa; Mr. Philip Filikunjombe; Mr. Emmanuel Masanja 'Mkandamizaji'; and Mr. Mgyimba in serious party's nomination campaigns.

Finally, Deo Ngalawa had a landslide victory in both party's nomination and in the countermanded election for Ludewa. Even before the death of Filikunjombe the opposition parties seemed to have conceded the defeat as some of its members and candidates openly supported Mr. Ngalawa.

In Ulanga East, CCM conducted preferential votes whereby Godluck Mtinga, the son of the late Ms. Celina Kombani (former Minister), who was also the incumbent MP for this constituency, scooped a total of 731 votes (being 71%) out of 1,029.¹⁰⁹ In Handeni, CCM nominated Omar Kigoda, the son of the late Dr. Kigoda, to be CCM's flag bearer. Other parties with their nominees in brackets were Shundi Aidan (CUF); Daud Lusewa (CHADEMA); Doyo Hassani (ADC); Bakari Makame (TLP); and Bakari Mhina (AFP).

¹⁰⁹ Other CCM contestants were, Mr. Azizi Jawadi (134 votes); Mr. Thabit Dokodoko (52 votes); Mr. Agustino Matefu (41 votes); Mr. Wencheslous Ikumla (39 votes); Mr. Pontian Kipao (11 votes); Ms. Herrieth Mwakifulefule (9 votes); and Mr. Daud Kitolelo (8 votes).

It has been observed that the trend of ‘inheriting’ fathers and mothers’ constituencies is growing up on part of the ruling party, CCM especially during by or countermanded elections. In February 2014, CCM nominated Godfrey Mgimwa to stand for Kalenga constituency (in Iringa) by-election, following the death of his father Dr. William Mgimwa, who was the Minister for Finance during the time. In March, 2014 CCM nominated Ridhiwani Kikwete to contest Chalinze constituency during the by-election following the death of Said Bwanamdogo. Before Bwanamdogo, Chalinze constituency was under Jakaya Kikwete who left the seat open after his election as the President in 2005. Following the countermanded elections in November and December, 2015 in Ulanga East and Handeni urban constituencies, the parliamentary seats were ‘inherited’ by the sons of the deceased former ministers (mentioned above). Despite the fact that the sons and daughters of the former MPs or Ministers have constitutional rights to participate in the political life, but still this trend of inheriting leaves a lot to be disered, especially being elected due to the influence of their fathers and mothers.

As for Lushoto constituency, CHADEMA nominated Dickson Shekivuli as their replacement for the late Mr. Mtoi. The procedures for nomination of Mr. Shekivuli are not well known. It seems it was just like the case for ACT-Wazalendo in Arusha. CHADEMA just picked the candidate from among the aspirants. CCM had Mr. Shaabani Omar Shekilindi; ACT-Wazalendo had Mr. Mwajabu Kusaga; and Mr. Salim Kaoneka stood for CUF.

In Masasi constituency the countermanded election competition of December 2015 was mainly between CCM and CUF whereby, CCM was represented by Rashid Chuachua while CUF had Ismail Makombe (a.k.a Kundambanda- a famous comedian). Unlike the situation in Lushoto where UKAWA coalition had to replace the deceased candidate with another candidate from the same party in Masasi the situation was different. While the deceased candidate was a member and chairman of NLD party, UKAWA wanted to support CUF’s candidate who appeared to be a favorite choice for them. However, it is not certain why all parties to UKAWA coalition had their own candidates. Mr. Angelus Thomas was nominated by his party NLD; Mr. Swaleh Ahmad appeared for CHADEMA; and Mr. Omary Timothy, stood for ACT-Wazalendo. The end result was that Rashid Chuachua (CCM) got 16,597 votes, followed by Kundambanda (CUF) who got 14,019 votes, Swaleh Ahmad (CHADEMA) 512 votes, Omary Timothy (ACT-Wazalendo) 347 votes and Angelus Thomas (NLD) 70 votes.

6.2.3 Voters’ Education during Countermanded Elections

The essence of voters’ education is articulated in previous chapters of this report. LHRC/TACCEO did not come across any voters’ education conducted by any institution purposively for the countermanded elections. The media (including the social media) also shifted their attention to the aftermath of general elections, in particular, on the new governance approach by President John Pombe Magufuli. Quite very little was covered by media on these elections. Therefore, there was no effective way in which voters of these constituencies were informed and mobilized to participate in the countermanded elections. This could be one of the factors beyond voters apathy in the countermanded elections because, overall the turnout was very low.

The effects of absence or inadequate voters’ education and sensitization programmes specific for countermanded elections were many; including voters apathy, due to neglect to these elections as explained further in the coming parts of this report; ignorance in some of electoral rights and responsibilities; and mistreatment of voters by some of elites. This was the case for both voters

and election supervisors. For instance, the Assistant Presiding Officer of Mabanda Komoza II polling station in Dodoma region was alleged to have been demanding BVR cards of the parties' agents at the polling station. It was not immediately established as to why the officer needed the cards from the polling agents. It was also generally observed that voters lost interest to participate in these elections on perception that always elections are rigged and after all election was over because the new President had already been elected.

A person was heard in Masasi in December 2015 claiming that, it was wastage of time participating in elections because the president was already elected and the government is already in place. *'In fact, all parliamentarians for the 2015 elections were already sworn in parliament ... therefore, it is until next election.'* He was heard telling this to a group of fellow motorcyclists. Due to low level of voters' education some of voters were not able to cast their votes properly. At Msasa primary school, polling station 1, Handeni constituency in Tanga, LHRC/TACCEO observers witnessed a number of voters who were unable to follow simple voting procedures, a situation which could signify the importance of voters' education to them.

6.2.4 Countermanded Election Expenses

During campaigns before polling was conducted, only CCM, CUF and CHADEMA were able to engage in serious campaigns. As explained below, the three parties were able to hire public speaking systems, install huge platforms, bringing in the elected members of parliament to support their candidates, printing posters, hiring entertainment groups, pay for media coverage and even ferrying their supporters. The coverage of campaign in terms of numbers of campaign rallies and geographical outreach usually has financial implications. That is why, according to LHRC/TACCEO's findings, CCM with stronger financial muscles had more than 36 campaign meetings conducted for Arusha constituency, while other parties, like CHADEMA and CUF had only 17 campaign meetings for the same constituency. Smaller parties were more unable to organize many meetings and their fewer meetings attracted very few listeners.

An analysis of the amount of money spent by the political parties for each of these elections was not obtained. That could be made to the office of Registrar of Political Parties in the due course.

6.2.5 Role of Election Stakeholders

As it was the case for the general elections, the countermanded elections were monitored and coordinated by several stakeholders, including the law enforcers (police and PCCB), NEC through the returning officers, political parties themselves and their supporters, and the election observers from within and foreign ones as Picture 6.8 below shows:



Picture 6.8: LHRC/TACCEO observers with the British Embassy's delegates.

The NEC did its work quite impressively, in that, save for a few polling stations which had lack of some materials; at least 90% of the stations were supplied with sufficient materials including ink, ballot papers, forms, booth, and table lamps. Moreover, there were sufficient and timely deployments of assistant election officers in all polling stations which LHRC/TACCEO managed to visit in the four constituencies. However, as stated above, there were few assistant election officers who were not keen to perform their responsibilities as the law requires. An example of demanding agents of political parties voters' ID mentioned above is one of the uncommon incidents which occurred. Moreover, in Handeni, one of the LHRC/TACCEO's observers was restricted access to the polling station by the polling officers, on the ground that she did not obtain a letter from the Returning Officer. The poor polling officer who was ignorant of the procedures found NEC's ID as inadequate.

Suprisingly, in some of the constituencies, in November and December 2015 countermanded elections military personnel were deployed; who were roaming around the streets, especially in Arusha urban constituency, prior to, during and after the elections. It was not immediately established on the reasons for military deployment in civil activities. Some of the LHRC/TACCEO's respondents in Arusha were of the opinion that presence of the military terrified them especially due to the fact that it was their first time to see military men performing police work.

It is a world-over known fact that only police force and other civil law enforcers are regarded as election stakeholders. Therefore, NEC and other government authorities should not engage the military in elections next time.

6.3 ELECTION CAMPAIGNS

6.3.1 Rules Governing Elections

The same legal requirements on how to conduct election campaigns are supposed to be applicable in the countermanded elections. Section 51 of the National Elections Act, Cap. 343 prohibits NEC and government officials from organizing election campaigns. Therefore, only candidates or their political parties and agents have the right to carry such responsibilities. However, campaign schedules are supposed to be submitted to the Returning Officers for synchronization in order to avoid conflicting meetings. The opening and closure time lines for campaigns are the same.

6.3.2 General Trend of Countermanded election Campaigns: Schedules, Turnout, and Styles

Generally, the election campaigns were organized and run quite smoothly in all constituencies. There were a few incidents observed by LHRC/TACCEO, whereby candidates prolonged their meetings beyond 6.00 PM. For instance, on 12th December, 2015, Mr. Henry Shekifu who was campaigning for CCM at Chanika ward, Handeni in Tanga, finished his speech at 6.45 PM. Some isolated incidents of assaults were also reported during these elections. For instance, one Andrew James (a.k.a ‘*stimingi*’) who is CHADEMA’s supporter was apprehended on the allegation that he injured Ms. Fatuma Jumbe in Handeni. There were also some clashes between CHADEMA and CCM supporters in various places including Kwenjugo area, Handeni in Tanga region.

All parties observed their campaign schedules. The only unusual incidence occurred in Arusha, whereby while CCM’s campaign climax meeting was supposed to be conducted at Sakina Car Wash grounds – according to the schedule approved by the Returning Officer, the meeting place was suddenly changed. When the party regional secretary was asked about the sudden changes, he said it was intentionally done in order to escape the media and election observers.

Regarding the supporters turnout in these election campaigns, the turnout was relatively low compared with turnout before the general elections. The ‘small’ and ‘inexperience’ parties such as ACT-Wazalendo, NRA, TLP, and NLD which participated in the countermanded elections, had lower turnout of supporters in comparison with CCM, CUF and CHADEMA as photos below show:





Picture 6.9: Upper: political rallies from left to right, ACT-Wazalendo, CCM and CUF meetings in Masasi in December 2015. Down: from left CCM and CHADEMA meetings in Arusha fully packed with supporters.

The most heated elections were Arusha urban and Masasi between CHADEMA and CCM (Arusha urban), and CUF and CCM (Masasi) respectively. Opposition parties were relatively weak in Ludewa, Ulanga East, Lushoto and Handeni. Even the final results margin between CCM and its opponent was bigger than it was the case for Masasi. Therefore, active and ‘live’ campaigns were witnessed in Arusha urban and Masasi, where various styles were used to win the supporters and voters’ attention. The styles included, ferrying of supporters to and from campaign venues (CCM in Masasi); organizing campaign meetings in ‘potential areas’ such as busy market streets (CCM and CUF, Masasi); door-to-door canvassing (all parties in all constituencies); use of elected MPs from various constituencies (CCM, CHADEMA and CUF in Lushoto, Masasi and Arusha urban constituencies); use of former presidential candidate (CHADEMA in Arusha urban constituency); use of entertainment groups (CCM in Masasi); fliers and posters (CHADEMA and CCM in Arusha urban); and massive use of social media (CCM and CHADEMA in Lushoto, Ludewa and Arusha urban). The pictures below show some of those styles:



Picture 6.10: Upper row: CCM in use of ‘free’ public transport; Mabaga-Fresh Musicians; and Ms. Hawa Ghasia, an MP for Mtwara Rural and also former Minister. Down row: CUF meeting in Jida ground, Masasi and Mr. Maulid Mtulia, CUF MP for Kinondoni, Dar es Salaam, supporting his party’s candidate in Masasi.

6.3.3 Use of Abusive or Offensive Languages

As it was noted in the main chapter on campaigns (of this report), the use of abusive language is restricted under the electoral laws and rules in Tanzania. Only a few incidents of abusive languages were heard in the countermanded elections which LHRC/TACCEO monitored. The experience shows that use of such languages normally occur in the high competitive elections, as it was the case during the general elections in October 2015, where each candidate was trying to win voters’ attention by degrading the opponents’ reputation. However, immoral behaviour of the candidates was not an important factor to reject or support a particular candidate.

Isolated incidents of the use of offensive remarks were heard especially in Masasi urban constituency, mainly between CCM and CUF candidates and their supporters. For instance, on 17th December, 2015 while at Sululu area in Masasi, CCM campaigner, George Mkuchika, who was also a former Minister of State, President’s Office on Good Governance, said that Masasi people should not vote for CUF candidate because he was a standard seven leaver; and that, he (Mkuchika) could not afford sitting in various meetings in the region with an ‘illiterate’ leader like the CUF candidate, Mr. Ismail Makombe (Kundambanda). The former Minister maintained his discriminative remarks on 18th December, 2015 while in a political rally at Nyasa ground, Masasi. On 19th December, 2015 one of the CUF’s campaigners called OC CID of Masasi ‘*mpumbavu*’ (a fool). On the same scene, Mr. Selemani Said Bungara (CUF’s Kilwa South MP), said that they will not accept the defeat ‘*even if it may amount to death.*’ Such kind of remarks if allowed to continue could provoke the citizen to engage in violence.

6.3.4 Use of State Resources

The use of state resources was also vivid in some places. For instance, the Handeni DC was actively engaged in CCM’s campaign meetings while he was supposed to remain neutral as the head of district security team – to serve all parties. On 18th December, 2015 at Nyasa area, the Minister for Information, Culture, Artists and Sports, Mr. Nape Mnauye attended his party campaign and made some interesting remarks as a Minister.



Picture 6.11: The Minister for Information and Sports, Mr. Nape Mnauye in a striped T-shirt campaigning for CCM candidate (Mr. Rashid Chuachua) at Maendeleo ground, Mkomaindo in Masasi.

The Minister, Mr. Nape who is also CCM's national publicity and ideology secretary, while scorning CUF's candidate, he said the candidate is unfit for 'professional' position of parliamentarian; instead, he deserves to be a mere artist. He said, '*mimi ni Waziri wa Michezo na Sanaa, nimekuja hapa ili baada ya uchaguzi nimchukue Kundambanda ambaye ni mgombea wa CUF, ili nikampe ajira ya usanii inayomfaa ...*' (I am the Minister responsible for sports and arts, I have come here so that, after elections, I pick Kundambanda who is CUF candidate and offer him a job as an artist, which is the most appropriate for him ...).

Minister Nape, who is also CCM MP for Mtama constituency in Lindi, went further remarking that, Masasi voters should understand that it is CCM's election manifesto which is currently being implemented. Therefore, choosing the opposition is like 'mortgaging' Masasi constituency because no opposition manifesto will be implemented for the coming five years. He therefore, 'advises' the voters 'not to make mistakes' by voting the opposition. Instead, he encouraged them to vote for CCM's candidate '*ili aendane sawa na kasi ya Rais wa Jamhuri ya Muungano wa Tanzania, Dk. John Pombe Magufuli*' (so that he could keep pace with the President of URT, Dr. John Pombe Magufuli).

It is quite obvious, Mr. Nape Mnauye, being the Minister, was willfully attempting to unduly influence voters to favor CCM. Speaking with high level of authority as the senior government official, and to the people most of whom are not well educated, could easily influence voters to vote for the party in power even if they do not want the ruling party's candidate. He actually 'induced' the people to vote for the party and not the candidate who would hear and represent their voices.

LHRC/TACCEO reiterates its recommendations that retired heads of state and incumbent government leaders of any position, even if they hold political positions in their parties, should be prohibited from actively engaging in election campaigns in support of other candidates. This is for purposes of creating a fair playing ground between political parties. A meaningful democratic process is the one which creates favorable political grounds for every political party, including the minority ones.

6.3.5 Participation of Special Gender Groups

Only one female candidate, Ms. Navoi Mollel (ACT-Wazalendo) vied for parliamentary position in the six by-elections conducted between November and December 2015.



Picture 6.12: Ms. Mollel, the lady in red garment, vied through ACT-Wazalendo in Arusha urban Constituency.

The lady candidate conducted a very few campaign meetings which were also graced with extremely low turnout. However, it is not certain whether this situation was attributed to gender insensitivity – taking into account that women are less favored for political positions due to cultural norms which undermine their ability to stand for the so-called complicated positions. Her background, especially political experience was not obtained to widen our analysis about her engagement in politics.

All gender groups, namely; women, men, youths, as well as children actively participated in the elections. Most of the rural based campaign meetings had more women attending than urban based meetings, which were predominantly attended by male youths.



Picture 6.13: Women and children in Masasi rural attending campaigns.

LHRC/TACCEO observation revealed also that the universal right of franchise is yet to be enjoyed by some of the gender groups. In Handeni, for instance, some women were forced by their husbands to support and vote for the political parties which the husbands were affiliated to. One resident of Handeni, Mr. Rajab Ibrahim Komba, told LHRC/TACCEO team at Chanika polling station II, that he actually commanded his wife, Ms. Mwajuma Nassor to vote for CUF because this was his favorite party. Ms. Mwajuma Nassor confessed to have been bulldozed by her husband to vote for his party. Similar incident of forcing women to vote for parties which men like involved Mr. Msisiri Ally who was reported to have beaten his sister, Ms. Asia Ally just because the young lady preferred to support CUF instead of supporting CCM which is preferred by their family members. To Mr. Ally, joining CUF instead of CCM was a betrayal to the ‘family’ on who to vote for.

These few incidents could be amplified to explain the broad picture on the long journey towards a complete civic awareness amongst gender groups. There are so many things which the current module of voters’ education misses. This one, that is cultural influence over civic rights, is not widely and effectively addressed. LHRC/TACCEO is of the view that it is high time civic engagement which focuses on gender equality is widened to capture all practical issues as happening on the ground.

The third gender-related issue of concern in the just ended countermanded elections was about participation of PWDs. Basing on the generalized findings, LHRC/TACCCEO noted only a few, may be one or two PWDs persons attending campaign meetings in the constituencies which held elections. This situation, as it has been discussed in previous chapters, could have been attributed to a number of factors, some being limited mobility for physically challenged persons; lack of sign language interpreters in those meetings; and security threats. For instance, LHRC/TACCEO noticed in Masasi, during CUF’s meetings, the campaign ground was surrounded by riot squad police vehicles. Such kinds of political environments could be regarded as intimidating and threatening for persons with mobility challenges in case of violence.

The forth gender issue noticed especially in Handeni and Masasi was high level of illiteracy among women, especially old women. For instance, at one of the Matawale ward's polling stations in Masasi, at least 20 women came with their assistants to help them cast their votes. However, some of the people around thought that the women were induced by their husbands to pretend as illiterate so that the one who escorts them could ensure that they voted for a party which their husbands or male relatives wanted.

Be that as it may, LHRC/TACCEO is of the view that NEC should come out with a friendly voting mechanism for PWDs and illiterate voters. They can still be allowed to use a thumb-mark instead of a pen. They can be educated to look for the party's logo or face of the candidate they wanted. They can be assisted by the assistant polling officer but not with the person from outside the polling station. Something better could be done for these gender groups.

6.4 VOTING IN THE COUNTERMANDED ELECTIONS

6.4.1 Arrangement of Polling Stations and Voting Materials

As it was stated above, NEC did a very good work to ensure that all election kits or materials were available at the polling stations in all constituencies which LHRC/TACCEO managed to observe. There were few isolated incidents where some materials especially ink were missing or inadequately supplied. For instance, one of the Matandi polling stations in Masasi missed an official stamp, a situation which delayed the voting process for some hours.

The second 'usual' voting challenge which LHRC/TACCEO noted in 2010 and 2015 general elections, persisted during these elections was the type of polling venues allocated. Some of the polling rooms were small cubes with limited ventilation. For instance, the Mkomaindo stations I and II in Masasi rooms were tiny, with only one entrance/ exit door. It was very difficult for a less than 10 feet width room to accommodate polling officers, election materials including the booth and voters at the same time. In this kind of situation, privacy of voting becomes an issue of concern. For instance, at the Matwaleni Primary School station II in Masasi, the polling booth was very close to where the election officers and polling agents were located. Besides, there were too many directives to the voters inside the polling room from the assistant returning officers.

Contrary to the election laws which prohibit use of residential houses as polling stations, some of the stations were designated and placed at residential premises. For instance, the Kituo cha Ofisi ya Mtendaji Kata (WEO) polling stations 1 and 2 (at Handeni) were hosted in the residential premises of Ms. Digna Peter. Other polling stations were in the private shops as the picture below shows:



Picture 6.14: Two rooms polling stations located in the same house with a butcher in Masasi.

In Masasi, Mnazini polling stations I and II were all under the cashew nut trees. Quite unfortunately, on the polling day it rained heavily, an incident which forced the polling officials to look for an alternative venue which was a private residential house. That house too was not secured. It had leaked roofing. Then, the polling ‘stations’ were to be installed in an emergence tent around the area. The tent polling stations were also seen at Majimaji area, Masasi, as the picture below shows (blue tents with white roofing behind LHRC/TACCEO observer and security officers).



Picture 6.15: Two tents - polling stations at Majimaji area, Masasi, in December, 2015.

6.4.2 Opening and Closure of Polling Stations

It was observed that all polling stations (100%), which LHRC/TACCEO managed to visit were already opened at 7.00AM; and, most of them (more than 95%) had no voters on the lines by

4.00 PM apparently due to low turnout in all constituencies which had countermanded elections in November and December, as explained further in the coming sections of this chapter.

Moreover, polling agents from all parties that participated were present in all polling stations visited except in some few polling stations. Some agents in the polling rooms were not conversant with limits of their mandate, such that they wanted to interfere in the polling work and demanded to verify almost everything done by the polling officers. Basic integrity checks such as sealing and recording of ballot boxes were done well. However, some of the polling staff did not bother to record the number of ballots received. But, as said earlier on, such acts and omissions did not affect the outcomes of the election.

6.4.3 Voters' Turnout

The voters' turnout was low in all constituencies which conducted countermanded elections. For instance, at Handeni urban constituency, out of a total of 38,610 registered voters the turnout was only 13,591 (being only 35.2%). Therefore, 64.8% of the registered voters did not appear for the election. The turnout in some of the polling stations was worse, whereby less than one-third of the registered voters voted. For instance, the Kwedizungu Malezi polling station at Handeni, a total of 307 voters registered but only 91 (being 29.6%) of them actually went to vote.

In Masasi the turnout was relatively higher than other constituencies which participated in the countermanded elections. In general, the turnout recorded was 52% of the total voters in the register. However, there was a significant decline from October general elections which recorded a turnout of 71.7% for presidential election. The apathy gap of 19.7% created within two months is an issue of concern.

In Lushoto constituency a total of 57,178 voters were registered. However, only 24,902 (being 43.6%) voted in November 2015 election. In Arusha urban constituency, which is well known to be the stronghold of CHADEMA, the turnout was only 32.8% during the countermanded election held in December 2015.



Picture 6.16: Polling officers relaxed to wait for voters to come in their stations in Arusha. A photo on the left was obtained from the Citizen Newspaper in December 2015.

The turnout for Arusha urban for Presidential election in October 25 was 69.4%. Therefore, the apathy gap of 36.7% was created within two months.

LHRC/TACCEO attempted to investigate on the problem of apathy, and speculated the following possible reasons, as factors attributed to low turnout during the countermanded elections in November and December, 2015:

- (i) The climatic condition in November and December was not favorable. Most parts of Tanzania received heavy rainfalls during this period. For instance, it heavily rained in Masasi on the voting day. Therefore, some voters remained indoors to avoid 'inconvenience.' In connection to this, some of the polling stations, as stated above, were unfriendly – located in open spaces;
- (ii) Most of the youths who appeared to support UKAWA were 'depressed' by the results. A youth in Arusha urban, for example, said that he does not want to vote again because '*malengo yetu hayakutimia tarehe 25 Octoba 2015*' (our objectives were not realized on 25th October, 2015). This means, the presidential candidate he supported was not elected as president as he expected. Several youths randomly interviewed in Arusha had the same opinion;
- (iii) Incidents of buying voters' BVR cards were common as it was the case during the general elections in October 2015;
- (iv) Intimidations of women by the family members as said earlier, especially in Handeni constituency. This situation was attributed to low level of education among women; and also, the culture of coast regions which make men superior in almost everything including giving permission to a family member to vote or affiliate to a particular political party;
- (v) The nullification of Zanzibar's election by the chairperson of the Zanzibar Electoral Commission (ZEC) had a big impact in the countermanded elections. Some people started losing trust in the electoral process. One of the social media users in Dar es Salaam posted on facebook a statement saying, '*if one person can delete the decision (votes) of millions of citizen in a ten minute order, then, I will never vote again. Bad enough senior public leaders cherish the ZEC chairperson's decision, while legal experts tell us there is no law which mandates ZEC or any person to annul election results ...*'. Probably, this could be the same feeling for hundreds and thousands of voters in Tanzania;
- (vi) Presence of frightening political environment could also be another factor, whereby, during and after declaration of the presidential results, police officers and military soldier were deployed in many parts of the country, including the six constituencies where countermanded elections were being conducted;
- (vii) Generally, December is regarded as the festival or holiday month, whereby, some people tend to travel to their home villages for Christmas and New Year holidays. Besides, some of the learning institutions remained closed during this period. For instance, in Masasi, Mkomaindo Clinical and Medical College situated at Mkomaindo ward and Migongo Secondary School remained closed for holidays at the time of the elections.

6.5 COUNTING, TALLYING AND DECLARATION OF THE RESULTS

Following the low turnout, the counting, tallying and declaration of the results was easy and almost immediate after closure of voting. Tight race was between CCM and CUF in Masasi, whereas in Arusha urban, Handeni, Lushoto, Ludewa and Ulanga East it was easy to predict the outcome.

There was disregard of some essential requirements during the closing of polling stations. At least 50% of the stations observed by LHRC/TACCEO, some legal requirements were not adhered to. For instance, unused ballots were not cancelled, counted or recorded as it is required. Similarly, counterfoils of used ballot papers were not generally counted and basic ballot reconciliation was not undertaken.

In very isolated cases, tallying of results from polling stations at ward level was delayed due to mainly, geographical settings (distances) and insufficient supply of light. For instance, the tallying exercise at Mkomaindo ward in Masasi delayed for some hours because the tallying centre did not have light. That automatically delayed tallying of result at constituency level to the extent that the process had to go on until midnight at the Masasi municipal council's Hall as the picture below shows:



Picture 6.17: Tallying of results at Masasi's Council Hall at midnight.

The delay in tallying of the results caused anxiety to the CCM and CUF supporters, who were eagerly waiting for the final results in huge crowds outside the municipal hall. As the tension mounted, police decided to disperse them by using tear gas bombs.

However, the declaration of results in all constituencies was also peaceful. CCM won in Lushoto, Ulanga East, Ludewa, Masasi urban, and Handeni urban constituencies; while CHADEMA won in Arusha urban constituency.



Picture 6.18: MPs elect, Mr. Omar Kigoda (Handeni urban); and Mr. Godbless Lema (Arusha urban).

The CCM candidate for Arusha urban constituency, threatened to challenge Mr. Lema’s victory in court, claiming that there was fraud in the entire process, including absence of signatures of election officials, use of unauthorized rubber stamps, intimidation of CCM polling agents, stealing of votes and allowing unauthorized people into counting and tallying centres.

Moreover, the CUF candidate for Masasi also rejected the results claiming that the election was marred by irregularities which he did not specifically mention. However, his director of election, Mr. Sheweji Mketto conceded the defeat immediately after the announcement of results.



Picture 6.19: CCM supporters celebrating victory in Masasi, in December 2015.

6.6 SECURITY ISSUES DURING AND AFTER ELECTIONS

The only issue of concern regarding security in countermanded election was the decision of the government to deploy armed military soldiers and allow them to roam around the streets. To

many people this was a sign of suppressing political opponents who wanted to protest the results. As said earlier on, the government was reacting against occurrence of violence after the announcement of the presidential results. Unlike the situation in the past, the declaration of the winner for presidential post in 2015 was not welcomed with jubilation. Many voters especially the youth who supported UKAWA were dismayed. However, militarization of the security in election affected the campaigns and voting was outside the scope of LHRC/TACCEO's observation team. But, based on few interviews on security issues during elections, it seemed that a good number of voters were threatened by the unusual situation – of seeing their streets guarded by the military men apart from the police force.



Picture 6.20 Police moving around in Masasi during Campaigns in 2015.

The other security issue which happened involved LHRC/TACCEO's observer in Arusha. He was somehow mistreated by OCS of an outpost at Baraa ward on the Election Day. It was alleged that the OCS sent out a text message order to his subordinates that, the observers should not be allowed to stand outside the polling station called Kwa Mrefu I. The militia men reacted on the order by sending the observer outside the station. No explanation was given about the order. On another incident, the councillor of Ngarenaro, Mr. Isaya Doita under CHADEMA was arrested by the police on allegation of causing chaos at the polling station while it was not the case.

6.7 ACTION POINTS ABOUT COUNTERMANDED ELECTIONS

This chapter covers situation of countermanded elections which were conducted in November and December 2015 following the deaths of some candidates. The countermanded elections involved six constituencies mentioned above. The main issue of concern as observed by LHRC/TACCEO was low turnout of voters during these elections. The situation seems to have been attributed to a number of factors (discussed above), including presence of military men on the streets with their tanks. Other issues included the challenge relating to voters' IDs; capacity of some political parties to campaign; and poor polling stations (in some places). The specific recommendations are provided per each issue of concern. Below are action-points which NEC and other election stakeholders need to consider improving future elections:

- (i) NEC, CSOs and other election stakeholders to educate the public on the importance of any election including countermanded or by-elections by insisting that these elections have equal importance as general elections;

- (ii) All stakeholders to pool resources in order to coordinate and manage these elections in the same way as the general elections;
- (iii) Election stakeholders to implement all other action points indicated elsewhere in this report because they are relevant to the conduct of free and fair elections.

CHAPTER SEVEN

ZANZIBAR ELECTIONS, 2015

7.1 GENERAL INTRODUCTION

Zanzibar is a semi autonomous territory within the United Republic of Tanzania (URT), but has its own government, parliament and president. As Figure 7.1 below shows, Zanzibar is comprised of Unguja and Pemba Islands. Historically, Zanzibar was the most famous hub of slave trades and spice production in the World during colonial time. After Bantu-speaking Africans, later in 10th century Persians and Arabs arrived but the territory was dominated particularly by Arabs from Oman before the British colonized it. The slave trade was abolished in 1873 and in 1890 the British declared Zanzibar a protectorate. Zanzibar was granted independence by the British on 10th December, 1963, thus ending seventy- three years of British colonial rule. A month later on 12th January, 1964 there was a revolution that overthrew the ZNP/ZPP coalition government and abolished the monarchy and abrogated the independence constitution of 1963.¹¹⁰ From then on Zanzibar was ruled by decrees until 1979 when the first post-revolution constitution was enacted.¹¹¹

Figure 7.1: The Map of Zanzibar.



¹¹⁰ BBC 'Zanzibar overview – Profile.' Accessed on 23rd December, 2015 from: <http://www.bbc.com/news/world-africa-14115177>

¹¹¹ TACCEO (2010) Report of the Tanzania General Elections of 2010.

Few months later after revolution of 1964, Zanzibar and Tanganyika united to form the URT.¹¹² According to Tanzania Population Census of 2012, Zanzibar has a Population of 1.3 million, with an Area of 2,461 sq km (950 sq miles) as indicated in the Map of Zanzibar above.

The majority of people living on the Isle are Muslims, speaking mainly Kiswahili. Economically, Zanzibar depends mainly on fishing; tourism and agriculture especially spice crops such as cloves. Tourism is Zanzibar's newest and biggest industry. But most of the people of Zanzibar have yet to benefit from it; the average wage is less than one USD per day.

The 1979 Constitution of Zanzibar, among other things, provided for the separation of powers by establishing distinct organs of state power. In particular, it separated the legislature from the Revolutionary Council (the executive branch). The House of Representatives (parliament) had power to legislate over all matters of Zanzibar and to supervise government activities by way of parliamentary debates. The judiciary was made independent from the Revolutionary Council. Moreover, the Constitution provided for the elections by the universal adult suffrage of the President of Zanzibar instead of being elected by the Revolutionary Council as it used to be. According to that Constitution, the president had to win by at least 50% of the votes cast in the election. In 1984, the new Constitution of Zanzibar (as amended) was adopted and it is the one which is now in force.

7.2 ELECTORAL MANAGEMENT SYSTEM IN ZANZIBAR

Zanzibar has its own electoral management system similar to that of the Union Government. Despite the fact that registration of political party and administration is a union matter, Zanzibar has its own legal and institutional frameworks of electoral management. Elections are managed by the Zanzibar Electoral Commission (ZEC). Zanzibar follows the same political system as the URT. The winner of election process is obtained by simple majority, that whoever gets more votes is automatically declared as the winner, which is commonly known as '*First Past the Post*' (FPP) system. Zanzibar also practices proportional representation electoral system that gives parties an opportunity to allocate special seats for women.

7.2.1 Legal Framework

The legal framework governing the electoral process in Zanzibar comprises of the Constitution of Zanzibar, 1984 (as amended up to 2010), the Constitution of URT of 1977 and various other laws enacted either by the Zanzibar House of Representatives or Parliament of URT to enable Zanzibaris to participate fully in electoral process.

Basically, apart from the Zanzibar Constitution, the main guiding legislation for Zanzibar election is the Zanzibar Elections Act, 1984.¹¹³ However, the National Elections Act govern the

¹¹² A republic was established and 26th April, 1964 the presidents of Zanzibar and Tanganyika, on the mainland, signed an act of union, forming the United Republic of Tanzania while giving semi-autonomy to Zanzibar.

¹¹³ Act No. 11 of 1984. The main legislation governing elections in Zanzibar is the Zanzibar Elections Act, of 1984. This law, which was enacted during the one-party political systems, governs the elections of the President of Zanzibar, members of the Zanzibar House of Representatives as well as councilors. The law recognizes the establishment of the Commission under the Constitution of Zanzibar, and underlines its duty to supervise

union election for Zanzibar. For example, it provides that, *‘for the process of handling Union elections in the isles the registration of voters and to the register of voters to elections to the House of Representatives of Zanzibar shall mutatis mutandis be the law for the registration of voters and the register of voters in Tanzania Zanzibar for the purposes of this Act.’* The union elections are those for the president of URT and the members of parliament of the union. Another law is the Registration of Zanzibaris Resident Act, 2005¹¹⁴ which established the Zanzibar Identify Card Registration Office. The office has an overall duty of registering Zanzibaris and issuing identity cards to all Zanzibaris from the age of 18.

a) Constitution of Zanzibar of 1984

The same rights and duties provided in the URT Constitution are also provided by the Zanzibar Constitution of 1984. The Constitution of Zanzibar established the ZEC as an institution responsible for management of elections in Zanzibar.¹¹⁵ The Zanzibar Constitution was revised in 2010 after referendum was carried in 2010. All the procedures pertaining to elections in Zanzibar are well elaborated in the Zanzibar Constitution.

The Constitution of Zanzibar also lays down eligibility criteria for any Zanzibari to participate in elections. For instance, Article 7(1) of the Constitution stipulates that any Zanzibari who has attained the age of 18 years shall have the right to vote in the election taking place in Zanzibar and that is subjected to other provision of the Constitution and law applicable in Zanzibar on election matters. The Constitution compels the House of Representatives to enact a law and make provisions which may bar a Zanzibari from exercising the right to vote according to several reasons articulated in the law and the Constitution. For that matter then, the House of Representatives enacted various laws including the Zanzibar Election Act (cited above) to guide the election of the President, members of the House of Representatives and councilors for Zanzibar.

The Constitution of Zanzibar also requires the enabling legislation to establish a permanent register of voters and provide procedure of correcting the content of that register; to indicate the area and the period of residency in the electoral constituency for the purpose of voting; the procedure of enabling a voter registered in one part to vote in another part and conditions of implementing that procedure; to provide duties and functions of the Electoral Commission and procedure for every election conducted under the leadership and supervision of ZEC.¹¹⁶ More details about ZEC’s compositions and functions are discussed in the following sub-chapter.

The URT constitutional limitations and challenges have been discussed in chapter two of this report. The same constitutional and legal challenges undermining the freedom to participate in electoral process and democratization in Tanzania Mainland affect the electoral process in

elections on the isles. The Chief Executive Officer of the Commission is the Director of Elections whose office is established under Section 7 of the Act.

¹¹⁴ Act No. 7 of 2005.

¹¹⁵ Article 120 of the Constitution of Zanzibar.

¹¹⁶ Article 19 of the Constitution of Zanzibar.

Zanzibar as well. For instance, it is strictly prohibited to access any court of law to challenge any decision of ZEC or results of presidential candidate once declared as the winner by ZEC.¹¹⁷

The same Constitution subjects any citizen who wants to contest as a candidate in election must be a member and sponsored by a political party that has permanent registration in accordance with Political Parties Registration Act, 1992 so that he/she can be nominated as the political candidate. A discussion on private candidate is in chapter two of this report.

b) The July 2010 Referendum and the Government of National Unity

In order to avoid more political clashes in Zanzibar due to the failure of the previous political agreements (*muafaka* or accord I and II)¹¹⁸ a year before the 2010 general elections in Zanzibar the process of forming the government of national unit (GNU) started. In order to legalize the formation of GNU the process of introducing a referendum system through which the people of Zanzibar could decide whether or not they would like to have GNU was also put in place.

The process of forming the GNU was guided by two pieces of legislation; one on the referendum and the second on the structure of the envisaged government of national unity.¹¹⁹ A special session of the Zanzibar House of Representatives was convened in August, 2010 to amend the Constitution of Zanzibar of 1984 to accommodate GNU.¹²⁰ The former Zanzibar president, Mr. Amani Abeid Karume, assented to the 10th constitutional amendments number 9 of 2010 on 13th August, 2010; only four days after the Zanzibar House of Representatives passed the Bill on 9th August, 2010, to usher in the GNU.¹²¹

The 10th Constitutional amendment provided that the political parties winning seats in the Zanzibar House of Representatives would form GNU on the basis of proportional representation.

¹¹⁷ Article 34(7) of the Constitution of Zanzibar.

¹¹⁸ The first attempt to address the political impasse in Zanzibar was undertaken by the Commonwealth Secretariat. The then Secretary General of the Commonwealth Chief Emeka Anyaoku sent his special envoy, Dr. Moses Anafu, to try and bring the two sides together and reach an understanding. Dr. Anafu arrived in Zanzibar in February, 1998 to start his new assignment. He met with representatives of the two parties, government functionaries, non- governmental actors and members of the civil society in general, academic and other people of interest. Out of this interaction, he came out with proposals for the parties to consider. By July, 1998 CUF had studied and agreed with the proposals made by Dr. Anafu. While the the 2nd Accord between CCM and CUF came much later after a great loss of not only limb and property, but life as well. This was after the demonstrations of 26th and 27th January, 2001 in Unguja and Pemba and also the beatings, arrests and incarceration of CUF leaders in Dar es Salaam including the Chairman, Prof. Ibrahim Haruna Lipumba and Frank Magoba, the then CUF Member of Union Parliament for Kigamboni constituency in Dar es Salaam. The damage during this whole fracas was huge

¹¹⁹ On 31st July, 2010 a referendum was held in the whole of Zanzibar and two-thirds of Zanzibar is supported the establishment of a government of national unity after the October, 2010 elections.

¹²⁰ The meeting at State House Zanzibar on 5th November, 2009 between President Amani Karume and Civic United Front (CUF) Secretary General Maalim Seif Sharif Hamad which paved way to maridhiano - the source of peace and tranquillity in Zanzibar. Then a meeting took place at the Zanzibar State House in November, 2009 which was to change the history of the isles. It was between the President of Zanzibar Mr. Amani Abeid Karume and the Secretary General of the opposition CUF. What was agreed was and is still a mystery today and not recorded anywhere. However, the results surprised everybody. For the first time in eight years CUF recognised President Karume and the discussion for the possibility of establishing GNU began.

¹²¹ See: Part CXIX NO. 6380, the Zanzibar Government Official Gazette of 26th August 2010.

The new proposed GNU system brought to an end the old constitutional arrangement of the first past the post. It was believed that the GNU is part of the permanent solution to Zanzibar's political crisis emanated after the first post revolution multiparty general elections held in 1995.¹²²

In the new constitutional arrangement, there is a president and two vice presidents. The position of Chief Minister was removed from the constitution. The President comes from the party winning the highest number in the presidential race. The President then appoints the First Vice President from the political party which came second in the elections. Then the President appoints the Second Vice President from his own party. The Second Vice President is the leader of the government business in the Zanzibar House of Representatives. There is no agreed formula on how the cabinet positions should be shared among the participating political parties.¹²³

c) Zanzibar Election Act, 1984

The Zanzibar Election Act, 1984¹²⁴ was enacted to repeal the old Election Act. The Election Act, 1984 made provisions for the election of Chairman of the Revolutionary Council and the President of Zanzibar, the election of members of the House of Representatives, and the election of local authorities. It was under this Act that provisions were made for the Electoral Commission to regulate the above stated elections in terms of registration of voters, appointment of candidates, election campaigns, and election procedures which include provisions relevant to polling, counting and declaration of results.

Under this Act, the ZEC is empowered to divide Zanzibar in electoral constituencies and polling districts. The only legal requirement was to publish the division so made in the Government Gazette.¹²⁵ Registration Officers were appointed by the electoral commission, one for each constituency, and every such officer was in charge of the polling.

The Act recognizes the establishment of the ZEC under the Constitution of Zanzibar, and underlines its duty to supervise elections on the Isles. The Chief Executive Officer of the Commission is the Director of Elections whose office is established under Section 7 of the Act. Other matters governed by the Election Act, 1984 include voter registration, nomination of candidates for the elections of the president, members of the House of Representatives and local government; and elections campaigns. There are also offences which relate to elections and dispute settlement on issues relating to elections and the powers of the courts of law in election matters.

¹²² TACCEO (2010) The Tanzania General Election Report of 2010.

¹²³ It is expected that the political parties forming the government of national unity will inter alia, that "the President within 14 days immediately after the appointments of the First Vice President and Second Vice President, in consultation of both Vice Presidents, collaborate in all the issues relating to this government including the sharing of ministerial posts. It is expected that matters will be smooth in the process of the formation of a government of national unity unlike the protracted struggles witnessed in the countries trying to come-up with coalition governments after controversial elections like Zimbabwe and Kenya.

¹²⁴ No. 11 of 1984.

¹²⁵ Sections 4 and 4 of Election Act 1984.

As already said, The National Elections Act, Cap. 343 is also applicable in Zanzibar for union presidential and parliamentary positions. As Tanzanians, Zanzibaris are also entitled to elect the president of URT and also members of parliament to represent them in Parliament (the National Assembly). In this regard, a Zanzibari can cast a total of five votes in the general elections. Under normal circumstances one would have expected NEC to have full presence in Zanzibar in order to be able to conduct and organize elections for union positions on the Isles. However, in order to implement its activities in Zanzibar NEC has ceded some of its powers to the ZEC.¹²⁶

During the 2015 election the controversy about the use of Zanzibar's Voters Register was called into question by critics when Zanzibar election was nullified by the ZEC chairperson. Critics argued that if ZEC declares the Zanzibar election process as canceled on the part of Zanzibar why it should not affect the two votes casted for the union president and members of parliament from Zanzibar? It should be noted that Zanzibar elections and union elections are two sets of democratic activities which should be handled by two different institutions. The controversy on the part of the union president that came out after nullification of the Zanzibar election was inevitable because of this relationship between ZEC and NEC. However, NEC disregarded this issue and held that nullification of Zanzibar election did not affect the union election.

d) Registration of Zanzibaris under the Resident Act, 2005

The Registration of Zanzibaris Resident Act, 2005¹²⁷ provides for the establishment of the Zanzibar Identity Cards Registration Office. The duties of the Director of this office include registering every Zanzibari resident in Zanzibar who has attained the age of eighteen years and above; issuing identity cards to every registered Zanzibari resident in Zanzibar; and maintaining a record of all Zanzibaris resident in Zanzibar. The Act also applies to Zanzibaris who are resident in Zanzibar but who are outside Zanzibar.¹²⁸

7.2.2 Zanzibar Electoral Commission

Like Tanzania Mainland and the union government, Zanzibar has the electoral management body (EMB) responsible for the election management in Zanzibar (ZEC). ZEC is one of the key organs responsible for election management in Zanzibar together with RPP. Other relevant government institutions for electoral management include the judiciary and the police which are both union matters have been analyzed in chapter two of this report. This part will discuss the mandate of ZEC.

The mandate of the Zanzibar Electoral Commission are defined in the Constitution of Zanzibar, 1984; Election Act, 1984; Zanzibar Electoral Commission Act, 1992; and the Referendum Act, 2010. These functions are:-

¹²⁶ Section 12 of the National Election Act of 1984 provides that, '*for purposes of the conduct of Parliamentary and Presidential elections in Tanzania Zanzibar, the law relating to the registration of voters and to the register of voters to elections to the House of Representatives of Zanzibar shall mutatis mutandis be the law for the registration of voters and the register of voters in Tanzania Zanzibar and the Commission shall register any person in Tanzania Zanzibar who is only entitled to be registered as a voter for election of the President of the United Republic.*'

¹²⁷ Act No. 7 of 2005.

¹²⁸ TACCEO (2010), The Tanzania General Election of 2010.

- (i) Overall supervision of the elections of the President, Members of the House of Representatives and Local Government leaders;
- (ii) Review of numbers, names and boundaries of electoral constituencies in Zanzibar;
- (iii) Updating the permanent voters' register;
- (iv) Conduct and supervise referenda in Zanzibar.

ZEC is composed of eight members, who are the Chairperson, Vice Chairperson and other two commissioners who are appointed by the president. Other two members are also appointed by the president on the recommendation of the leader of government business in the Zanzibar House of Representatives. The president also appoints other two members of the Commission recommended by the opposition leader in the Zanzibar House of Representatives or political parties. Then two members, one is appointed from among the judges of the High Court of Zanzibar and another from elsewhere.¹²⁹

In order to make its duties more effective ZEC developed Strategic Plan to guide its future operations. Since its establishment in 1993, ZEC has supervised four general elections, numerous by-elections and a referendum in Zanzibar. However, ZEC has been facing a lot of historical challenges in managing electoral processes in Zanzibar. For ZEC to be effective and efficient it still needs to continue to raise organizational standards and strengthen its reputation as an independent and professional electoral management body during the current five year strategic planning cycle.¹³⁰

¹²⁹ Articles 119 (1) of the Constitution of Zanzibar, 1984. It states, *'there shall be a Zanzibar Electoral Commission which shall have the following Members: a) the Chairman appointed by the President in the manner deems fit; b) two members appointed by the President on the recommendation of the Leader of government business in the House of representatives; c) two members appointed by the President on the recommendation of the Opposition Leader in the House of Representatives or if there is no opposition leader by consultation with the political parties; d) One member appointed by the President from among the judges of the High Court; and, e) One member appointed by the President as he sees fit.'*

¹³⁰ ZEC (2015), Five Years Strategic Plan -2015-2016 available at http://zanzibar.verxol.com/wp-content/uploads/2015/05/2015_ZEC-Strategic-Plan-Final.pdf

Despite the fact that the current composition of ZEC has some positive contributions in GNU, LHRC/TACCEO is of the opinion that ZEC commissioners should be appointed on the basis of their profession and longer on their political affiliations. Appointing ZEC commissioners basing on political parties seems to now affect the credibility of ZEC as the main electoral body entrusted to oversee elections in Zanzibar. Prof. Peter notes¹³¹ as follows:

On almost all issues, Commissioners seem to decide and actually vote on party lines. It has been difficult for the commission to come up with progressive initiatives because they will always be a subject of interpretation on partisan line depending on the source.

Both NEC and ZEC as it was elaborated in other parts of this report face similar challenges that undermine their credibility and trust to the public. The Chairman of ZEC and most of the commissioners are single handedly appointed by the president, hence becomes difficult for them to command the confidence of the public that they are capable of conducting free, fair and credible elections. Their independence and impartiality is affected by the fact the appointing authority may also be a presidential aspirant and the chairman of CCM in Zanzibar.

According to Mwalusanya, in order to have free and fair election in multi-party democracy there must be an independent electoral commission which must be seen to be independent beyond reproach.¹³² Therefore in order to have free and independent ZEC, more legal reforms are needed to ensure that before these members are appointed a vetting process is done, at least to guarantee their impartiality. LHRC/TACCEO discourages the appointment of ZEC Commissioners on the basis of their political affiliation.

Moreover, there were institutional issues raised in 2015 between ZEC and NEC especially on the demarcation of the election constituencies on the part of Zanzibar. ZEC demarcated Zanzibar's constituencies to reach 54 for 2015 elections; while NEC coordinated elections in Zanzibar basing on former 50 constituencies' boundaries, which existed before 2015. As a result, the Kijitoupele constituency of Zanzibar did not conduct election in 2015. Also, the Fuoni constituency of Zanzibar failed to conduct election of members of House of Representatives. Note that, Articles 74 and 75 of the Constitution of URT of 1977 compels NEC to consult ZEC in discharge of its responsibilities. Likewise, Articles 119 and 120 of the Constitution of Zanzibar, obliges ZEC to consult NEC in the discharge of its responsibilities.

¹³¹ Peter, C. M., 'Recent Development in Zanzibar: From Muafaka to Maridhiano and the Government of National Unity' in Peter, C.M and Sikand, I. (eds) Zanzibar: The Development of the Constitution. Zanzibar Legal Services Centre Publication Series Book No. 3, 2011, at page 212 or See Jesse, J. (2016) 'The Administration of Elections: The 2015 General Election Experience.' A Paper Presented to the University of Dar es Salaam. Convocation Symposium on 22nd January, 2016 with the Theme: Reflections on Post 2015 Tanzania General Election.

¹³² Justice James L. Mwalusanya, 'Conditions for the Functioning of a Democratic Constitution' in Mtaki. C.K and Okema, M., Constitutional Reforms and Democratic Governance in Tanzania, Friedrich Naumana Foundation and University of Dar Salaam, 1994, at page 22-28.

7.3 ZANZIBAR'S ELECTIONS IN 2015

For the first time after reintroduction of multi-party elections in 1992, Zanzibar held its election in 1995 whereby, the ruling party emerged the winner. The opposition CUF rejected the outcome and alleged vote rigging. CCM won in 2000 and 2005 in elections characterized by violence and fraud accusations. It is only in 2010 after the agreement to form GNU that results were not disputed by CUF. In 2000 many CUF supporters fled to Kenya after deadly clashes with the police especially in Pemba. Both parties signed a reconciliation agreement in 2001, but political tension persisted.¹³³

The formation of the 2010 GNU was necessary to prevent violence in subsequent elections. After long protest against the 2005 election results, CUF agreed with CCM in 2009 to amend the constitution to usher in the GNU. The voters in a July 2010 referendum accepted proposals for rival political parties to share power.



Picture 7.1: President Mohammed Shein (Right) and Zanzibar First Vice President Maalim Seif in one of their official events as GNU leaders.

The 2015 election was unique and competitive because of many factors including the formation of UKAWA alliances and defection of long serving CCM cadres to opposition parties. In Zanzibar the CUF was appointed to represent UKAWA camp. The presence of UKAWA on the Isles made the election in Zanzibar competitive and historic as it was the case for Mainland Tanzania – chapter four of this report.

7.3.1 Voter Registration

In Zanzibar, the voters' registration and process of election for president of Zanzibar and members of House of Representatives was administered and managed by ZEC. The BVR was not used in Zanzibar as it was on the Mainland. Two rounds of registration for new voters and updating of the Permanent Voter Register were conducted in 2013 and 2015 respectively. A total

¹³³ *Ibid.*

of 503,860 voters were registered in 2015. Due to increased number of registered voters, the total number of polling centres was 380 and Polling Stations were 1,582.

The registration of voters in Zanzibar is somehow confusing because of the legal requirements. It should be emphasised that Zanzibaris have two categories of election; one for Union President and Members of the union Parliament; and second for Zanzibar leaders (Zanzibar President, Representatives and ward councilors). Any one who is registered as a voter is eligible to vote for Union Presidential candidate in Zanzibar. However, for anyone to be an eligible voter and vote for Zanzibar leaders must be registered first as resident of Zanzibar and obtain Zanzibaris Identity Card (ZanID) as per the Registration of Zanzibaris Resident Act, 2005¹³⁴ which provides for the establishment of the Zanzibar Identity Cards Registration Office.

Voter Registrations Challenges in Zanzibar

Thus, the said ZanID is required in order for one to be registered for Zanzibar election. Thousands of people especially the youth have repeatedly complained that they were unable to apply for ZanID because *Shehas* (grassroots executive leaders) refused to provide letters of residency.¹³⁵ Surprisingly even those who successfully managed to obtain the necessary documents to apply for ZanID, a number of them did not receive ZanID thus were unable to vote. For instance, about 2,230 residents were registered as new voters in Micheweni District in Pemba Island, but 900 were unable to obtain voter's card, according to estimates by CUF agents. This has disenfranchised approximately one third of new voters. In districts across Pemba, the rate of exclusion varies from one third to one fifth of potential voters. The Zanzibar Law Society's President insisted that the problem was acute and even his own son was one of the victims.



Picture 7.2: Voter Registration process in Zanzibar.

¹³⁴ Act No. 7 of 2005.

¹³⁵ The problem was said to be targeting CUF supporters.

According to our respondents in Zanzibar, it was alleged that ZanID were wrongly distributed to three groups: mainlanders, under-age voters, and mercenaries instead of their intended recipients. Under normal situation, mainlanders cannot obtain ZanID unless they have lived in Zanzibar for over a decade. However, in July, Mr. Pereira Silima, the Deputy Minister for Home Affairs, privately acknowledged to a diplomat that it was possible that non-Zanzibaris were registered to vote on the Isles.¹³⁶

Some Mainlanders have testified to having been transported to places where they were accommodated and fed before being escorted to receive the documents required for registration.¹³⁷ For instance, residents in Tumbatu alleged to have witnessed the arrival of 400 adolescents holding ZanID intending to register as voters.¹³⁸ The Shehas were blamed by many to be behind these undemocratic practices which affect the credibility of elections in Zanzibar.

Again, during the registration process there were unusual practices of using purported security organs against Zanzibaris who were keenly following the registration process. The use of security officers was viewed as a way to prevent Zanzibaris from scrutinizing the registration process.¹³⁹ Surprisingly, these groups were deployed *en masse* in the capital, central and southern rural districts. When registration commenced in urban areas during the week commencing 22 June, residents of Magharibi A and B wards suffered repression by armed groups on a daily basis, as it was for CUF supporters in Magogoni, Mtoni and Bububu constituencies.¹⁴⁰

On the other hand, the militia known as *Ninja* or *Zombi* stationed themselves outside BVR stations allegedly to deter CUF agents from scrutinizing the process. Armed groups, called *Janjaweed* by locals, were said to be behind attacks on residents in their homes and at local businesses.¹⁴¹ This unsecured situation affected a number of journalists who were on the

¹³⁶ Tanzania: State is facing electoral commissions' negligence', *The Indian Ocean Newsletter*, Africa Intelligence (10 July 2015).

¹³⁷ Fumba, Kizimkazi (southern coast of Unguja), southern part of peri-urban Stone Town and Mkoani Town outskirts (Pemba) are among the places where these events were observed.

¹³⁸ The arrival, by night, of army boats at private jetties in Kizimkazi (Unguja) and Mkoani (Pemba) has been documented by local residents and CUF agents.

¹³⁹ These include *Kikosi Maalum Cha Kuzuia Magendo* (KMKM), *Jesha la Kujenga Uchumi* (JKU), *Kikosi Cha Valantia* (KVZ), Field Forces Unit (FFU), Fire Brigade and police. See Ally Saleh, 'Straight Talk: Zanzibar now at the mercy of hooligans', *The Citizen*, (5 July 2015): <http://www.thecitizen.co.tz/oped/-/1840568/2775828/-/rm4pcp/-/index.html> and video captured by CUF: <https://www.youtube.com/watch?v=Rx9feOSAFhI>

¹⁴⁰ 'Waandishi watishwa mwengine apigwa', *Zanzibar Yetu* (30 June 2015): <https://zanzibariyetu.wordpress.com/2015/06/30/waandishi-watishwa>

¹⁴¹ On Tuesday 23 June, CUF members walked out of Zanzibar's House of Representatives, leaving Islanders pessimistic that the GNU would resolve the situation.¹⁴¹ That Sunday, 28 June, three CUF supporters were shot at Makunduchi, Southern District. CUF Deputy Secretary General, Nassor Ahmed Mazrui, has written to the Commissioner of Police, Hamdan Omari Makame, and to the president of the ZEC, denouncing seven major incidents of violence and intimidation. Fearful that their views are going unheard, CUF and 20 other parties refused to sign the Electoral Code of Ethics in July. See 'State is facing electoral commissions' negligence', *The Indian Ocean Newsletter*, Africa Intelligence, 10 July 2015. See also Mwinyi Sadallah, '21 political parties in Zanzibar say 'No' to Election Code of Ethics', *The Citizen* (10 July 2015): <http://www.thecitizen.co.tz/News/Political-parties-in-Zanzibar-say-No-to-Election-Code/-/1840340/2782606/-/lrfat3z/-/index.html> See also: 'Wanasiasa wakataa kusaini waraka wa maadili ya uchaguzi', *Zanzibar Yetu* (10 July 2015): <https://zanzibariyetu.wordpress.com/2015/07/10/wanasiasa-wakataa-kusaini-waraka-wa-maadili-ya-uchaguzi/>

frontline revealing such misconduct by those security groups. For instance, one journalist was beaten and left unconscious near Maisara playground; others were threatened at their workplace, Coconut FM was raided by security officers in Migombani.¹⁴²

The situation drew tension in Zanzibar to the extent that CUF members on Tuesday 23 June, 2015 walked out of Zanzibar's House of Representatives for the purpose of forcing the GNU to resolve the situation. For instance, on Sunday, 28 June, 2015 three CUF supporters were shot at Makunduchi, Southern District.¹⁴³ It is therefore because of this situation that CUF and 20 other parties refused to sign the Electoral Code of Ethics in July.¹⁴⁴



Picture 7.3: group of Ninja/Zombi in one of their operations in Zanzibar.¹⁴⁵

According to Zanzibar Legal Service Center (ZLSC), more people testified to ZLSC accusing ZEC and local leaders for this conspiracy against opposition parties in Zanzibar. For instance, Mr. Abdulrahman Charles Kurwa, Director of Planning and Election of CUF at Uzini Constituency accused CCM leaders for providing the Zanzibar ID cards and voting cards at many areas of the Unguja Island to Mainlanders. This was even witnessed by ZLSC/ TACCEO observers on September 29, 2015 at Tunduni CCM when a bundle of Zanzibar IDs and receipts were issued to Mainlanders.

The election in Zanzibar could not therefore be said to be free and fair if state machinery were used to intimidate people of certain political affiliation during registration process. Election manipulation can be traced far behind campaigns days and voting day. This situation in Zanzibar during voter registration created a situation of fear among Zanzibaris towards 2015 polls.

¹⁴² See press release issued by Association of Zanzibar News Journalists for Development / *Chama cha Waandishi wa Habari za Maendeleo Zanzibar* (WAHAMAZA), cited on 'Waandishi watishwa mwengine apigwa', *Zanzibar Yetu* (30 June 2015): <https://zanzibariyetu.wordpress.com/2015/06/30/waandishi-watishwa>

¹⁴³ CUF Deputy Secretary General, Nassor Ahmed Mazrui, has written to the Commissioner of Police, Hamdan Omari Makame, and to the president of the ZEC, denouncing seven major incidents of violence and intimidation.

¹⁴⁴ See also: 'Wanasiasa wakataa kusaini waraka wa maadili ya uchaguzi', *Zanzibar Yetu* (10 July 2015): <https://zanzibariyetu.wordpress.com/2015/07/10/wanasiasa-wakataa-kusaini-waraka-wa-maadili-ya-uchaguzi/>

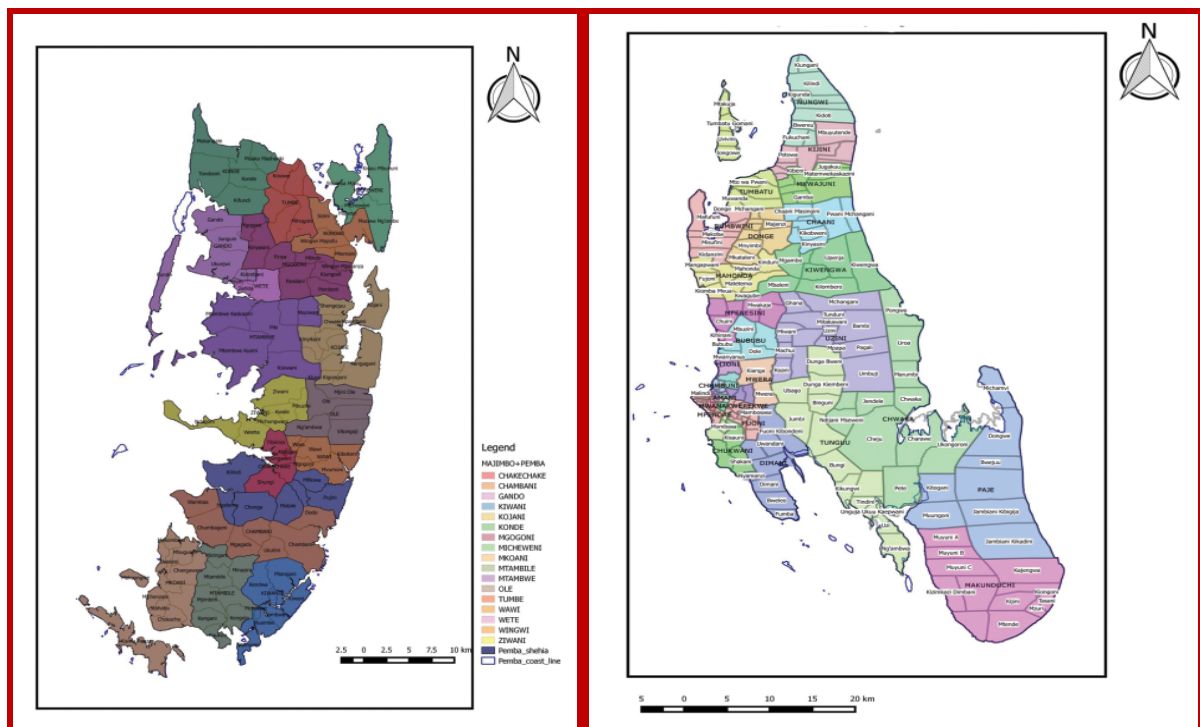
¹⁴⁵ <https://zanzibariyetu.wordpress.com/2015/12/07/kikwete-na-ukatili-wa-mazombi/>. Accessed on 24/1/2015

7.3.2 Constituency Demarcation

According to the Constitution of Zanzibar, ZEC has the mandate to demarcate electoral constituencies.¹⁴⁶ Pursuant to Article 120 of the Constitution every constituency shall elect one person to be member of the House of Representatives in a manner that shall be laid down by this Constitution or any other law.

The House of Representatives may by law fix the minimum number of election constituencies being not less than 40 and the maximum number not exceeding 55. All the constituencies shall as far as possible have an equal number of residents as ZEC may determine, however the ZEC may dispense with this condition to the extent deemed appropriate taking into consideration; a) the size of the population particularly ensuring appropriate representation in urban areas and towns in rural areas thinly populated; population growth; and, c) the means of communication.

Figure 7.2: Pemba and Unguja Constituencies



The Constitution of Zanzibar requires ZEC to review electoral constituencies regularly between 8 and 10 years, or any other time the House of Representatives decide to do so. The last major review was conducted in 2005. Before this election, ZEC conducted another major review and increased the number of Constituencies from 50 to 54. The four new constituencies were created in Unguja only to make the total number of constituencies in Unguja to be 36 while Pemba remained intact with the same 18 constituencies. In Pemba, the number of wards was increased from 121 to 130; while in Unguja, the number increased from 210 to 257.¹⁴⁷

¹⁴⁶ Article 65.(1).

¹⁴⁷ See Ministry of Local Government announcement in the Gazeti on 8 May 2015.

Manipulation of Demarcation Process

The process of demarcating or reconfiguring Shehias, or wards, and subsequently parliamentary constituencies in Zanzibar received a lot of criticism from various groups mainly CUF and CSOs. In May 2015, the government Gazette announced plans to divide and redistribute Shehias across several constituencies. Such redistribution was viewed by many as the political strategy to dilute the influence of opposition voters. As stated earlier on, the number of constituencies for members of House Representatives increased from 50 to 54 but, surprisingly, all the four additional constituencies were added in Unguja only which is perceived to be a stronghold for CCM and Pemba constituencies, which is CUF's stronghold, remained intact.

It should be remembered that before, Pemba had 18 constituencies and Unguja had 32 constituencies which makes a total of 50 Constituencies for members of House of Representative and 50 constituencies for members of union parliament. The plan of ZEC and NEC to increase more constituencies in Unguja where CCM has a strong base but not in Pemba was highly condemned as a conspiracy to dilute the power of opposition parties in Zanzibar.

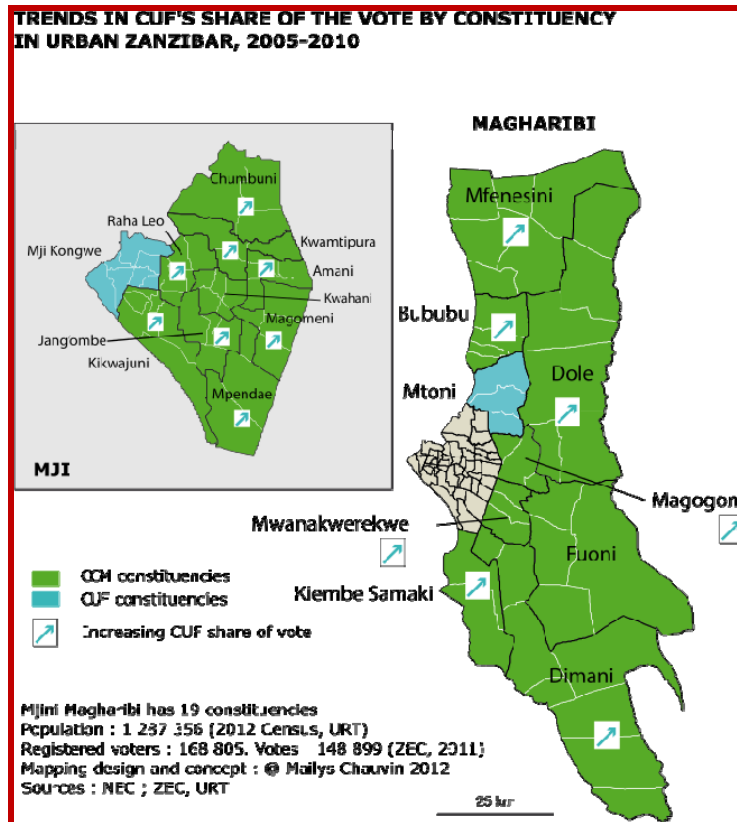
There is an allegation that in July 2015 the NEC recommended eliminating two constituencies in Pemba, reducing the number of seats in the Zanzibar House of Representatives and the Union parliament in Dodoma, and adding seven in Unguja. This proposition could not go through at ZEC perhaps because of its composition (ZEC has two commissioners from CUF and two from CCM). After declining to follow NEC proposal ZEC decided instead to leave Pemba intact and established four new constituencies in Unguja.¹⁴⁸

The attempts to manipulate the electoral map in favour of a certain party or candidates have been a problem not only in Zanzibar but also in Tanzania Mainland.¹⁴⁹ For instance, the Kiembesamaki constituency has two members of the House of Representatives and one Member of Parliament for union parliament. The demarcation exercise was done very late and without sufficient consultation with the public and political parties. This has even affected party nomination process.

¹⁴⁸ Accessed on 24th December 2015 from <http://www.africaresearchinstitute.org/tag/zanzibar-voter-registration/>

¹⁴⁹ In the Magharibi/West district, which has over 400 000 inhabitants, three Shehias were redistributed into Magharibi A and Magharibi B districts, while new wards are created; Mwera, Welezo and Mto Pepo in Magharibi A and two others in like Chukwani and Kijitoupele in Magharibi Bin Magharibu B district. Three constituencies remain intact; all of which elected CUF MPs who now serve as ministers in the GNU (Mr. Ali Mazrui for Mtoni, Mr. Juma Duni Haji for Bububu and Magogoni for Mr. Jihad Hassan). Bububu constituency has tripled in size by incorporating two *shehias* which were in Dole constituency, which supported CCM, and one from Mfenesini which was described as a 'stolen' constituency in 2010 election results. Mtoni has been widely reconfigured and two new constituencies created under the names of Mto Pepo and Welezo. Mwera also emerged as a new constituency.

Figure 7.3: The Map of Urban Zanzibar.



The map above shows the strength of CCM in Unguja after 2010 election and how the plan of adding more constituencies only in Unguja can be viewed as a conspiracy between ZEC/ NEC and the ruling party to give CCM more seats in the House of Representatives and in the Union Parliament.

7.3.3 Nominations and Registrations of Candidates

All political parties participated in 2015 Zanzibar elections successfully nominated their candidates at all levels and submitted to ZEC for registration and nomination. The registration/nomination process by ZEC is guided by Part V (A) of the Elections Regulations of 2008 which provide detailed procedures for a candidate from a registered political party to be registered/nominated for presidential, House of Representatives or local council contest.¹⁵⁰

¹⁵⁰ In order to be validly registered for the Presidential candidate, a person must be nominated in writing by not less than two hundred nominators who are registered voters from each of the five Regions of Zanzibar. Further requirements include financial deposit and a statutory statement declaring that his/her qualifications to run as a candidate, to be a Zanzibar by birth of age at least 40 years old, to be a member of the House of Representatives and be a member of and nominated by a duly registered political party.

According to both the Constitution and the Zanzibar Election Act the candidate so nominated by the National Executive Council of his/her party shall stand in a general election, where upon the registered voters shall be given opportunity to cast ‘yes’ or ‘no’ votes in electing the chairman of the Revolutionary Council and the president. Upon attaining more than 50% of the total votes cast, the candidate shall be announced the winner and he or she shall be declared by ZEC to be the chairman of the Revolutionary Council and the president of Zanzibar. If, on the other hand, the candidate so voted for has received not more than 50% the total votes cast, the nomination process shall start again and the entire election exercise shall repeat in respect of some other appointees.¹⁵¹

Every political party that took part in the Presidential elections submitted to the Zanzibar Electoral Commission one name of its member for Presidential elections for Zanzibar. For election of members of the House of Representatives, primary nomination of candidates started at the constituency levels. From the constituency level one or more names are sent to the Central Committee of the party and finally to National Executive Committee of the party for final approval. The certified candidate for each constituency was then referred to the electoral commission for election purposes.



Picture 7.4: Presidential candidates picking ZEC nomination forms.

Pictured above are; CHAUMA, CCM and ADC presidential candidates picking ZEC nomination forms in Zanzibar. The process of candidates’ nominations from the party level to the ZEC level went smoothly without any complaints unlike Tanzania Mainland where the party nominations process resulted into conflicts and crossing from one party to another.

The registration and nomination of candidates by ZEC was concluded on the 6th of September 2015. For the House of Representatives Election there were 180 candidates from 17 political parties, and for the local Government Election there were 385 candidates from 18 political parties. Unlike Tanzania Mainland, ZEC nominated 14 candidates for presidential position in Zanzibar. Despite the big number of political parties it was only the CCM and CUF that managed nominate candidates to all 54 Zanzibar constituencies.

Table 7.1: List of Zanzibar’s Presidential Candidates, 2015

S/No.	Party	Candidate Name
1	ADA-TADEA	Juma Ali Khatibu

¹⁵¹ TACCEO (2010), Tanzania General Election Report of 2010.

2	AFP	Said Soud Said
3	CHAUMA	Mohammed Masoud Rashid
4	ADC	Hamad Rashid Mohammed
5	JA	Kassim bakari Ali
6	CUF	Seif Sharif Hamad
7	DP	Abdallah Kombo Khamis
8	SAU	Issa Mohamed Zonga
9	DM	Tabu Mussa Juma
10	CCM	Ali Mohamed Shein
11	ACT-WAZALENDO	Khamis Iddi Lila
12	NRA	Seif Ali Iddi
13	CCK	Ali Khatib Ali
14	TLP	Hafidh Hassan Suleiman

Source: Zanzibar Electoral Commission, 2015 Elections.

The same challenges facing election on the part of Tanzania Mainland affected Zanzibar elections in 2015. Poor involvement of women and people with disability is still a serious problem in Tanzania politics. Women's civil and political rights are enshrined in both the URT and Zanzibar Constitutions. Those constitutional provisions put emphasis on the equality of all citizens regardless their gender, age or race. Moreover, the international human rights instrument such as the 1979 Convention for the Elimination of All Discrimination against Women (CEDAW) and the 1966 International Covenant on Civil and Political Rights (ICCPR), put emphasis on inclusion of all groups including women in politics and elections to be specific.



Picture 7.5: Female presidential candidate in Zanzibar.

In Tanzania the most reliable way of including women in politics and governance is only through the proportional or quota system. Selection of women through direct competitions has proved failure because of many reasons such as culture, traditions, lack of resources and capacity. Therefore, the affirmative action system cannot be avoided at this time because it has proved to

be the most effective way of achieving a better gender balance in Zanzibar and elsewhere. Despite the fact that the number of women is above that of male yet not many women aspirants were nominated. For instance, ZEC registered only 31 female candidates (being only 5.3%) out of 580 who participated in 2015 Zanzibar election in various positions ranging from local council, parliament, house of representative and presidential candidate.

7.3.4 Political Campaigns

Political campaigns are crucial for political parties to propagate their policies and manifestos and enabling voters to make appropriate decision of the leaders they want. It is through political campaigns where politicians communicate with voters and sell their agenda and promises. It is also through political campaigns whereby citizens can be able to understand who should be voted in. The conduct of campaigns by the political parties are governed by the Election Act, 1984; Guidelines for Political Parties Code of Ethics for 2015 Election and the Zanzibar Constitution of 1984. The campaign rallies in Zanzibar commenced on September 7, 2015. As it was the case in Tanzania Mainland the time for election campaigns started from 08:00 am to 06:00 pm.

7.3.4.1 Campaigns style and Techniques

The same techniques used by political parties in Tanzania Mainland to communicate with the public were also used in Zanzibar. It was only parties forming UKAWA and CCM that managed to conduct attractive campaigns both in Zanzibar and Tanzania Mainland. For instance, CCM and UKAWA/CUF employed various methods such as public rallies, indoor campaigns, mobile campaigns, social media campaign, open discussion forums, the use of posters and banners and performing arts.¹⁵²



Picture 7.6: CCM used sponsored social media pages for its presidential candidate.

The use of sponsored social media such as facebook page, whatups and twitter was very high in 2015 election in Zanzibar. Furthermore, CUF and CCM continued to use artists and youth groups to attract people during campaigns.

¹⁵² See chapter five of this report.



Picture 7.7: CCM and CUF campaign rallies in Zanzibar.

Other political parties were not vocal and visible as it was for CCM and CUF during the campaign period mainly due to lack of resources to design political campaign materials. For any political party to be effective during campaigns, they need both popularity and financial capacity to stage level playing grounds. Many political parties in Zanzibar as it was the case for Mainlanders could not afford such expensive campaigns style used by CUF and CCM.



Picture 7.8: Small parties campaign activities in Zanzibar. They received relatively small crowd of supporters.

7.3.4.2 Use of Children and Other Human Rights Concerns

Despite political history in Zanzibar, the political temperature in 2015 Zanzibar elections was minimized. According to ZLSC the 2015 election campaigns in Zanzibar were far better and peaceful compared to previous elections. This political milestone can be attributed to the formation of GNU in Zanzibar. Nonetheless, opposition parties complained to be sidelined and mistreated by electoral management bodies and owners of pitch grounds for political rallies.

The campaigns were generally peaceful and rallies were conducted with a lot of enthusiasm. All groups of people such as people with disability, youth and women were highly visible during the

campaign rallies. However, according to ZLSC there were some instances of intimidation and violation of human rights in some areas during the electoral process. In some places children were used during campaigns contrary to child principles on human rights.



Picture 7.10: The use of children in campaigns in Zanzibar. This happened on 7/10/2015 at Shaurimoyo constituency.

Freedom of expression in Zanzibar was not highly respected. Some few private media in Zanzibar were highly disturbed for being vocal in revealing election irregularities and human rights violations. For instance, a Swahili language radio station, Swahiba FM, was banned on October 26, 2015 as it was accused of allegedly broadcasting the press conference called by CUF presidential candidate, Mr. Seif Sharif Hamad accusing ZEC for announcing election results at a very slow speed. It is the same meeting that Seif mentioned to the media the number of votes he got after compiling all the votes from CUF polling agents. Such actions amounted to breach of freedom of expression as enshrined in Article 18 of both the Constitutions of Zanzibar and that of URT.



Picture 7.10: Mr. Seif Hamad addressing the media after nullification of election results.

TACCEO observers also reported on the vandalism of posters particularly of CUF which mostly took place in urban west and south regions of Unguja and other parts of Zanzibar. Some posters for UKAWA/ CUF candidates were found destroyed while CCM followers put CCM posters on top of other party's posters.



Picture 7.11: Vandalism done on 27.10.2015 at Mjini Magharibi in Zanzibar.

7.3.4.3 Actions of Security Forces

Other irregularities and act of human rights violations observed during campaigns in Zanzibar include the use of camped paramilitary groups to intimidate followers of political parties.¹⁵³ According to ZLSC observers, this group known as *Zombis* attacked and injured people using traditional weapons. For instance, CUF chairperson of Uzini Constituency, Hon. Ali Haji Mtumwa, reported to have seen *Zombis/Janjaweed's* camp at Kilombero Village near Uzini Constituency. The reported victims among others were Saleh Massoud and Haji Mohammed Alley who are the residents of Uzini. They were attacked by *Zombis* on Tuesday 15/09/2015 around 10:00am at Kilombero Village.

¹⁵³ The informal paramilitary squads are known as '*Janjaweed*' and currently as '*Zombies*.' They are claimed to be organized and established by certain public officials. For the 2015 General Election they were in action since the voters' registration period. They used the government vehicles while carrying traditional and formal weapons such as guns. Despite the fact that, the government of Zanzibar and police have declared no connection to them, there has not been (known) measure taken to stop them.



Picture 7.12: Victim of Zombi's assault in Zanzibar - Mr. Saaleh Massoud.

In a bid to minimize these incidents CUF leaders complained several times to have been harassed by these groups but there were no serious action taken by security forces. They reported the matter to the police and the House of Representatives without success. For instance, on 4th October 2015 CUF members were attacked by unknown people while on the way back home from the campaign rally at Makunduchi.

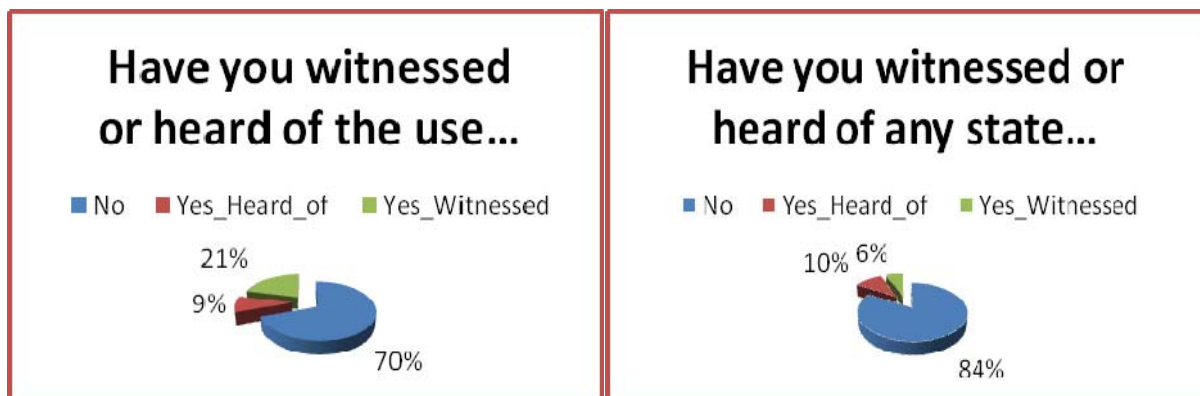


Picture 7.13: A victim of violent campaigns.

7.3.4.4 Use of Public Resources and Public Media

The use of public resources during elections in Zanzibar is prohibited by the Political Parties Code of Ethics for 2015 Election, which was unanimously adopted by Political Parties and ZEC as an agreed regulation detailing the commitment of political parties in avoiding the usage of government’s vehicles, buildings, human officials, institutions and other resources for political benefits. However, as it was the case for Tanzania Mainland, LHRC/TACCEO observers reported to have seen high rate of public resources during campaigns in Zanzibar. The ruling party had an exceptional treatment of using the public vehicles, public media and other resources. Almost 70% of all LHRC/TACCEO observers who responded to election campaigns checklist as indicated in Figure 7.4 below, said to have witnessed or heard the use of public resources during campaigns.

Figure 7.4: The use of Public Resources



Source: LHRC/TACCEO dataset.

The media coverage in Zanzibar election campaigns received a lot of complaints from opposition parties and the public for biasness and unfairness. For instance, public media such as ZBC, TBC and Zanzibar Leo newspaper and some private-owned media such as Star TV, Zenji FM radio and others were found to be biased as they were largely reporting CCM campaign rallies than other political parties. The same media found to be fair and neutral in Tanzania general election, were also reported to do the same on Zanzibar election. Such media include Azam TV, Mwananchi, Nipashe and ITV.¹⁵⁴

LHRC/TACCEO is of the view that ZBC, TBC, Habari Leo and Zanzibar Leo are public media; hence ought to be neutral and fair during campaigns. Public media get their resources and funds from taxpayer’s money, therefore giving only one party lion share coverage amounts to misuse of public resources during campaigns.

¹⁵⁴ Read Chapter 8 of this report.



Picture 7.14: The Government vehicles used in campaign at Old Stadium, Gombani Chakechake Pemba.

The LHRC/TACCEO observers found on 10th October 2015 that, the government vehicles pictured above and below were used in campaign rally at Mtambwe, Gombani; and, on October 22, 2015 at Welezo where the Zanzibar Government cars registered as SMZ¹⁵⁵ and SLS¹⁵⁶ were seen to participate fully in campaigns.



Picture 7.15: The Government Cooperation (ZSTC) car used in campaign activities at Old Stadium Gombani Chakechake Pemba.

7.3.5 Civic and Voter Education

The role of voter education is a statutory role of the electoral commission. ZEC provided awareness messages with regard to voting procedures. This was done through the media, that is, TV and Radio. ZEC in collaboration with UNDP under Democratic Empowerment Project printed posters and leaflets which were distributed all over the country. Some Voter Education

¹⁵⁵ SMZ is an acronym of Swahili phrase ‘Serikali ya Mapinduzi ya Zanzibar’ which mean ‘the Revolution Government of Zanzibar’.

¹⁵⁶ SLS is an acronym of Swahili phrase ‘Shirika la Serikali’ which means ‘the Government Cooperation’.

information had been published in the newspapers. ZEC also monitored CSOs accredited to offer civic and voter education in Zanzibar elections.

According to Zanzibar election regulations and the Elections Act, voters' education include dissemination of information relating to the electoral processes and procedures. The Zanzibar Electoral Commission has the legal mandate to provide Voter Education and to supervise and coordinate other persons who also provide Voter Education. For the 2015 General Election, the ZEC had prepared Voter Education Strategic Plan and guidelines which they distributed to other Stakeholders during the 2015 electoral process. The plan gave guidance on how to disseminate voter education throughout the country. It is prohibited by the law and election regulations for anyone to provide voter education without obtaining permission from ZEC.



Picture 7.16: Civic and voter education by ZEC.

Many CSOs with ZEC and NEC accreditation organized and conducted Voter and Civic education in almost all constituencies in Unguja and Pemba. The education was also offered by other stakeholders such as political parties, religious leaders and the media. For instance, CCM and CUF explained to the public of how to vote properly as the way to minimize invalid votes. Religious leaders used their congregations to communicate with the public and appealed for peaceful elections and the importance of voting.

According to ZLSC, CSOs which had NEC/ZEC accreditation to monitor Zanzibar election include, Tanzania Media Women Association (TAMWA), Zanzibar Female Lawyers Association (ZAFELA), Pamoja Youth Initiative (PYI), Zanzibar Legal Services Center (ZLSC), Umoja wa Walemavu Zanzibar (UWZ), ZAPDD, and others. These CSOs developed a series of materials for civic and voter education specific for Zanzibar. Among others, CSOs election education materials included; source books; booklets on voting procedures; posters encouraging participation; radio and TV spots, caps and t-shirts.



Picture 7.17: Voter and Civic Education in Zanzibar by CSOs.

Unlike Tanzania Mainland the level of civic education in Zanzibar was somehow high. ZEC and other actors started civic and voter education campaigns earlier during voter registration process. The nature of politics in Zanzibar makes everyone active during election hence easy to offer voter and civic education. ZEC had a number of programs shared to the public through various means such as radios, TV and Newspapers. The major challenge was overdependence to donors by ZEC and CSOs. Many electoral programs in Zanzibar were supported by UNDP through DEP. For instance, a total of 22 billion was given to Revolutionary Government/ ZEC for election management.



Picture 7.18: Civic and Voter education to people with disability in Pemba 19/10/2015.

The media played a meaningful role as a link between politicians and the public. Many civic and voter education campaigns were channeled to voters through media. It should however be clearly understood that, In Zanzibar, the main radio and TV stations are publicly owned which are under the Zanzibar Broadcasting Cooperation (ZBC). For that matter therefore, it is not easy for them to be impartial during election.

7.4 ELECTION OBSERVATION

As it was stated elsewhere in this report, election observation is crucial as it gives non state actors both domestic and international to monitor the conduct of an election and assess by using various electoral observation standards. As usual, Zanzibar continued to attract many observers both domestic and international.¹⁵⁷

According to ZLSC, a total of 1355 observers were registered by ZEC and NEC for Zanzibar election in 2015. Out of 1355 observers, 1250 were domestic observers from 17 groups including LHRC/TACCEO and TEMCO, while 105 were international observers from 16 groups.¹⁵⁸ All groups of CSOs such as faith based organizations, trade unions, and academic institutions effectively monitored the 2015 Zanzibar election. Unlike previous year, in 2015 TEMCO and TACCEO worked jointly in observing election through the use of IT. However, as chapter one of this report explains more, each one of them had its own observers.



Picture 7.19: International Election Observers.

Tanzania received about 1,000 international election observers who managed to spread throughout the country including Zanzibar. These groups included; the Commonwealth Observer Mission, The European Union, SADC, EAC, AU and US and UK Diplomatic Missions. They were all accredited by ZEC and NEC to observe elections in both Zanzibar and Tanzania Mainland. For detail about the role played by election observers read chapter 8 of this report.

¹⁵⁷ See chapter 8 and 9 of this Report.

¹⁵⁸ The main domestic observation groups were the Tanzania Election Monitor Committee (TEMCO) and Tanzania Civil Society Consortium for Election Observation (TACCEO) which is an umbrella of 162 organizations for TEMCO and 17 Organization members for TACCEO. See ZEC handout briefing for International and Local Observers for the General Election 2015.

7.5 POLLING, COUNTING AND TALLYING

This sub-chapter assesses the entire process of voting; counting and tallying during the 2015 elections in Zanzibar. On the 25th October, 2015 Zanzibar voted in for president of Zanzibar, president of URT, members of the National Assembly and House of Representatives and local councils of Zanzibar. Generally, voting, counting and tallying process met both local and international standards but with only minor irregularities and challenges that require corrections before the next elections.

7.5.1 Polling

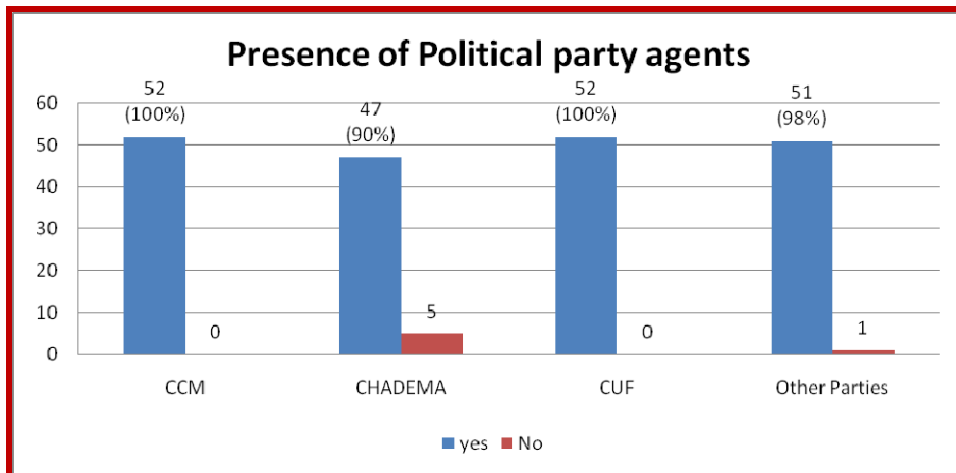
According to LHRC/TACCEO and ZLSC observers, almost all polling stations in Zanzibar were staffed by both ZEC and NEC polling officials. All the copies of the voter registry were posted on the polling station for verification before voting. Polling stations were ready from 7.00am and closed on time at 16.00 hours. TACCEO observed that the voting exercise was well administered despite minor irregularities that need correction in future elections.



Picture 7.20: Voting at Koani Primary School Center.

According LHRC/TACCEO observers, Zanzibar had a total of 1,582 polling stations with an average of 350 voters per station. Every station had at least 3 polling officials with security officers in almost every polling station. The presence of party agents in almost every polling station reduced possibilities of rigging and manipulation of results. The figure 7.5 below indicates how political party's agents were present in almost every polling station.

Figure 7.5: Presence of party agents in polling stations



Source: LHRC/ TACCEO Survey, 2015.

The voting process in Zanzibar met all the required standards as even those people who need help or special care were treated with great attention. Polling officials and party agents were well trained on how to handle such cases. For instance, people with disability such as people with blindness were accorded special voting materials and or any other assistance they needed.



Picture 7.21: A blind person casting his vote.

There were no serious problems reported concerning voting process. No massive complaints against polling officer. Election observers were accorded gentle treatment and therefore managed to access polling stations for observation. However, TACCEO/ZLSC observers reported some incidents such as the failure of few polling officials to locate people their respective polling stations, some names of registered voters were missing in the voter registry.

7.5.2 Counting and Tallying of Results

According to Zanzibar Election Act, immediately after counting of votes at polling stations, the results must be posted at each polling station and collect the results from every polling station at ward level and start tallying at Ward level. The next tallying centre for results tabulation was at the district level. At district level, the District Director who stands as District Chief Returning officer supervised the process of tabulating results for House of Representatives, Member of Parliament, Zanzibar President and President of the URT. Unlike 2010 elections in these elections the tabulation of ward councilor's results was done at ward level. Then ZEC tabulated the results for the Zanzibar presidential election based on the district figures calculated by the returning officers. The tallying of presidential results for Zanzibar president was conducted at Bwawani Hall in Unguja.

The Election Act provides that every candidate may appoint a person to be his or her agent in counting of votes.¹⁵⁹ In accordance with Zanzibar electoral laws, before counting of votes process starts, the presiding officer shall open every ballot box before agents of counting votes if any and he shall takeout all ballot papers, counting and write down the number of votes.¹⁶⁰



Picture 7.22: Political Parties' agents witnessing counting of votes.

According to TACCEO 2010 report, the Election Act enumerates a number of steps that are to be taken before counting exercise starts.¹⁶¹ The law requires polling officials to do the following:¹⁶²

- i. Count and record the number of all votes received at the polling station;
- ii. Ascertain and records the number of all persons who voted at the polling station;
- iii. Count and record the number of all the unused ballot papers;
- iv. Count and record the number of rejected votes;

¹⁵⁹ Section 77 (1)

¹⁶⁰ Section 80

¹⁶¹ LHRC & TACCEO (2010), Tanzania General Report

¹⁶² Section 80

- v. Ascertain that there is a proportion of count of ballot papers, the number of voters voted in the polling station and the number of ballot papers used;
- vi. Inspect the seal and to ascertain whether it has been opened or tempered with;
- vii. Unseal the seal; and
- viii. Open the ballot box.

The law also compels returning officers to open the ballot box and start counting loudly in front of polling agents and observers and record the total of the ballot papers found in the ballot box.¹⁶³



Picture 7.23: Counting of votes.

General observation including the international observers and political parties indicated that voting, counting and tallying went smoothly and conducted as instructed by the law with greater transparency compared to previous elections. Finally, polling agents from all parties and ZEC officials agreed on the results. Polling agents were given an official copy of the results and the rest was made public at every polling station.

7.5.3 Manipulation begins at Bwawani Tallying Center

TACCEO/ZLSC observed that the problem with tallying process commenced at the National tallying centre in Bwawani Unguja on 26th October, 2015. Despite the fact that everything went well and without complains at polling and district levels the situation was contrary at Bwawani collation centre because tallied results were released with a lot of dilly dallying. Despite the fact that up to Tuesday of October 27, 2015 ZEC had already received results from 1,580 out of all 1,582 polling centers, the results of only 32 (59.3%) constituencies out of 54 were released.

This unexpected delay generated many questions among politicians, observers, media, CSOs and the public as to why ZEC was delaying the process of announcing the results while it had already received 95% of the results from 1580 polling stations in Zanzibar. Surprisingly, while these

¹⁶³ *Ibid.*

questions were still to be answered, on 28th October, 2015 the Bwawani tabulation and results announcement centre was ambushed while the release of results was on progress and kept under siege by Tanzania Police Defense Force (TPDF). The 28th of October 2015 was the last day given to ZEC by the law to complete the tallying and declaration of presidential results. By the afternoon of 28th October, 2015, ZEC was yet to complete the tallying process. Section 42(6) of Election Act provides that, *'the presidential election results shall be declared within three days after Election Day except when there are elections problems in some polling stations, three days after such problems have been resolved.'*

Few minutes after the invasion of Bwawani Centre by armed soldiers, everyone who was inside was ordered to remain calm without movement. Surprisingly, even ZEC commissioners who were inside announcing results were also ordered to stop. Indeed this was unexpected episode that left everyone inside Bwawani with shock and fear. ZEC Vice chairperson who was in the tallying center was also taken to unknown place under military escort after being forced to enter a military vehicle.



Picture 7.24: Election observers outside Bwawani tallying center.

Showing how this democratic terror was planned, few minutes after Bwawani was put under siege, ZEC Chairperson Hon. Jecha Salim Jecha conducted a press conference with only public media ZBC declaring the nullification of the 2015 Zanzibar General Election. This unconstitutional and undemocratic decision by the ZEC chairperson shocked many people within and outside Tanzania. Both domestic and international observers issued statements calling ZEC to proceed with tallying and announce the results of the remaining constituencies.



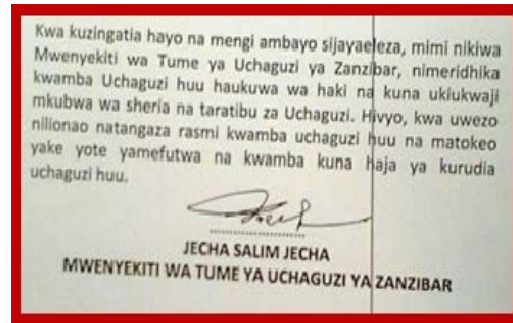
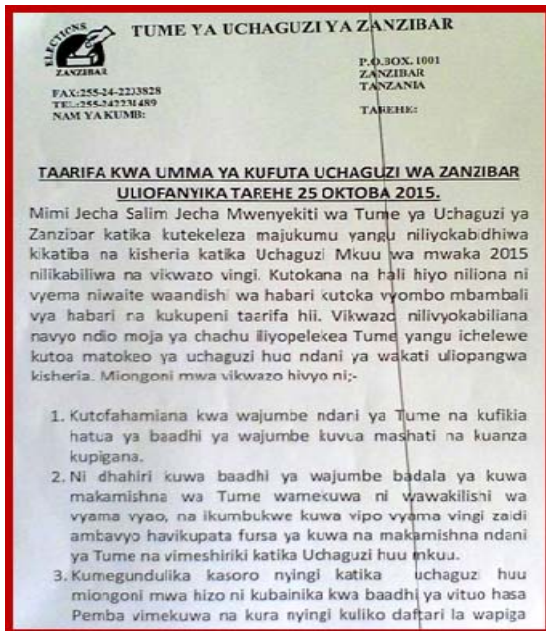
Picture 7.25: Security officers deployed before and after ZEC chairperson’s announcement to ‘annul the results’.

The decision by ZEC’s chairperson (Mr. Jecha S. Jecha) was said to be personal decision decided above the law and without any legal justification. This was re-emphasized by ZEC commissioners, Mr. Ayoub Bakari Hamadi and Mr. Nassor Khamis Mohammed (Picture 2.2 in chapter two of the report), who called a press conference denouncing the statement by Mr. Jecha to be ultra vires, unconstitutional and reached without following due process described in Section 119 of the Constitution of Zanzibar. More details about the nullification of Zanzibar election are presented in coming part of this chapter.

7.6 NULLIFICATION OF ELECTION RESULTS A BACKWARD STEP

In Zanzibar the election was annulled by the Zanzibar Electoral Commission (ZEC) chairman Jecha Salim Jecha three days after voting on 28th October, 2015 (See the nullification letter – Picture 7.29). He said the polls were nullified because of irregularities such as double voting and vote tempering. He claimed that, in Pemba more votes were casted than the number of registered voters.

He went further and said that people were intimidated by members of a certain political party and therefore could not vote freely. It was also alleged that some agents of one party were thrown out of polling stations by youths who invaded polling stations and hence they could not represent their party.



Picture 7.26: ZEC Chairperson letter of election annulment.

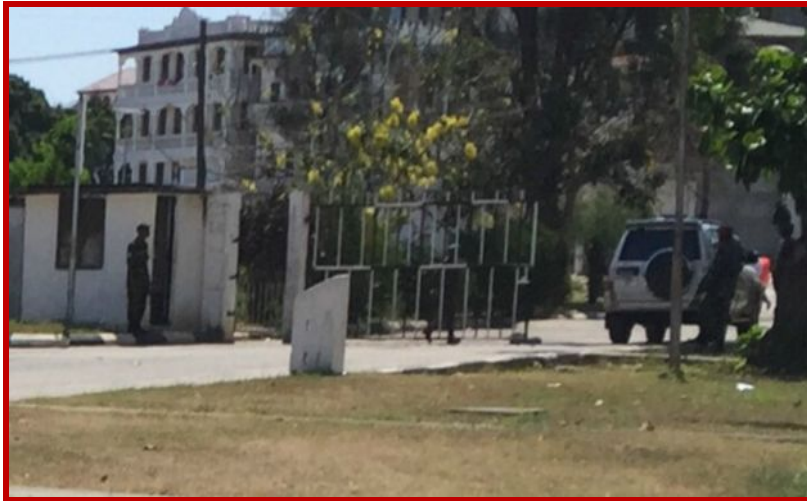
The most interesting reasons given by the ZEC chairperson, which could jeopardize his decision in future include the reasons that questioned the integrity of his own institution by saying members of the commission were partisan and they even fought in order to protect or favour their parties.



Picture 7.27: ZEC Chairman, Salim Jecha when 'annulling' election results.

ZEC chairman (Picture 7.30 above) addressing the media during the annulment of Zanzibar Election in 2015. Among other factors mentioned by Mr. Jecha for annulment of electoral process in Zanzibar was an act of Maalim Seif to declare himself to have more votes than other candidates. On 26th October, 2015 TACCEO observers reported that the Headquarters of the CUF in Chakechake Pemba had been surrounded by policemen after the contestant for CUF party presidential candidate, Maalim Seif Sharrif Hamad had announced that he had more votes

(200,077) than the CCM contestant who had 178,363. Soon, followers of Maalim Seif Sharrif Hamad started celebration by singing and dancing that they had won. Immediately police force invaded the area and violence was triggered.



Picture 7.28: Armed soldiers surrounding ZEC tallying Centre at Bwawani Hotel.

Despite the fact that the political situation in Zanzibar progressed as it was before nullification of results, TACCEO/ZLSC witnessed security incidents in some places. There was an increase of incidents of violent caused by excessive use of security forces. For instance, special government forces (KVZ, JKU, MF and KMKM) were accused of using excessive force by ambushing, beating, and destroying both habitants' business places while targeting CUF offices. Some of the most affected areas included; Muembetanga, Kundemba, Tumbatu, Bububu, Kijichi, Msumbiji, Magogoni, Makunduchi, Mtendeni, Kilimahewa, Mpendae, Kinuni, Mwanakwerekwe and Mwanyanya areas. According to various media it was alleged that about 5 citizens were seriously wounded during security organs patrols and operations.¹⁶⁴

¹⁶⁴ The victims are Abdulghan Hamza Juma, Haji Khamis Omar, Juma Kombo Juma, Issa Rajab and Hamad Khamis Hamad.



Picture 7.29: The destruction of CUF supporters' camp by the SMZ squads at Msumbiji, Amani Zanzibar a few days after nullifications of election results.

7.7 REACTIONS BY ELECTION OBSERVERS AND POLITICAL PARTIES

The annulment of the election has been contested by the main opposition party in Zanzibar, CUF (and its coalition, UKAWA), CSOs, International Communities, the Tanzania Commission for Human Rights and Good Governance (CHRAGG) and few Commissioners of ZEC. According to them the election exercise went smoothly and there was no need to cancel the whole exercise.

They all demanded that the electoral commission should continue with exercise of counting votes and declare the rightful winner. According to the international observers' preliminary report, the whole election exercise in Zanzibar took place in a peaceful environment and the voting and the initial exercise of counting votes was going on well. Both set of observers had urged ZEC to continue with the exercise of counting votes and declare the final results.

The situation in Zanzibar has dented the electoral processes in the Mainland as the voters in Zanzibar did vote for the union president. This has led to a number of questions which need to be answered. How come that the votes for the union president are legitimate while those for the members of House of Representatives and Zanzibar presidential candidates are not? Is it possible for the same process to be perfect in one part of the union and imperfect in the other? The question of Zanzibar has left the country in limbo and has rather put into question the whole electoral system in Tanzania.

According to the 122 TACCEO observers who were deployed in Zanzibar, the electoral process was smooth with only common and minor irregularities which did not warrant the cancelation of the entire process. For instance, the observation report showed that all polling stations were opened in time and in all polling stations observed opening procedures and necessary materials were available in all polling stations.

Voting was carried in a well organized manner though voters in Zanzibar were required to cast five votes i.e union president, Zanzibar president, Member of Parliament, Member of House of Representatives and Councilor. The long queues were observed in polling stations from early

morning to late afternoon. Party agents were present in all polling stations and security guards were present in all polling stations.

Counting started immediately after closing of the election exercise in all polling stations observed and was conducted in the presence of political party agents and observers. The transparent of the counting process was observed. Copies of the results forms were displayed and given to all party agents. The overall assessment of the closing and counting process was very good in most polling stations observed by TACCEO.

The legality and mandate of ZEC chairperson to annul the entire process was questioned by cross section of people such as CSOs and lawyers from both Tanzania Mainland and Zanzibar. According to CSOs, the decision to nullify the election was illegal and unacceptable because it has violated the constitution and that; it was made to further political interests. This is because neither the Chairman nor the Electoral Commission is legally authorized to nullify the elections. In short, there is no law or any provision of the Zanzibar Constitution of 1984 as revised in 2010 which gives the chairperson or the Commission to take such a decision.

According to Article 119 of the Constitution of Zanzibar, no decision can be reached by ZEC without a quorum. The decision by Mr. Jecha was reached in the absence of ZEC commissioners; hence the decision was not made by the electoral body but by an individual and therefore ultra vires.

7.8 CURRENT POLITICAL DEADLOCK IN ZANZIBAR

The decision to annul the whole election in Zanzibar has caused great tension in Zanzibar and outside Tanzania. It has sparked debate on the genuineness of electoral processes in the country. The decision has also ignited political conflict that existed before the creation of the GNU between the two major political parties, Chama Cha Mapinduzi (CCM) and Civic United Front (CUF).

This political impasse and controversy has caused more problems to people due to economic hardship created by the existing tension. There has been great deal of silence apart from military personnel who have been continuously conducting road patrol in Zanzibar as indicated in picture 7.34 below. Citizens are worried because they do not know what is going to happen.



Picture 7.30: Police harassment in Zanzibar.

Three months since the annulment of Zanzibar election and more than three months Zanzibar was administered without legitimized leaders. LHRC/TACCEO understands that there were several initiatives which were being taken to solve the problem by senior party and national leaders, including the former Presidents of Zanzibar. However, those negotiations were being held in great secrecy and to make it worse, there was no known mechanism for citizens to be informed about the ongoing discussions while politicians from CUF and CCM were being heard making controversial statements on the negotiations.

Citizens were denied their right to know the issues pertaining to the future progress of their country, especially when it was obvious that they voted for the leaders they want. This can be proved by the reports of the civil society observers of the election progress and international observers. During this period CSOs opined that it is a fundamental and constitutional right of citizens to be informed of the progress of the negotiation; and that citizens were therefore ought to be informed of the ongoing progress; and how long the negotiators would take to finish the discussion. According to Article 18 (2) of the Zanzibar Constitution of 1984, every citizen has the right to be informed of all issues of public interest for the betterment the nation.



Media Clip 7.1: Zanzibar's in political deadlock.

Article 21 (1) of the Zanzibar Constitution of 1984 states that every Zanzibar citizen has the right to participate in the administration of the state through their own elected representatives. In the context of the existing leadership of Zanzibar as it stands currently, it is clear that the country is run for a long time without the presence of the legislative body and the representation which are essential pillar in governance.

Article 90 (1) of the Zanzibar Constitution allows the state to run the country without the House of Representatives for a period of not more than ninety days (90) from when the house of representatives was dissolved. That is to say the constitutional period was over since 12th November 2015 because the House was dissolved officially on 13 August 2015. The citizens voted to have the government which they chose, so the act of a few leaders to nullify election without giving the required information on the continuing political deadlock was a violation the Constitution of Zanzibar.

7.9 ELECTION RE-RUN IN ZANZIBAR

In a recent development, it is now clear that the conversations between CUF and CCM leaders have proved failure. Previously, CCM kept on insisting the election re-run while CUF wanted recount and declaration of results. Surprisingly, on 22nd/1/2016, the same ZEC chairman Mr. Jecha announced 20th March, 2016 to be the voting day for Zanzibar election second round after the heavily disputed election in 2015. This has been done while the people of Zanzibar were eagerly waiting to officially hear the feedback of the more than two months negotiations between CUF and CCM.

According to a public letter issued by Mr. Jecha, it is very clear that Zanzibaris will go for election re-run and no any fresh nominations and campaigns activities. He said, the re-election would cover the election for Sheiha's leaders, members of House of Representatives and the president of Zanzibar. The statement by Mr. Jecha came few days after the pronouncement of election re-run by incumbent president of Zanzibar as well as CCM presidential candidate during the celebration of the anniversary of Zanzibar Revolution in Unguja on 12th January, 2016. This implies that there was a close communication between CCM and ZEC about how to handle the current political situation in Zanzibar. Dr. Shein, the president of Zanzibar, when addressing a gathering at the Amani Abeid Karume grounds was quoted saying that, '*... respecting Zanzibar laws and the constitution is not an option. I call upon Isles residents to maintain peace and stability as we wait for ZEC to announce the election re-run date.*'¹⁶⁵

¹⁶⁵ Guardian Reporter 'ZEC to announce re-election date.' Guardian, 13th January, 2016.



Picture 7.31: Dr. Shein during the 52nd anniversary of Zanzibar revolution on 12/1/2016.

The President of Zanzibar, Dr. Ali Mohamed Shein used the 52nd anniversary to affirm presence of the election re-run. Surprisingly, one day before the marking of the Zanzibar Revolution anniversary CUF presidential candidates for Zanzibar Mr. Seif Shariff Hamad declared that a repeat of the Zanzibar presidential election was not an option for the opposition party.

The above two opposing statements emerged at the time when the public was awaiting the outcome of their negotiations. The statements by the two politicians above depict the failure of the political negotiations that started since October 2015 after nullification of election in Zanzibar.



Picture 32: CUF presidential candidates addressing the media.

Few days after ZEC official announcement of re-election in Zanzibar, the CUF Central Committee met on 28/01/2016 to digest it before giving out CUF position on the Zanzibar election re-run. CUF has been against the re-run and its presidential candidate Seif Shariff Hamad along with other CUF officials who have been challenging the idea claiming the annulled election was the only legal and legitimate election to produce leaders of Zanzibar. Therefore on 28/01/2016, CUF, the main opposition party in Zanzibar officially presented to the public its position on the planned re-run election in Zanzibar. CUF declared not to take part on the 20th March 2016 Zanzibar re-run election because the legally constituted election was conducted and concluded in 2015.¹⁶⁶

The CUF position is also supported by various development partners within and outside Tanzania. On 29th January 2016 a group of 11 diplomats and development partners issued a joint statement denouncing the re-run of election in Zanzibar. The countries whose envoys signed the statement were Belgium, Britain, Canada, Denmark, Finland, France, Germany, Ireland, Italy, the Netherlands, Norway, Spain, Sweden and Switzerland. Part of the statement read, *'we are deeply concerned that the unilateral declaration of a rerun may lead to an escalation of intimidation and tensions.'*¹⁶⁷

The development partners believe that the election re-run in Zanzibar could not be done in isolation of the main opposition party in Zanzibar and especially the party that forms GNU in Zanzibar. Instead, they advised President Magufuli to restore the backfired political negotiations in Zanzibar and find the better way to go back to the illegally annulled results of 25th October, 2015 polls.

The statement and the position by CUF and development partners followed the same line of argument attached to the Zanzibar political deadlock by CSOs in their previous statements. CSOs in Tanzania believe the re-election in Zanzibar would result into more political conflicts experienced in Zanzibar before the formation of GNU. CSOs insisted that whatever decisions reached by political leaders in Zanzibar should be in accordance with the laws and the Constitution of Zanzibar. The ZEC chairperson had no legal mandate to nullify election results in Zanzibar and therefore lacks similar powers to recall re-run of Zanzibar election.

7.10 ACTION POINTS ON SITUATION OF ZANZIBAR'S ELECTIONS

This chapter presents a few action points to be worked up on before 2020 elections in Zanzibar. LHRC/TACCEO strongly reminds political leaders in Zanzibar and Tanzania in general to take into consideration Zanzibar political history after reinstatement of multiparty democracy in 1992. It should ring into their minds that 2000 and 2005 were troubled polls (elections), which were both characterized by violence, killings and other chaotic incidents. The 2010 election was seen for the first time to be the calm and peaceful election because of the GNU. Five years after, the GNU is put into critical dilemma by ZEC's chairperson, who decided to act *ultra vires* by 'nullifying' the peaceful 2015 election. On this political deadlock and the election situation generally, TACCEO calls the government of Zanzibar, the president of URT (Dr. John Magufuli) and all other stakeholders:

¹⁶⁶ Guardian Reporter, 'Diplomats condemn Z'bar vote rerun.' 30th January 2016.

¹⁶⁷ Guardian Reporter, 'Diplomats condemn Z'bar vote rerun.' 30th January 2016.

- i. To comprehensively review of the legal framework governing elections in Zanzibar as elaborated earlier on between now and 2019. Some of the proposed reforms are:
 - a) To allow an aggrieved person to challenge presidential election results;
 - b) To allow privacy candidacy;
 - c) To have ZEC commissioners appointed on the basis of their profession and not on their political affiliations.¹⁶⁸
- ii. To improve the institutional capacity ZEC by, among other things, facilitate it to establish its own offices in every district and recruit its own officials and limit the involvement of shehas in the electoral process such as registration process and electoral management.
- iii. To ensure that security forces organs desist from using excessive force in the course of discharging their responsibilities.
- iv. To create more space for women candidates to participate in all political contests. This to be achieved by compelling all political parties to have a minimum number of women representations in the political positions.
- v. To uphold and scale up the current voters' education as it has been recommended in previous chapters of this report.
- vi. To control use of public resources in election or political activities.
- vii. With regard to the political deadlock in Zanzibar, the position of LHRC/TACCEO was to call ZEC to avoid election re-run and instead the aborted negotiations between CUF and CCM restored.

¹⁶⁸ As it was argued above, appointing ZEC commissioners basing on political parties affects the credibility of ZEC as the main electoral body entrusted to oversee elections in Zanzibar.

CHAPTER EIGHT

ROLE OF OTHER INSTITUTIONS IN 2015 GENERAL ELECTIONS

8.1 INTERPLAY OF VARIOUS ACTORS IN ELECTION CYCLE

The management of electoral process can as well be extended to other stakeholders who play a secondary role during election with less essential but important responsibilities. NEC, ZEC and other statutory institutions have a primary role during election that requires other bodies to play complementary and oversight roles.

Election is made successful by various stakeholders including CSOs, security organs, religious leaders, media, academic institutions, development partners, international community, professional organizations, and government institutions such as the NEC, ZEC, PCCB and CAG. This chapter evaluates how election stakeholders have great full contributed to the success or failure of the 2015 electoral processes.

The involvement of other stakeholders as key actors in election cycle is also supported by various international and regional instruments depending on their roles. For instance, Article 21 of the Universal Declaration of Human Rights, 1948 states that, *'everyone has the right to take part in the government of his country, directly or through free chosen representatives.'* At the national level the Constitution of the United Republic of Tanzania, 1977 elaborates this right under Article 21(2) that, *'every citizen has the right and the freedom to participate fully in the process leading to the decision on matters affecting him, his well-being or the nation.'* The 'everyone' mentioned in the provisions could include the election stakeholders which this chapter covers them.

The above legal provisions give statutory obligations and rights to secondary actors such as media, civil societies, and even individual persons to actively take part in management of the elections as key players. For the matter of 2015 general election, this report will assess the role played by CSOs, media, law enforcers, development partners and the international observers.

8.2 ROLE PLAYED BY THE MEDIA

8.2.1 Media Monitoring Initiatives and Governing Laws

In order to assess the role of the media in 2015 elections, the LHRC embarked on media monitoring of the election campaigns under the *Fahamu Ongea Sikilizwa* project between 23rd September, 2015 to 5th November, 2015. The aim of the project was to analyze how certain issues were being reported by the media. Other organizations which also monitored the involvement of media in 2015 include the Media Council of Tanzania (MCT)¹⁶⁹ and the Tanzania

¹⁶⁹ Media monitoring has been a core activity of the Council and thus it was found to be prudent for it to specifically monitor general election slated for October 2015. A number of national print and electronic media outlets were sampled for this exercise. Sampled newspapers for this project are Zanzibar Leo, Daily News, The Guardian, The Citizen, Habari Leo, Nipashe, Mwananchi, Uhuru, Tanzania Daima, Mtanzania, Rai Tanzania, Jambo Leo,

Human Rights Defenders Coalition (THRDC). This report will use the findings of the above three organizations to analyze the role of media in 2015 election cycle.

All the types of media including social media, electronic and print media from both private and public sector were monitored during 2015 election cycle. Throughout the 2015 electoral cycle, the media played a central role such as voter's education, key electoral procedures; informing the public of electoral developments, revealing election irregularities and shedding light on candidates and political parties. The nature of 2015 electoral process required the media to be conversant with the electoral process and provide fair reporting which gives equal coverage and access to all contesting parties and candidates.

Furthermore, media acts as a crucial watchdog to democratic elections, safeguarding the transparency of the process. Being a communication tool, it channels flow of information from politicians to voters and the public at large. According to the nature of 2015 electoral process the politicians required a high degree of media consumption than in 2010 electoral process. The demand and usage of media in 2015 election cycles was extremely huge because of the competitive nature of election, growth of opposition wing and the massive use of social media.



Picture 8.1: Some of the Tanzanian Journalists in actions during 2015 Elections.

The 2015 election was characterized by stiff competition between UKAWA and CCM the ruling party, therefore the role of media became more crucial and sensitive. Media had to cover political competitions while at the same time playing its traditional role of informing and empowering the people. The key elements of monitoring media reportage were based on the Code of Ethics for Media Professionals of 2001.¹⁷⁰ Both public and private owned media were required to observe six values namely; balance (not biased); accuracy; leadership; accessibility; credibility; and impartiality or neutrality.¹⁷¹

and Majira whereas electronic media outlets sampled are Star TV, TBC 1, ITV, Radio One, TBC Taifa, Clouds, Radio Free Africa.

¹⁷⁰ Media Council of Tanzania (MCT), Code of Ethics for Media Professional, 2001.

¹⁷¹ Clauses 2.18 and 2.19 of the MCT's Code of Ethics for Media Professional, 2001.

In Tanzania, both Mainland and Zanzibar media is governed by the Newspapers Act, 1976; Zanzibar's Newspapers Act, 1988;¹⁷² Electronic and Postal Communication Act, 2010;¹⁷³ Zanzibar Broadcasting Commission Act, 1997;¹⁷⁴ and the Broadcasting Services Act, 1993 which regulate radio and television broadcastings. On the other hand, other laws and regulations; in particular the telecommunications, corruption and elections have a direct bearing on the operation of the media in the country.

8.2.2 Electronic Media

The electronic media played an important role in covering the campaign elections, with their broadcasting programs, including special news editions, interviews with the main presidential candidates, debates with parliamentary and councilor candidates and interactive programs with TV and Radio.¹⁷⁵ This subchapter will analyze both radio and TV electronic media.

8.2.2.1 Radio

Tanzania has over 80 radio stations registered by Tanzania Communication Regulatory authority (TCRA). Out of those registered radio stations only 3 (or 3.8%), namely Radio Free Africa (RFA), Radio One and TBC Taifa are licensed as national radios. The rest 96.2% are licensed as regional or community radios. There are two State owned radio stations - TBC Taifa and Zanzibar Radio and private radios which is over 97% of the radio sector.¹⁷⁶ A total of 1,030 election affairs mentions were monitored for all political parties for a period beginning from 23rd September to 5th November, 2015. The top ten radios were - Radio One 125, Uhuru FM 92, RFA 82, EFM 62, TBC Taifa 62, Magic FM 61, Times FM 46, East Africa Radio 43 and Zanzibar Radio 43.¹⁷⁷ Table 8.1 below shows a number of mentions of election issues by radio stations per each political party:

Table 8.1: Number of Radio Mentions of the 2015 General Election Issues – Per Each Party

Radio Stations	CCM	CHADEMA	ACT- Wazalendo	CUF	NCCR- Mageuzi	UKAWA (Coalition)	General Elections	Others	Total
Radio One	36	30	18	13	5	12	5	6	125
Uhuru FM	53	17	3	9		2	8		92
Radio Free Africa (RFA)	33	15	5	3	13	2	8	3	82
EFM	22	14	8	2	2	2	5	7	62
TBC Taifa	22	14	5	10	3	2	5	1	62

¹⁷² Act No. 5 of 1988.

¹⁷³ Act No. 3 of 2010.

¹⁷⁴ Act No. 7 of 1997.

¹⁷⁵ LHRC & TACCEO (2015), Media Election Monitoring Report of 2015.

¹⁷⁶ TCRA, 'Radio: The Authority has issued the following radio services licences under CLF.' Accessed on 20th December, 2015 from: <http://www.tcra.go.tz/index.php/licensing/licensed-operators/2-tcra/46-radio>

¹⁷⁷ LHRC & TACCEO (2015), Media Election Monitoring Report of 2015.

Magic FM	28	10	2	8	2	6	4	1	61
Times FM	14	10	6		9		3	4	46
Ebony FM	18	7	3	2	2	1	8	3	44
East Africa Radio	16	12	4	1	3	2	2	3	43
Zanzibar Radio	15	12	4	5		5		2	43
Radio Five	19	10	1	5		3	3		41
Clouds FM	19	9	1	2		5	4	1	41
Sunrise FM	13	4	2	2	8	4	1	3	37
Bomba FM	10	6	11		2	2	3	1	35
Triple A	10	6	3	5	4	3	1	1	33
Kwizera FM	5	9	7	1	5	1	4		32
Kili FM	10	10	3	2	1	1	1	1	29
Sibuka FM	5	4	18				1	1	29
Capital FM	10	4	3		3	1	3	1	25
Dodoma FM	6	7	1	4		2	1		21
Mwangaza FM	7	3	2	5	1		2	1	21
Safari Radio	5	5		2					12
Mlimani FM	4	3		1					8
Chuchu FM	3	1	1						5
Sauti FM					1				1
Grand Total:	378	225	111	81	66	56	72	41	1,030

Source: LHRC & TACCEO Dataset, 2015.

As Table 8.1 above shows, CCM got big publicity (being 37% of the total radio coverage) among all the radios followed by CHADEMA (22%); ACT-Wazalendo (11%); CUF (8%); NCCR-Mageuzi (6%); UKAWA as coalition (5%); and other political parties (4%). Therefore, other political parties were almost ignored by the media.

8.2.2.2 TV Media

Tanzania has a total of 28 TV stations both in Zanzibar and Mainland. A total of ten TV stations were monitored by TACCEO and LHRC media project, these included ITV, Azam TV 2, Star TV, TBC, TV1, Channel Ten, Clouds TV, TV1, Mlimani TV, Zanzibar TV and EATV.



Picture 8.2: Logos of some of the TV stations covered 2015 elections.

As Table 8.2 below shows, ITV had the highest publicity for the election campaigns with 217 reports, Azam TV2 134 reports, Star TV 116 reports, TBC TV 102 reports, Channel Ten 86 reports, Clouds TV 63 reports, TV1 58 reports, Mlimani TV 56 reports, Zanzibar TV 17 reports and EATV 5 reports. CCM enjoyed highest political coverage in all TV stations followed by UKAWA. ITV gave CCM 76 stories over 25 for UKAWA (representing the four political parties merged), and 18 CHADEMA. Table 8.2 below shows TV reports per each political party from all TV stations monitored and assessed:

Table 8.2: Political Parties Mentions by TV Media during 2015

TV Station	CCM	UKAWA	CHADEMA	Others	ACT- Wazalendo	NCCR - Mageuzi	CUF	General Election	Grand Total
ITV	76	25	18	19	21	15	4	39	217
Azam TV 2	44	13	15	6	4	17	7	28	134
Star TV	53	6	5	16	10		1	25	116
TBC1	38	4	9	10	4	11	12	14	102
Channel Ten	28	9	11		2	4	7	25	86
Clouds TV	23	8	4	5	6	2	3	12	63
TV1	17	6	11	3	7	3	5	6	58
Mlimani TV	20	1	5	6	4	1		19	56
Zanzibar TV	7	1		1	2	3		3	17
EATV	2			1				2	5
Grand Total:	308	73	78	67	60	56	39	173	854

Source: LHRC & TACCEO (2015) Media Monitoring Report of 2015.

Again, as Table 8.2 above shows, the ruling party, CCM enjoyed massive TV coverage than any other party. Its share to the total coverage was 36%, followed by CHADEMA (9%), and UKAWA as coalition (8.5%). Despite the fact that ACT-Wazalendo is a new party, it obtained relatively larger coverage (7%) than NCCR-Mageuzi and CUF (6.5% and 4.5% respectively). Probably, this was due to the fact that CUF and NCCR-Mageuzi did not stage presidential candidates on their own parties' names. As argued elsewhere in this report, some of the private TV stations did not hide their affiliation to particular political parties. For instance, Star TV turned itself to be CCM propagandist. It was the only TV stations which designed some spots to scorn CHADEMA (UKAWA)'s presidential candidate as being hypocritic, corrupt, etc. It had very nice documentary about the CCM's presidential candidate. It went further to connect some of the Late Mwalimu Nyerere's speeches with the alleged personality of CHADEMA (UKAWA)'s presidential candidate. TBC1 and Mlimani TV also gave the ruling party enormous coverage.

8.2.3 Print Media

Tanzania has a total of 51 active print media out of 800 registered papers (this include magazine, daily, weekly, monthly and quarterly papers). Among the 51 active newspapers, there are three state-owned papers which are Habari Leo, Zanzibar Leo and Daily News. All these print media were monitored during election. However, Nipashe and Mwananchi which are daily private papers were the leading with highest stories. Nipashe had 7,438 stories while Mwananchi had 7170. Habari Leo was third with 5,529 stories. Uhuru, a Chama Cha Mapinduzi owned newspaper, was fourth with 5,107 stories. Other newspapers in the top ten were, Mtanzania 4,734 stories, Majira 4,346 stories, Tanzania Daima 4,310 stories, The Citizen 3,261 stories, Daily News 2,959 stories, The Guardian 2,417 stories, Raia Tanzania 2,314 stories and Zanzibar Leo 2,225 stories.¹⁷⁸

¹⁷⁸ LHRC & TACCEO (2015), Media Monitoring Report of 2015. Page 13.

A total of 65,535 stories on the 2015 election campaigns were published on print media for a period between 23 September and 5 November 2015. However, almost three quarters (75%) of the stories did not touch direct political parties rather the general elections at large. Again CCM enjoyed a lion share in terms of coverage with a total of 6,848 stories (10%) followed by CHADEMA with 4,502 stories (7%); CUF had 1,720 stories (3%); ACT-Wazalendo 1,026 stories (2%); UKAWA as coalition had 1,181 stories (2%); CHAUMA 828 stories (1%); UPDP 640 stories (1%); and NCCR Mageuzi 465 stories (0.7%). Weekly newspapers which had the highest number of campaign stories were Mwanahalisi with 721 stories, Mawio 566 stories, Raia Mwema 526 stories, Tazama Tanzania 538 stories and Rai 334 stories. Table 8.3 below shows actual coverage per each political party and newspaper:

Table 8.3: Print Media – Number of Mentions of Elections Issues per Each Party and Newspaper

Publication	CCM	CHADEMA	CUF	ACT-Wazalendo	UKAWA	CHAUMA	UPDP	NCCR Mageuzi	Others	Grand Total
Nipashe	605	1,012	117	237	70	209	161	24	5,003	7,438
Mwananchi	1,649	1,034	687	456	495	468	176	47	2,158	7,170
Habari Leo	450	115	40	54	11	37	56	48	4,718	5,529
Uhuru	687	231	40		40	6	21	27	4,055	5,107
Jambo Leo	453	262	132	49	72	12	18	21	3,859	4,878
Mtanzania	417	317	61	20	72	18	18	43	3,768	4,734
Majira	397	180	122	28	36	20	24	29	3,510	4,346
T/ Daima	139	258	36	12	58		48	3	3,756	4,310
The Citizen	115	144	18	34	32	9	13	42	2,854	3,261
Daily News	276	67	64	13	3	3	9	7	2,517	2,959
The Guardian	86	120	12	13		16	15	21	2,134	2,417
Raia Tanzania	151	29	22	12	9	7	12	11	2,061	2,314
Zanzibar Leo	200	34	37	22	12	14	33	15	1,858	2,225
Dira	212	96	12	21	54		3	62	988	1,448
Mwanahalisi	198	173	223		121		6			721
Mzalendo	88	9	24	3	6		6	9	447	592
Mawio	88	76	6	3		3			554	566
Tazama	90	78							370	538
Raia Mwema	61	10				3		6	446	526
Jamhuri	21	44							445	510
Kulikoni	12	26	24		3		3		308	376
Changamoto	16	28			29		3		286	362
Rai	102	35	3	6					125	334
The African	17	4			3		3	3	230	260
Others	504	231	40	43	55	3	12	47	1,675	2,614
Grand Total:	6,848	4,502	1,720	1,026	1,181	828	640	465	48,325	65,535

Source: LHRC & TACCEO (2015) Media Monitoring Report of 2015.

8.2.4 Social Media

Due to the current development of internet usage and Information technology, information sharing and system of communication is now simplified. Social media is the modern means of communication which is spreading very quickly especially among the youth because of internet. During 2015 electoral process large group of people especially the youth used social media to share election related information. A total of 2,371 stories on elections campaign were reported on blogs.¹⁷⁹ Other types of social media commonly used during the 2015 general election included Facebook, twitter and whatsapp groups.

Jamii Forums (*Jukwaa la Siasa*) is a platform which discusses political issues openly. The website was leading with number of political campaign issues - a total of 838 for the period of 41 days ie from 23 September to 5 November 2015. CCM was the widely covered party for all the blogs with 1,452 stories followed by CHADEMA with 564 stories and UKAWA as coalition had 140 stories. Again the small parties struggled in getting publicity through blogs. Table 8.4 below summarizes the statistics of the stories of some of the social media and online media:

Table 8.4: Social Media’s Coverage of 2015 Election Issues – Selected Blogs

Blogs/ Online Media	CCM	CHADEMA	UKAWA as Coalition	Other Parties	Grand Total
Jamii Forums - Siasa	510	268	54	6	838
Kilimanjaro Blog	282	2	29	173	490
Mwananchi online	362	6	28	10	409
Mwanahalisi online		284			284
Othman Michuzi	94	2	7		103
Michuzi Jr.	86		6		93
Bukoba Yetu	68		10		80
Mbeya Yetu Blog	50		6		58
Grand Total:	1,452	564	140	189	2,371

Source: LHRC & TACCEO (2015) Media Monitoring Report of 2015.

Note that, Table 8.4 above presents some of the blogs only. However, basing on these few selected for analysis, which were widely visited, one can get a sense that, still CCM enjoyed enormous coverage comparing with other parties. In fact, CCM invested a lot in social media as well. This could have been one of the factors behind its victory in 2015. Despite the fact that most of the youth seemed to support opposition parties, through this strategy (use of social media) might have induced so many youth into CCM side.

8.2.5 Analysis of the Media Reportage

The print media provided a wide range of views and covered the major political events organized by the parties. The Nipashe, Jamhuri, Guardian and Changamoto as Table 8.3 above shows, had bigger coverage of opposition parties especially CHADEMA. But, the rest of the papers covered more CCM. Some of the media such as Tanzania Daima; Uhuru; Mawio; Dira; Mwana Halisi; Jambo Leo; Habari Leo; and Daily News did not hide their ideological stands in favor or against some of the political parties especially between CCM and UKAWA team. Uhuru, as said above,

¹⁷⁹ LHRC & TACCEO (2015), Media Monitoring Report of 2015. Page 14.

is CCM's mouthpiece, while Tanzania Daima and Mwana Halisi are said to have affiliation to CHADEMA. Habari Leo and Daily News are State owned papers. But generally it is found that both print and electronic coverage focused on the ruling party (for more than 60%) and few gave attention to UKAWA and other parties.

The Citizen, Nipashe and Mwananchi privately owned newspaper, were the only publication that displayed a fair allocation of space, with a very little difference between CCM and CHADEMA despite the fact that each one of them had more stories reported in favor of either CCM or CHADEMA or UKAWA as coalition. Also other small parties received a fair space allocation compared with other newspapers.



Picture 8.3: Copies of Nipashe and Mwananchi evidencing the findings of this report (fairness of coverage).

As for the distribution of newspapers, it is generally found that, newspapers distribution is mostly limited to main urban centers, and political parties preferred paid TV airtime over radio or newspaper advertising.¹⁸⁰ This was also supported by the European Union (EU) election observers' preliminary report which says, some private media demonstrated a relatively balanced coverage of the campaigns, in particular TV Azam 2, Radio One, ITV, Mwananchi and Nipashe.¹⁸¹

CCM took a full advantage of a free live broadcasting of its presidential candidate for the last two weeks of the campaign provided by Star TV, a private TV station owned by Sahara Media Communications. This was made clear by the CCM national chairperson and incumbent

¹⁸⁰ MCT (2015), Election Media Monitoring Report.

¹⁸¹ EU Election Observation Mission – Tanzania 2015 General Elections, Preliminary Statement. Dar es Salaam, 27 October 2015.

president, Mr. Jakaya Kikwete during the closure of the presidential campaign, held at Kirumba stadium, Mwanza - where he urged President Dr. John Pombe Magufuli to remember the owner of Star TV (Sahara media) for what he did for CCM. He is quoted by the EU preliminary report¹⁸² saying on Saturday 24th October 2015, at 17.15 Hours that:

Napenda kutoa shukrani zangu za dhati kwa Mwenyeti wa CCM Mkoa wa Mwanza Bw. Antony Diallo kwa msaada wake wa vyombo vya habari. Naomba Mheshimiwa (Magufuli) utakapoingia madarakani usimsahau (I would like to sincerely thank the CCM regional chairperson, Mr. Antony Diallo, for his media assistance. I urge you honorable (Dr. Magufuli) not to forget him once you climb into power).

Contrary to what Star TV was doing other media such as ITV, EATV, AZAM and Channel Ten had special programs implementing NEC election education programs. This provided viewers with education and information on the voting day.

Big political parties, according to the analysis, were sure of getting publicity in all newspapers with at least of twenty (20) stories per day. Smaller parties like ADC, NRA, and CHAUMA were struggling a lot in getting publicity.

By the above evaluation, the Citizen, Mwananchi and Nipashe were the newspapers which were balanced in reporting and were fair to at least all political parties from the two major parties - CCM and CHADEMA to the smaller ones. Many Privately owned TV channels dedicated a large part of their political reporting to the ruling party, with 36% to CCM, 9% to UKAWA as coalition.

All the TV channels portrayed CCM and its presidential campaign in a positive note. The only private-owned TV channel - Azam TV2 and ITV had neutral note among the political parties by giving a little difference in comparison in reporting.¹⁸³ In Zanzibar, the state owned TV (the TV Zanzibar), dedicated majority of election reporting in news slots and political programs to the ruling party, with 41% to CCM, while its main competitor, CUF 3%¹⁸⁴

Another kind of reportage was purely against media ethics. A lot of stories were packed with hate speech and sensitive allegations against opposition parties. Uhuru and Raia Tanzania were leading in writing hate speech and unfounded allegations against opposition parties. For instance, Raia Tanzania and Uhuru newspapers (pictured below) on September 11, 2015 carried a story headlined '*Kikosi cha vurugu Oktoba 25 mafunzoni*' (*Riot squad under training ahead of October 25*); while Uhuru newspaper on its part published similar content on September 14,

¹⁸² EU Election Observation Mission – Tanzania 2015 General Elections, Preliminary Statement. Dar es Salaam, 27 October 2015.

¹⁸³ In a show of probable calculation of impartiality, during this monitoring period, ITV granted CCM and UKAWA/CHADEMA equal coverage slots of 9 (38%) each, out of the 24 news bulletin monitored. Moreover, ITV also afforded airtime to struggling parties like ACT-Wazalendo and CHAUMMA, as each received equal slot of two 2 (8%) out of the 24 news items aired.

¹⁸⁴ LHRC (2015), Election Media Monitoring Report of 2015. See also THRDC (2015), Election Media Monitoring Report.

2015 under the headline *CHADEMA waingiza msituni vijana 3,000 (CHADEMA recruits 3,000 youths for training in the bush)*.¹⁸⁵



Picture 8.4: Green caption says CCM’s presidential candidate will easy drugs for livestock; while, red caption states CHADEMA recruits 3,000 youths in the forest.

The above stories by the two papers intended to inform the public that CHADEMA sent 3,000 youths for training in the bush for the purpose of causing chaos during elections. Those are sensitive allegations that touch national security. If Tanzania had serious media regulatory institutions such media houses were to be punished for grossly failing to observe professionalism and ethics of journalism.

During 2015 election process, majority of the media houses were publishing stories aiming to attack political candidates on personal allegations. For instance, Majira newspaper published a story with headline ‘Lusinde: *hatutaki rais wa kuuguza ikulu*’ (*Lusinde: We do not want a sick President in the state house*)’ This story carries personal attack as it has even gone to the extent of mentioning the name of the accused.¹⁸⁶

Generally, private media houses gave prominence to the interests of politicians/ political parties and sideline public interest. The percentage of coverage given to elections issues directly from the public was very minimal compared to lion share given to politicians. Most of the front page stories were dedicated to stories and agenda from top politicians. For instance, Out of the 98 articles published by Mwananchi newspaper on 2015 elections, 54% dwelt on campaign issues related to pledges on the provision of social services. Campaign issues that reflected on corruption, constitutional reforms and gender were generally missing in the assessed media houses.

¹⁸⁵ MCT (2015), Election Media Monitoring Report of 2015. Issue No. 2.

¹⁸⁶ Majira newspaper of September 11, 2015. Page 3.

However, some of the key issues were seen to be reflected in the media coming from politicians and ranged from improving economy, infrastructure, and accessibility of clean water, industrialization, education and health sectors. The other issues covered include measures of combating corruption, land disputes, security and media issues during 2015 elections and the killings of albinos. These were just pledges mentioned by politicians or election manifestos but not exactly what people were saying. The media saw politicians and political parties to be the main source of information during election than the public.

8.2.6 Public Media

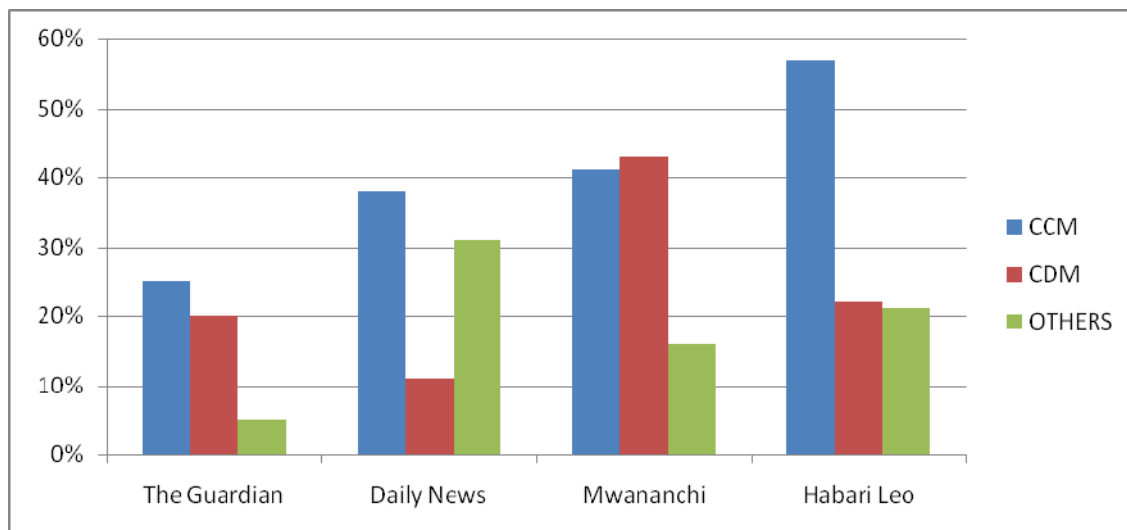
Public owned media did not provide a balanced allocation of space as they dedicated much of space to CCM and rarely to CHADEMA/ UKAWA team or the other political parties. Public Media include, TBC, ZBC, and TBC radio, Habari Leo, Daily News and Zanzibar Leo. The biasness of the public media has been even a threat to journalists reporting to the public media. For instance, according to the 2013 THRDC security needs assessment report, about 10 journalists reporting to public media were harassed by the public because of unfair reportage during 2010 elections.¹⁸⁷ According to the same THRDC's report, the factors behind this type of public media reportage in Tanzania include:

- i. That the problem could be not with the scribes at the reportage level, but rather it has to do with the top management. Journalists in this category are always at cross roads whenever there is a conflict between the people and their government;
- ii. Laws and policies governing public media were developed during single party error hence can't work in the current political landscape;
- iii. Another challenge is when some government functionaries like district or regional commissioners together with their executive directors choose to use public media journalists as their public relations officers on an assumption that, those media outlets are mouth pieces of the government of the day and the ruling party.

According to MCT findings, Daily News and Habari Leo staged an objective reporting trail by accurately reporting election campaigns. However, the tendency was to give more prominence to CCM candidates in terms of space and placement. Some political parties were completely blacked out. For instance Habari Leo a public, owned media gave CCM 450 and CHADEMA 115. Such findings can be complemented by the 2015 THRDC Election Media Monitoring Report, which came out with the following findings as Figure 8.1 below:

¹⁸⁷ THRD (2013), Protection and Security Needs for Human Rights Defenders in Tanzania: Needs Assessment Report. Available on line at <http://www.thrd.or.tz/uploads/29.pdf>

Figure 8.1: THRDC’s Findings on Media Coverage – State and Private Owned Newspapers, 2015



Source: THRDC Election Media Monitoring Report, 2015.

Figure 8.1 above indicates that public media gave wider coverage to CCM while other media houses tried to balance their stories to all political parties. Both the Daily News and Sunday News favored CCM candidates by giving them more prominence in terms of space and placement especially on front page content allocation. For instance, out of 42 articles, CCM had 16 articles (38%), CHADEMA 11 articles (26%), ACT-Wazalendo 4 articles (10%), CUF 5 articles (12%), NCCR –Mageuzi 3 articles (7%) and UDP got 1 article (2%).

MCT report (cited above) further found that, for the two public newspapers, content for ruling CCM campaigns would mostly be given front page comfort, if not second page. If anything, news coverage for the campaigns of the opposition parties would be elevated to front page status if it contained negative content. A typical negative story was published on September 2, 2015 headlined ‘*Slaa slams Lowassa on Chadema.*’

In a bid to make public media impartial and objective, the TCRA issued a warning letter to TBC for public showing biasness to opposition parties. For instance, the TBC was visibly prejudiced towards the ruling CCM as the channel apportioned 14 slots to CCM out of 18 news bulletins monitored, which was equitable to an exposure of 78% of the total election news aired. It should be remembered that all public media are being run on taxes paid by all citizens of Tanzania. Therefore, giving prominence to only one political party and sidelining others amount to uneven distribution of public resources. For instance, while TBC1 covered CCM presidential candidate campaign rallies in Tabora, Lindi, Nzega and Mtwara other opposition parties were denied similar coverage.

The failure to provide fair coverage and the biasness of the public media was also observed by international observers such as EU mission. They reported in their preliminary report that TBC,

ZBC, Zanzibar Leo, Daily News and Habari Leo allocated significantly more airtime and space to CCM than to all other political parties combined.¹⁸⁸

There is a need to improve managerial capacity to those who run public media institutions so that they can get well acclimatized to the multiparty system under which this country is now operating. TACCEO urge media practitioners in public institutions and their managements to understand that the public media should remain neutral and they should not have any kind of inclinations to either the government of the day or any political party. And in order to make this recommendation a reality, Tanzania needs legal reform, especially all laws and policies regulating public media must be reformed to suit the current political landscape.

8.3 THE ROLE OF CIVIL SOCIETIES

The Civil Society refers to any organization that works between the household, the private sector, and the state, to negotiate matters of public concern. CSOs include a very wide range of institutions and operate at many different levels, including the global, regional, national and local. Civil society includes NGOs, community groups, research institutions, think tanks, advocacy groups, trade unions, academic institutions, parts of the media, professional associations, and faith based institutions.¹⁸⁹

The number of CSOs continues to increase, with about 1,000 new CSOs registered annually under various laws. Many different authorities register CSOs, including the Directorate of NGOs of the Ministry of Community Development, Gender and Children, which registers NGOs; the Ministry of Home Affairs, which registers societies; the Registration Insolvency and Trusteeship Agency (RITA), which registers trusts; and the Ministry of State President's Office, Constitution and Good Governance (Zanzibar) which registers NGOs in Zanzibar. According to data from these authorities, the number of registered CSOs was 19,489 in 2013 but as of today the number of CSOs is approaching 30,000. The number of active CSOs, however, is estimated to be smaller.¹⁹⁰

CSOs are essential feature in the democratic life of any country as they assist the public to register their political, civil, economic, social and cultural rights in a process of democratic development. They present alternative voices that have often demanded accountability on the part of the government. In new and emerging democracies, CSOs have been at the forefront of agitating for reforms and increased involvement of the citizens in the governance structures. Since the re-introduction of multiparty democracy in Tanzania CSOs have played a significant role of transforming Tanzania's politics through the creation of public social capital.

¹⁸⁸ EU Observation Mission – Tanzania 2015 General Elections. Preliminary Statement. Dar es Salaam, 27 October 2015.

¹⁸⁹ Olengurumwa, O. (2015), Space of Civil Society in the Current Political and Social Economic Environment.' A paper presented at Ubungo Plaza during the Foundation for Civil Societies 13th Annual Forum on 2nd December, 2015. Page 12.

¹⁹⁰ The 2013 CSO Sustainability Index for Sub-Saharan Africa, quoted in Olengurumwa, O. (2015), *Ibid*.

8.3.1 CSOs Roles in Politics

CSOs Political roles could include, but is not limited to, augmenting and influencing change; playing a part in elections by conducting civic/ voters' education, election observation and engaging with election stakeholders. At the local level, civil society organizations are actively engaged in community development, skill improvements for sustainable livelihoods and access to basic social services. Through local elections and local elected councils, they can hold local leaders accountable and influence the articulation of local needs and priorities.

At the national level, civil society organizations often perform a watchdog function to improve the quality of electoral and parliamentary process. This function includes electoral monitoring, voter education, the training of candidates (especially women) and ensuring that parliamentarians are responsive to the interests of minorities, the poor and marginalized groups. Some of the key roles played by the CSOs in 2015 election included:-

- i. Provision of civic awareness and voter education to the general public through various ways, including workshops, media programmes and trainings;
- ii. Observation of electoral processes. For instance more than 17 NGOs formed TACCEO which deployed Observers in different parts of Tanzania;
- iii. Made several publications on electoral processes;
- iv. Issued election manifestos to guide the public on attributes of a good leader and also to remind political candidates the interest of the public;
- v. Stabilized situation where it appeared necessary. For instance they issued strong warning on the issue of Zanzibar;
- vi. They monitored voters' registration process through BVR;
- vii. Organized lobbying and advocacy strategies by pushing issues to the political parties.

8.3.2 Space and Challenges of CSOs and FBOs in 2015 Elections

Tanzania currently has approximately 30,000 registered CSOs with only like 1/3 of them regarded as active Non Governmental Organizations (NGOs) which form larger part of CSOs. During 2015 Election about 500 NGOs participated in electoral process directly or indirectly through networks. These statistics indicate that there is less involvement of CSOs in electoral processes both at rural and national level. Another type of CSOs that participated in 2015 election includes academic institutions, professional institutions and faith based organizations (FBOs).

As said earlier on, the roles of CSOs in elections were many. For instance, LHRC, WLAC, TAMWA, TAWLA and several others provided civic education. THRDC organized a dialogue on peace and security on 26th September, 2015 which brought together various individuals and institutions including FBOs, and police as picture 8.3 below shows:



Picture 8.5: Officials from CSOs, ZEC, NEC, RPP, Police, PCCB and Council of Political Parties during 2015 election stakeholders' dialogues organized by THRDC.

The major result of the security dialogues was an improved high-level of communication and coordination among all election stakeholders responsible for peace and security of an election. Finally, the involvement of religious leaders helped to minimize tensions and instability before and during polling.¹⁹¹ However, as it is argued further below, the religious and even CSOs leaders have not been active to engage in Zanzibar's political impasse, which is discussed in details under chapter seven of this report. At least members of diplomatic community have already made their stand clear in January 2016.

The academic organization forms as another group of CSOs that continued to play their traditional role of suggesting the trend of politics and electoral process in 2015 election cycle. For instance, the University of Dar es Salaam, in particular the Tanzania Election Monitoring Committee (TEMCO) secured some funds from various sources in order to, inter alia, provide civic education and monitor elections.

TEMCO was founded in 1994, as the domestic election observation group which is citizen-based, non-partisan, and impartial and autonomous. TEMCO objectively evaluates elections to determine the extent to which they are peaceful, credible, free and fair. TEMCO's methodology builds on the scientific approach by political scientists at the University of Dar es Salaam. It has monitored general elections, by-elections and referenda since 1995 when the United Republic of Tanzania reverted to multiparty political system. The major thrust of TEMCO is to build voter confidence and participation as well as to facilitate oversight of the electoral processes.¹⁹²

Other professional and research institutions such as Twaweza, REDET under TEMCO, TADIPs and Synovate and IPSOs participated in 2015 election by conducting public opinions polls (POPs) ahead of 2015 elections. The elections opinions polls if conducted scientifically and

¹⁹¹ THRDC (2015), Election Stakeholder's Dialogue on Peace and Security towards 2015 Election Concept Note. Held On 26th/08/2015 At Kilimanjaro/Hyatt Regency Hotel.

¹⁹² Copied from TEMCO's website (www.temco.udsm.ac.tz), which was accessed on 21st December, 2015.

ethically can help to predict election trend. An issue of opinion polls is covered in paragraph 4.10 of chapter four of this report.

As for the Faith based organizations (FBOs), TACCEO established that some of the religious leaders play an important role during election. The major role of religious leaders/institutions during election is to ensure peace and security through the entire process. The role of religious leaders in 2015 election cycle was highly seen during the pre-election phase. For instance, the religious leaders issued statements and directives especially during voter registration process and during campaign rallies. A lot of dialogues and discussion about peace and security were held by various election stakeholders including religious leaders.

However, the religious leaders were not heard again after elections even when some of the candidates complained about malpractices. They continue keeping quiet even for the unlawful annulment of Zanzibar's elections and announcement of election re-run by the ZEC chairperson, Mr. Jecha. Instead, most of them kept on praising the new government on whatever it was doing especially on the restoration of public order since November, 2015.

As for the challenges, LHRC/TACCEO established that in the course of undertaking this noble roles as mentioned above, some of the CSOs have succumbed to several challenges such as confrontations from state security agents, operating in a repressive legal regime, restrictions, arbitrary arrest, and attack and sometime seen as members of opposition parties. The 2015 electoral cycle posed a lot of challenges to CSOs both being imposed externally and others are being from within.

The external challenges included the retention and development of new repression laws, including the Cybercrimes Act, 2015; attack of election observers; invasion of TACCEO/LHRC election observation centre and seizure of electronic equipments.



Picture 8.6: LHRC/TACCEO Election Observation Centre before police arrest in October 2015.

The LHRC/TACCEO election observation centre or data centre was ambushed by armed police officers on 29th October, 2015 at its Kawe Beach office, Dar es Salaam. During the incident a total of 36 staff and volunteers were arrested and later on, after a long interrogation, bailed out at the Central Police Station, Dar es Salaam. All the suspects are due to appear in court if initial investigation indicates any offenses as per the Cybercrimes Act, 2015.



Picture 8.7: Some of LHRC/TACCEO workers outside Dar es Salaam Police Central Station following up their cases in November 2015.

The Police claimed that the observers were arrested under section 16 of the Cybercrimes Act, 2015 because they were collecting and disseminating election results contrary to the electoral laws mentioned in chapter two of the report, which prohibit other institutions or persons from doing that. However, at no point of time did LHRC/TACCEO involve itself in the parallel vote tabulation or release of the results. The centre was just collecting and analyzing other election incidents, some of which have been used as ingredients for this report at hand. Nonetheless, it was not an offence to mention who had won elections because the result forms were displayed outside the counting and tallying centres all over the country.

As it is argued further in chapter nine of this report, it appears that, the electoral body and government machineries were hypersensitive of this year's election, for obvious factors that it was stiff and endangered the dominance of the ruling party in the Tanzanian politics. The political system, as argued in chapter two of the report, subjects most of the government machineries to the influence of the ruling party, CCM.

During the invasion, all the office and personal equipment were seized including 3 laptops, 24 desktop computers, 25 office phones and 36 personal mobile phones. The cybercrime case against TACCEO and LHRC officials was still pending at the time of this report writing.

Months before, LHRC/TACCEO's observers were attacked and assaulted while monitoring BVR registration processes in Njombe region. The two observers were invaded in Netho Guest House by the police officers on 7th March, 2015 at around 20.40 hours. The police battered them and left the guest house.

Apart from external factors discussed above, it was noted that, CSOs as election stakeholders had a lot of internal challenges (among themselves). The challenges include, lack of solidarity, low capacity, lack of professionalism and lack of objectivity. For the last 15 years the capacity of CSOs to effectively engage in democratic process has been limited by poor resources, sustainability, and capacity which inhibited their scope to effectively participate in election cycle. For instance, most of them feature civic empowerment as one of their strategic objectives; but, normally, they do very little to empower the public. In most cases, they lack holistic and sustainable approaches between themselves and with other stakeholders especially the electoral commission. As a result, things are done in partial ways. The CSOs had different version of election manifestos; they had different civic awareness modules and approaches; and they had different perceptions on how the election was carried out.

CSOs must always strive to improve their credibility in order to inspire, inform and must be considerate in all stages of election cycle. This could be possible if they manage to come out with common election agenda; and therefore, solicit sufficient support from development partners, which could facilitate them to comprehensively work on the election issues, unlike the current situation whereby most of the CSOs' programmes on democratic elections have been in 'pick-and-drop' fashion, done on ad hoc basis during election years only. LHRC/TACCEO subscribes to the views of various election experts that, for CSOs to participate effectively in elections, they require; i) institutional capacities for fundraising and financial management; ii) capacity in information gathering and research techniques; iii) improve communication skills to attract broad publicity and other capacities that may enhance their roles and networking to develop coordinated advocacy, good documentation and up-scaling practice; iv) improve professionalism and trust building in educating citizens and ability to speak truth; and v) they need to understand broadly how to engage in electoral cycles from pre-election phase to post-election phase. Post election phase is almost forgotten by CSOs and donors and they need to go beyond election observation and voter education.

8.4 ROLE OF DEVELOPMENT PARTNERS AND INTERNATIONAL COMMUNITY

The international community for the purpose of this report includes international and regional election observers, development partners and diplomatic missions. These groups play significant roles during elections. Some of the roles included; i) being election observers; ii) financial support to the government and CSOs to coordinate and observe elections respectively; and advice on the reforms of the electoral management system.

There were about 1,000 international election observers deployed for the 2015 elections. The observers included those from EU, AU, SADC, EAC, and Commonwealth. Among the international election observers, EU was the largest, open and most influential observation

mission in 2015 elections.¹⁹³ For instance, they went almost 70% of the 264 constituencies and observed election preparations, campaigns, polling and tabulations. They had short term and long term observers who attended about 150 campaign rallies of all parties and sent over 300 reports to the head of the mission in Dar es Salaam and the media.



Picture 8.8: The SADC and EU 2015 election observers in different occasions while in Tanzania.

During 2015 the groups of international observers were present almost in every part of the country to observe and to assess the credibility of the electoral process, deter fraud and give recommendations thereon for reform. The EU mission issued a preliminary statement which showed that the election process went smoothly but with few challenges, most of them falling on legal and institutional challenges. The following are some of the major challenges identified by EU statement of preliminary report:¹⁹⁴

- i) In the undertaking of the different stages of the electoral process, the NEC and ZEC did not provide for full transparency regarding their decision-making processes, and stakeholders' access to scrutinize the commissions' activities was not always granted.
- ii) In Zanzibar, the lack of information provided to political parties regarding the voters' register and constituency boundaries also affected the confidence of political parties in the ZEC and in the electoral process.
- iii) There are a number of constitutional limitations on political rights and freedom of association, and, in Zanzibar, on the right to register as a voter, that have remained unaddressed since the previous elections and which are not in accordance with international principles for democratic election. These include the constitutional ban on independent candidates to stand for elections, the inability to challenge presidential

¹⁹³ The mission in Tanzania, led by Chief Observer, Ms. Judith Sargentini MEP. It began its observation over six weeks before Election Day, with the arrival in Dar es Salaam of a core team of election analysts on 11th September, 2015. There were 34 Long Term Observers, who were deployed across the country; followed shortly thereafter, and they were then joined by 60 Short Term Observers; 30 observers from EU Member States' embassies in Tanzania and six members of the European Parliament.

¹⁹⁴ Copied from: European Union Election Observation Mission – Tanzania 2015 General Elections. Preliminary Statement. Dar es Salaam, 27 October 2015

election results, and the absence of legal provision to form and register coalitions of political parties.

- iv) The state media failed to provide equitable and fair coverage of the campaigns. Tanzania Broadcasting Corporation (TBC) TV and radio and Zanzibar Broadcasting Corporation (ZBC) TV and radio allocated significantly more airtime to CCM than to all other political parties combined. The state-owned Zanzibar Leo and the Daily News also demonstrated bias towards CCM. Positively, some private media demonstrated a relatively balanced coverage of the campaigns, in particular TV Azam 2, Radio One and ITV, and the daily newspapers, Mwananchi and Nipashe.

There was also a joint observers' statement¹⁹⁵ on the elections issued on 29th by the Commonwealth mission headed by H.E Goodluck Jonathan; SADC, headed by the Hon. Oldemiro Baloi, Minister of Foreign Affairs and Cooperation of the Republic of Mozambique; the AU, headed by H.E Armando Guebuza; and the EU headed by Ms. Judith Sargentini. The elections observation missions were not pleased by the decision of ZEC's chairperson to 'nullify' the entire electoral process in Zanzibar while according to them the process met all the electoral standards. They decided to jointly call, ZEC and state officials to proceed with tallying of the results and declaration of the winners. Part of the statement reads:

We now respectfully request the Zanzibar Electoral Commission to specify in which polling stations there were irregularities. We appeal to the ZEC to act with full transparency in its decision to nullify the elections. We urge the political leadership of Zanzibar to cast aside their differences, put the interest of the United Republic of Tanzania and Zanzibar first, and come together to find a speedy resolution to the issues that have led to this unfortunate development.

Their statement sparked a lot of international attention to what was happening in Zanzibar. Of course, NEC neglected this advice and proceeded in announcing election re-run which is scheduled for 20th March, 2016. As it has been discussed further under chapter seven of this report, the advice to respect 25th October 2015's poll was reiterated in January 2016 by the EU ambassadors in Tanzania. NEC, the incumbent president of Zanzibar and the ruling party CCM still insist on election re-run. However, CUF, the main Zanzibar's opposition party, has announced to boycott the re-running.

The second major role played by international community in the 2015 elections (apart from election observation and advises), was to support, technically and financially, the electoral machineries. The Election Support Project (ESP) and the Democratic Empowerment Project (DEP) were the main election projects, which supported democratization, election running cost, political parties, CSOs, and the media in terms of their interface with the electoral process.

¹⁹⁵ Statement issued on 29 October 2015. It can be accessed from:
http://www.eucom.eu/files/pressreleases/english/internationalobservermissionsjointstatement_en.pdf

The DEP had a total of US\$ 22.5 million for election and democratization process in Tanzania since 2011.¹⁹⁶ The large part of these resources by development partners supported various programs such as:

- (i) Strengthening political party efforts to promote inclusive participation for women, youth and PWDs, within political party structures and also their nomination to elective public offices;
- (ii) Civil Society to undertake joint voter education and conflict management programmers with the EMBs;
- (iii) Media support to collaborate with the EMBs on voter education and peace building, and gender sensitive media coverage.

Other development partners (whom LHRC/TACCEO came across) supported various election projects in 2015 were; the One Fund (Norway, Sweden, and others) and/or through a UNDP coordinated Joint Donor Basket Fund (JDBF) - CIDA, EU, DfID, Denmark, and Switzerland; Foundation for Civil Society; UN Women, Women Fund; OSIEA and OXFAM. These election projects established mechanisms for regular information sharing with development partners (DPs) and other national stakeholders who are not part of the project. The election budget by all development partners mentioned above is expected to reach US\$ 30 million including the ESP/DEP joint fund US\$ 22.5 million.¹⁹⁷

For many years now international community especially embassies and the UN through UNDP have been supporting Tanzania's democratization process especially electoral processes. For instance, UNPP was commissioned to conduct electoral needs assessment by ZEC and NEC to identify specific goals for improvement of the democratic environment in the country. These goals include:¹⁹⁸

- (i) Efforts to strengthen key democratic institutions to have improved capacity to fulfill their political and electoral functions as provided for under UNDAF Outcome 7;
- (ii) The UNDAF (2011-2015), which was developed following a comprehensive situation analysis and stakeholder consultations, clearly identifies support to democratic development in its expected programming outcomes;

¹⁹⁶ The DEP is a three year (2013-2016) UNDP, One UN and other donor-funded project with the overall aim of contributing to Tanzania's UN Development Assistance Plan (UNDAF)'s Outcome 7; that is, 'key institutions of democracy effectively implement their election and political functions.' Agreed by government in the framework of UNDAF and informed by recent reports and studies and the independent ESP 2010 project evaluation, the DEP seeks to contribute to four outputs: i) capacity of the key democratic institutions (EMBs, Constitutional Review Commission – CRC, and RPP) enhanced to support and promote legal and institutional reform in the context of the on-going constitutional reform process and beyond; ii) capacity of the EMBs to conduct credible elections enhanced through strategic, technical and operational support and improved EMB engagement with stakeholders (i.e. political parties, CSOs) to foster a democratic environment; iii) inclusive participation in elections and politics enhanced through the empowerment of women, youth and PWDs; and iv) national peace infrastructure enhanced to mitigate and prevent election-related conflicts including conflict related sexual violence targeting women and girls.

¹⁹⁷ UNDP(2013), Democratic Empowerment Project (DEP) -January 2013 - June 2016. Page 2.

¹⁹⁸ UNDP(2013) *Ibid*, page 2.

- (iii) It provides for strengthening the EMBs, modernizing political parties, supporting the legislatures, and advancing women's leadership, to mention but a few. Some of this work has already been undertaken during the first UNDP year (2011-2012) including the launch of a substantial Legislatures Support Project, UN Women's work with women parliamentarians, and final 2010 election ESP activities including various studies in 2011;
- (iv) As was the case with the earlier ESP, UNDP is also well placed to establish the necessary arrangements and provide expert personnel for the project's Direct Implementation, taking into account the value of early recruitment and project start up as learnt from past experience and recommendations from past election evaluations.

These development partners have been on the frontline implementing the recommendations presented by both international and local election observers. For instance, DEP was established to respond to the democratic and electoral challenges facing both the Union and Zanzibar.¹⁹⁹

During the 2010 electoral process, many recommendations were presented by international community but few of them have been implemented as of 2015. For instance, the recommendations on the legal and institutional reforms as highlighted in chapter two of this report were largely left unimplemented. As such, LHRC/TACCEO calls the international community to increase more efforts and strategies on how the government of Tanzania can implement their recommendations after 2015 election and before 2020 elections. Secondly, LHRC/TACCEO requests these partners and others to exert more pressure on part of ZEC, union government, and government of Zanzibar to suspend its decision to conduct election re-running for the reasons stated elsewhere in this report.

8.5 ROLE OF SECURITY ORGANS

The election security refers to security of election monitors and observers, security of voters, security of votes, security of political candidates, security of polling stations, security of voting facilities, security of electro systems and results. The nature of an election makes it vulnerable to a range of security threats against participants, infrastructure, information and materials.

As it is well known, the State through its security organs such as the police, judiciary, electro bodies and the army has the primary role in securing election process. Other stakeholders like development partners, CSOs, religious leaders, media and international community play a passive role like secondary stakeholders in election security. Therefore, the main duty bearer of security issues is the State. But, contrary to this reality, the State apparatus has been condemned most of the time to be the main source of election insecurity. It has been reported that, it is very common in developing countries for incumbent regime to use security organs to intimidate and frustrate peace and security during election. Chapter five of this report has illustrated a purchase of more than 390 riot control police vehicles (five days before polling) as a bad signal for voters.

¹⁹⁹ This project demonstrates compliance by donors to the Rome Agreement on Harmonization (February 2003); the Paris Declaration on Aid Effectiveness (March 2005); the Gleneagles Commitment to 'More Aid, Better Aid' (July 2005); the Accra Agenda for Action (September 2008)--international protocols that espouse the principle of increased, harmonized ODA aligned with the priorities of recipient countries.

It should be noted that, sometime the nature of an election determines vulnerability and a range of security threats against participants, infrastructure, information and materials. The 2015 general election was a highly contested one in Tanzania political history for the reasons explained in chapters one, four and nine of this report. Thus, the nature of 2015 election attracted well prepared security organs to maintain peace and order. However, there were (usual) complaints from different cycles and especially from the opposition parties and their supporters that the police were in favour of the ruling party. Chapter four of this report has highlighted some incidents (including of Ms. Ester Bulaya of CHADEMA) where some of the members of the opposition complained to have been apprehended by the police without any legal cause. There were very isolated incidents where such kinds of accusation came from the members of the ruling party.

Mass or riot control facilities were dispersed all over the country, especially in urban and peri-urban based polling districts during polling and declaration of the results. Picture 8.7 below shows some of heavy police vehicle rooting on the streets of Tanzania Mainland. Armed police officers were also scattered all over.



Picture 8.9: Police with mass control facilities in 2015 electoral process.

There were army officers roaming around the streets after the declaration of the results, especially presidential results. As it is further argued under chapter six of this report, presence of such soldiers in the civilian and democratic activities seemed to have intimidated some of the voters to turn out during countermanded elections which were conducted in November and December 2015. However, a separate study is called for to ascertain how this situation affected or adversely influenced voters' turnout, hence serious apathy during by countermanded elections.

Legally, the assignment of security responsibilities to institutions for an election varies significantly worldwide. In many cases, the police force is designated with the primary responsibility for election security, due to constitutional limitations imposed on the use of military force and party security groups such as red brigade, green guard and blue guard for the case of Tanzania. The involvement of the military forces is outright prohibited and uniformed personnel are required to stay in barracks during elections.

On the other side, LHRC/TACCEO established that, the security forces acted more professionally in 2015 election especially during campaigns than any other years since the re-

introduction of multiparty democracy in Tanzania. We could base this argument by considering the situation of 2010, whereby, there were more incidents of arbitrary policing work than what happened in 2015. This situation could imply that, the police force was well trained and prepared to handle election according to the law and adherence to human rights principles. For instance, as said above, THRDC and UNDP offered a series of training to police officers on election security, human rights, gender and role of the police in democratic elections in preparation for the 2015 general election. More than 6,000 police officers were reached before 2015 elections. Some of the trainees are as shown in the picture below:



Picture 8.10: Participants of election security training in Zanzibar, October 2015.

The UN Resident Coordinator and UNDP Resident Representative, Mr. Alvaro Rodriguez, said during one of the police trainings in 2015 that:

[t]he training will be replicated throughout the country before the elections to benefit up to 6,000 police officers," he noted. Emphasizing on the importance of the training, the guest of honor at the ceremony, Community Police Commissioner Musa Ali Musa, said that the police force had a crucial role to play during, before and after elections.²⁰⁰

The improvement of police professionalism in 2015 elections can also be linked with the growth of democracy in Tanzania – despite the fact that so many things have to be cleared out before realizing full democratic elections.

As for the issue of use of army in election, it was established that, the militarization during the 2015 election was vivid across the country, but relatively higher in Zanzibar. As the picture

²⁰⁰ Fatma Abdu, 'Tanzania: Police Trained on Election Etiquette.' Accessed on 3rd January, 2016 from: <http://allafrica.com/stories/201509070439.html>

below shows, the Tanzania Peoples Defence Forces (TPDF) forces were seen prepared in deferent parts of Zanzibar before and during election.



Picture 8.11: Army in one of the places in Zanzibar, 2015.

It is the same army that was seen to play an active role the day when ZEC chairman was nullifying Zanzibar elections. As we have already argued above, this tendency should stop as it could scare voters from participating freely in democratic election processes. The army should be deployed only when there is a state of emergency – and preferably after being announced by the president so that people can be prepared psychologically.

LHRC/TACCEO calls security organs to take an impartial position in the future elections in order to guarantee free and fair elections to the majority. This will only happen when the role of the security organs in managing electoral processes is well stipulated in the constitution and indeed in the legal framework of the country. Planned and systematic measures need to be taken to impart civic education to members of the security organs in order for them to be able to perform their duties diligently and in that way promote democratic rights of individuals during election period.

8.6 ACTION POINTS ABOUT ROLE OF OTHER INSTITUTIONS IN ELECTIONS

The chapter covers the roles of other election stakeholders apart from the statutory ones explained in chapter two of this report. The other stakeholders discussed in this chapter include the CSOs, media and election observers. Despite the fact that each of these stakeholders did its best in the 2015 elections, still there are issues of concern about the roles of these stakeholders in elections, which LHRC/TACCEO recommends to be rectified between now and next elections (2019 and 2020). Such areas for further improvements are:

- (i) MCT and other related stakeholders to design a permanent civic empowerment programme(s) for media houses to understand on how to investigate on and publish election and other political related information;
- (ii) TCRA to tighten further news' contents regulations especially during election campaigns in order to reinforce ethics in reporting election news;
- (iii) TCRA to come out with mechanisms of ensuring equal coverage of elections news for all political parties;
- (iv) CSOs, development partners and other stakeholders to advocate for reviewing of the laws which inhibit freedom of expression and suppressing other human rights. Such laws include the Cybercrimes Act of 2015;
- (v) Development partners to continue supporting democratic processes in Tanzania – to elongate their supports beyond election years only. As suggested earlier on, there is a need of national strategic plan on civic awareness, which have to be systematically, holistically and continuously implemented all the time (not only during election years);
- (vi) Stakeholders to implement other action points highlighted in previous and coming chapters.

CHAPTER NINE

ASSESSMENT SOME OF THE KEY ISSUES ON ELECTION PROCESS

9.1 MAIN FACTORS FOR CONSIDERATION

It is stated that, the genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine democratic elections are internationally recognized human rights. Moreover, the genuine democratic elections are central for maintaining peace and stability, and they provide the mandate for democratic governance.²⁰¹

There are a lot of indicators to be used when doing general assessment of the election process. Such indicators are presented in chapter one of this report. For purpose of this general assessment, only a few of such indicators or criteria have been picked, namely; the value of votes and voters' apathy; an opportunity for equal participation of different marginalized groups such as women and PWDs; media coverage; public funding of political parties ; involvement of state machineries, and validity and legitimacy of results. The subsequent parts of this chapter explain more.

9.2 VALUE OF VOTER AND VOTERS' APATHY

The voter turnout during election is a good indicator to measure the level of democracy in any country. The value of voter and participation of people in 2015 electoral process was quite different when compared with 2010 electoral process. The commitment of people to participate effectively in 2015 election processes started during voter registration process. The huge turnout of people during BVR process in 2015 manifested that participation of people in 2015 would be high unlike previous years.

According to the 2015 TACCEO and LHRC BVR Report²⁰², the general response of the electorate was very positive in terms of the percentage of registration turnout accounting for an average of 111% and 100% according to NEC and NBS respectively. However, the variation across regions is striking with Kigoma recording only 83.4% and Njombe recording the highest rate of 154% based on NEC estimates. There was also an impressive turnout of PWDs. Based on the findings it could be presumed that if voter education was adequately provided the percentage of registered voters could have been much higher. It has been observed that impressive registration percentages of voters could be attributed to the other factors including registrants' need of getting registration cards for other purposes such as financial and legal services.

The voter registration process was a key factor for a democratic election because it guarantees the enjoyment of the right to vote. Despite the fact that the process went well and a big number

²⁰¹ Article 1 of the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers of 2005 (Endorsed by African Union on 24th October, 2005).

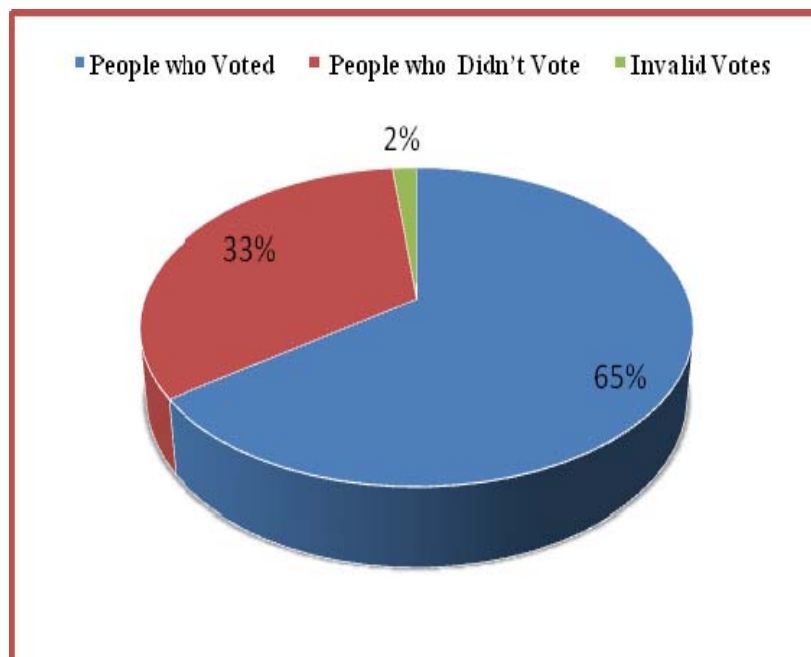
²⁰² LHRC & TACCEO (2015), Biometric Voter Registration Report of 2015.

of people were registered, NEC was highly constrained in its planning and operations due to lack of financial independence and hence operational autonomy as well.

The general inadequacy of the BVR kits and short-time frame of registration seriously complicated the registration process forcing many people to queue for many hours to be able to register. The process left unregistered groups of people such as students, people in Diaspora, people in hospitals, travelers and prisoners. This implies that the number of registered people could have been beyond the current list of registered voters if things went well with NEC.

According to NEC,²⁰³ the Tanzania Mainland, with an estimated population of 47.1 million, was expected to have 23.5 million voters while the isles, with a 1.41 million population, expected to have 720,000 voters. On the part of Tanzania Mainland the number of people who voted in 2015 election process was significantly high when compared with 2010 elections. On the part of Zanzibar the total number of people who voted is not yet officially known because of the current political impasse in Zanzibar. According to NEC website the total of 23,161,440 people were registered as eligible voters, while 15,596,110 voters participated in 2015 election polls, this makes 65% of the registered voters. Figure 9.1 below explains more.

Figure 9.1: Voters' Turnout in 2015 General Elections



Source: Compiled from NEC Website.

Comparatively, in 2010 elections about 20 million potential voters were registered, and a majority of them failed to take part in 2010 elections as only eight (8) million people, which is

²⁰³ NEC 'Jedwali la Matokeo ya Uchaguzi.' Accessed on 22nd December, 2015 from: <http://www.nec.go.tz/uploads/documents/1448023814-3.pdf>

equivalent to only 42 % voted in 2010.²⁰⁴ That means the 2010 voter apathy declined significantly with an increase of 22% to 65% in 2015 polls as shown by Figure 9.1 above. The improvement is contributed to a number of factors, including some of the opposition parties' decision to unite under the grand coalition, UKAWA; the defection of veteran politicians from the ruling party such as two former premiers and Mr. Kingunge Ngombale Mwiru as explained in previous chapters of this report.

LHRC/TACCEO is of the view that this situation could drastically change in coming elections if the current institutional and legal frameworks on elections remain to be the same. The trust in NEC and ZEC independences is relatively low and doubtful to some of voters. The feeling that these electoral commissions favor one party, CCM is unavoidably high and the apathy shown during the countermanded elections of November and December 2015 could tell more. Chapter six of this report explains more about countermanded elections. Secondly, probably, there would be more 'big-fish' defectors from the ruling party to opposition which added thrust in 2015 elections; or, thirdly, the UKAWA would collapse as it stands without solid bolts to coagulate its posture – it is a loose coalition without constitution or written codes of conduct. This is why LHRC/TACCEO suggests that elections legal reforms should be initiated as soon as possible if Tanzania wishes to remain a 'democratic' country.

9.3 INCLUSIVE PARTICIPATION IN THE ELECTORAL PROCESS

Another indicator of a democratic election is inclusiveness in the participation process. Although Tanzania is a signatory to key international and regional instruments that promote equality of all citizens during democratic processes, the country still has a long way to go to achieve equal opportunities for women, the youth and people with disabilities in public spheres. The participation of women, youth, people with disability and other minority groups is increasingly becoming key issue in determining election standards. Again, previous chapters, especially chapters two and four of this report cover this issue in details.

The trend of women involvement in electoral process is growing every year though in a snail pace. For instance, in 2015 elections three women contested for top posts – union and Zanzibar presidential candidate and a running mate for the union presidential candidate. Looking at the number and percentage of votes obtained by Ms. Anna Mghwira of ACT-Wazalendo, which is even less than 1% of total votes, one could tell that, a road to full realization and trust in women's capacity to becoming leaders is a far reach dream especially at the presidential position. Note that, the results for Ms. Mwajuma Khamis, who contested for Zanzibar's presidential elections are not known following the annulment of elections. Ms. Samia S. Hassan, CCM's running mate was voted along with Dr. Magufuli. Therefore, it is not easy to assess how many voters did specifically voted for her. However, the outcome of the parliamentary results shows that, people are changing to believe in women – in parliamentary and councilorship positions as Table 9.1 below shows:

²⁰⁴ LHRC &TACCEO (2010), Tanzania General Election Report of 2010.

Table 9.1: Number of women in Parliamentary Seats

Party	Number of Contestants in 2015	Number of Women who won in 2015	Parliamentary Special Seats in 2015
CCM	19	15 (79%)	64
CHADEMA	15	6 (40%)	36
CUF	6	1 (17%)	10
Total	40	22 (55%)	110

Sources: Various sources, 2015.

Statistics from Table 9.1 above implies that, if women could be entrusted to contest especially for position below presidency, they stand a chance of winning by at least 50% (generalized perception). However, at scientific point of view, so many factors have to be considered including the financial capacity of the party in which a woman candidate is affiliated to; individual capacity of a woman candidate;²⁰⁵ and the prevalence level of harmful cultural norms in a particular constituency.

During the 2015 a total of 12,000 candidates from Mainland Tanzania and Zanzibar—including 1,039 women contested for various political positions (presidential, parliamentarian, House of Representatives and councillorship). Out of those, women candidates formed only 1,039 (8.5%) of the total number; whereby 238 contested for parliamentarian position; 770 for councillorship position; 29 for Zanzibar House of Representatives; and, 2 for presidency/ vice-presidency positions. The 2010 overall records are not available, however, the TGNP contextual analysis on women representation in parliamentary positions of 2012²⁰⁶ and other sources show that, there has been unsystematic increase (or decrease) of women representation in the parties' parliamentarian candidacy position between 2005 and 2015 as Table 9.2 below shows:

Table 9.2: Selections of Parliamentary Contestants within Parties – 2005 to 2015

Party	2005 Election			2010 Election			2015 Election		
	M	F	% F	M	F	% F	M	F	% F
CCM	213	19	18	215	24	10	249	25	9%
CHADEMA	133	11	8	154	25	14	179	12	6%
CUF	200	13	6	168	14	8	122	15	10%
NCCR-Mageuzi	63	8	11	52	15	22			

Sources: TGNP (2012) and other Sources (2015).

Table 8.1 shows that, no party has reached even half of the threshold in the selection of women candidates as the SADC Protocol on Gender and Development of 2008 requires.²⁰⁷ Article 12 of the said protocol directs SADC countries to '*endeavour that by 2015, at least fifty percent of*

²⁰⁵ For instance, the two ladies, Ms. Ester Matiku and Ester Bulaya managed to win parliamentary elections in Tarime and Bunda constituencies (respectively) of Mara region, despite the fact that those are among areas which practices patriarchic traditional norms in Tanzania. The two CHADEMA ladies are bold and very competent in terms of advancing arguments and defending their points. Ms. Bulaya managed to defeat Mr. Steven Wassira, a veteran CCM politician, who was also an incumbent minister at the time when the 2015 elections were carried out.

²⁰⁶ Found in: TGNP, UN Women and Mtandao wa Wanawake na Katiba (2015) Election Manifesto of Constitution and Election Women Coalition, 2015 General Elections. Page 4.

²⁰⁷ SADC Protocol on Gender and Development of 2008 has set a standard of equal representation between men and women.

decision making positions in the public and private sectors are held by women including the use of affirmative action measures as provided for in Article 5.'

The number of reserved seats for women in the National Assembly has also been increased from 75 in 2005 election, 102 in the 2010 elections and 110 in 2015 elections. However, such increase is still far behind the threshold of 50% required by SADC protocol cited above. But it is obvious that, if more women win in constituencies, their number in parliament can increase considerably with the addition of special seats quota.

The situation of other gender groups especially the PWDs was even worse. TACCEO did not manage to gather actual number of PWDs who contested or won the elections. This happened even after a thorough enquiry and research on the same. It is an issue of concern that, even the disability groups did not keep records on this. As for the youth, their appetite tends to increase over years. According to an anonymous NEC's official, at least 60% of the current politicians who won 2015 elections were youth or young men and women below 45 years. The Tanzanian politics is increasingly becoming a game of youth due to a number of reasons which TACCEO can speculate such as, their ability to use social media in order to amass political supports; ability to articulate youth issues as they are also victims of the same circumstances; and, presence of good examples such as Mr. Zitto Kabwe; Mr. John Mnyika; Mr. David Kafulila; Ms. Halima Mdee; Ms. Ester Bulaya; Ms. Ester Matiku; Mr. January Makamba; Dr. Hamis Kingwangala; the Late Deo Filikunjombe; Mr. Mhaga Mpina; Mr. Peter Selukamba; Mr. Mwigulu Nchemba; Ms. Umyy Mwalimu; Ms. Angela Kairuki; and so many others who did very well in the last phase of political governance (2010-2015) as members of the parliament, and some of them were actually entrusted with ministerial positions.

LHRC/TACCEO advises that political leaders and other election stakeholders to fight for the Judge Joseph Warioba's new constitution draft version which had very useful provisions about the participation of various groups in leadership and election. The question of 50/50 was well presented in the said draft. Moreover, women are encouraged to strive on their own in political landscape instead of depending much on special seats or affirmative actions as the experience has shown that, those who are bold enough to fight on their own, they win and break the old traditional norms against women.

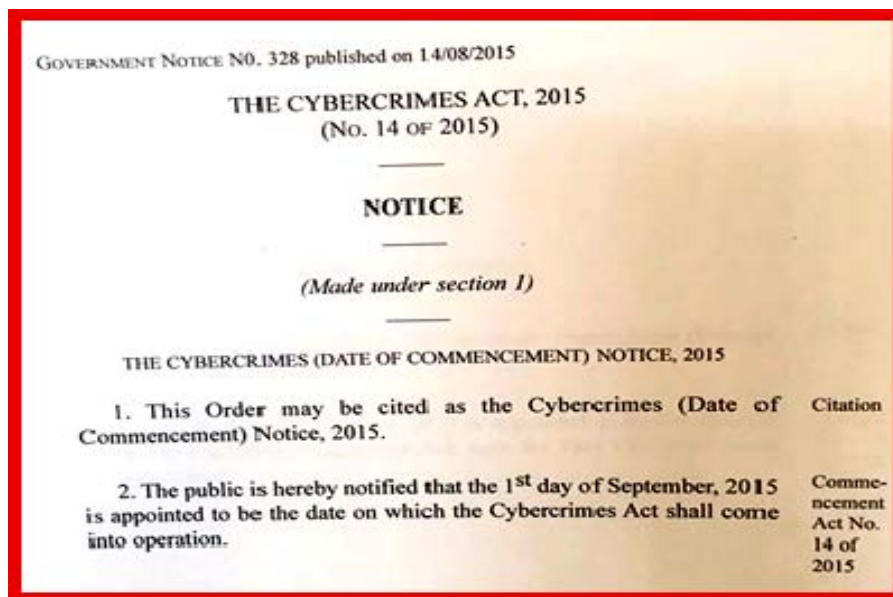
9.4 SPACE OF KEY ELECTION STAKEHOLDERS: CASE OF MEDIA

As stated in this report previously, management of an electoral process is a multi-stakeholder's responsibility. The standard of a modern electoral process is measured by looking on how the state holding an election has created an environment for all election key players to take part. For electoral processes to be free and fair, it needs actors other than the primary state actors with statutory duties.

The 2015 election had many players from within and outside the country, including the media, law enforcers, election observers, CSOs and development partners. As for the media, TACCEO found that, it played a pivotal role of linking the politicians and the general public. Unlike previous elections, the intensity of use of social and normal media was very high. It was the media which instigated public feelings and therefore, impacted into huge turnout of supporters in

the political rallies. Chapters four and eight of this report explain more. The media also managed to expose a lot of election irregularities to the public and somehow, actions were taken to rectify the elections.

The social media which was expected to be a mobilizing tool for youth especially in urban and peri-urban areas (due to an increase in number of bloggers, smart-phones, etc), was vehemently controlled through a rushed enactment and enforcement of the Cybercrimes Act, 2015. The law was also hurriedly gazetted for enforcement in September 2015 as the picture below shows, when election campaigns were gaining momentum through social media, other media outlets and political rallied.



Picture 9.1: Government Gazette on the operationalization of the Cybercrimes Act, 2015.

Moreover, before the cybercrimes law, the Statistics Act, 2015 was already passed making it offensive to release any form of statistics without endorsement of the government, especially the Tanzania Bureau of Statistics. The developments of these laws (cybercrime and statistics) were made under a certificate of urgency without public consultation, a fact which drew public attention and fear towards 2015 electoral polls. As said earlier on, LHRC/TACCEO's data centre was one of the early victims of these draconian laws as Table 9.3 below shows further.

It would need a lot of energy to defend the fact that these laws did not have political motives – to control the campaigns of the very unpredictable 2015 elections. A 'serious' enforcement of the cybercrime law is gradually disappearing after the announcement of the election results in October 2015. The Tanzania Communication Regulatory Authority (TCRA), which used to ban media houses for air space to conduct 'public awareness' of the cybercrime law, did not continue with its unusual public awareness initiative after the election.

The legal analysis by some of the civil right groups, such as THRDC has established that, the cybercrimes law is one of draconian pieces of legislation in the country, which is curtailing the

right to freedom of expression, creates harsh punishments for offenses such as sending unsolicited messages via text or other media. Under Section 16 of the cybercrimes law, the publication of ‘*information, data or facts presenting in a picture, texts, symbol or any other form in a computer system where such information, data or fact is false, deceptive, misleading or inaccurate*’ could be subject to at least six months in prison or/ and a fine not less than three million Tanzanian shillings. Other individuals arrested on allegations of violating Section 16 of this law during the 2015 election period are indicated in Table 9.3 below:

Table 9.3: Initial Victims of Section 16 of the Cybercrimes Act, 2015

The Accused	Facts of the Case
Leyla Sinare; Godfrey Soka; Deo Edmund Soka; and Monica Soka	It was alleged that, the accused disseminated false information through their whatsapp group known as ‘ <i>Kundi la Soka.</i> ’ Details of false information were not immediately found.
Yeriko Nyerere	This blogger was accused for allegedly publishing false information which could provoke violence in the country during the electoral process.
Mashinda Mtei; Julius Mwita; Frederick Fussi; Julius Matei; Meshack Mlawa; Anisa Rulanyaga; Jose Nimi; and Kim Hyunwook.	These were CHADEMA’s election team. They were charged for tallying and publishing ‘false information’ about the presidential results.
Benedict Ngonyani.	The Dar es salaam Institute of Technology (DIT) student, was accused of publishing information on Facebook about the TPDF Chief, General Davis Mwamunyage that he was was sick due to food poison. The charges were preferred against him on 25 th November, 2015.
TACCEO/ LHRC	A total of 36 TACCEO/ LHRC staffs and volunteers were arrested allegedly to have committed an offense of collecting and disseminating election results (for that matter false information).

Source: THRDC (2015) Enforcement Status of the Cybercrime Act of 2015.

It is also a bizarre situation that, the law came into force without regulations to operationalize it. The regulations or rules to the law normally provide procedural safeguards and means of its implementation as well as rights and duties of stakeholders provided in the principal legislation. Lack of cybercrime regulations gave excessive discretionary powers to law enforcers to implement the law without even judicial oversight.

In a bid to get rid of this (cybercrime) law, THRDC petitioned to the court in 2015 to challenge its Constitutionality. The case has been adjourned till February 2016 however, in preliminary stage the government has already filed defense claiming that the law does not in any way violate human rights principle or the constitution.

It was further established that, the security of the media journalists in 2015 electoral cycle was minimal. More than 10 journalists were harassed during campaigns, while active and citizens oriented media house like ITV received several warnings from regulatory organs. If the media is not given free space and legal protection during election, then the standards of electoral process can be questioned. It is also observed that, the media fraternity was highly misguided for political purposes. The situation was critical to the extent that some media houses, especially Star TV, covered inciting stories openly and repetitive. Chama Cha Mapinduzi (CCM) was the most

avored (covered) political party by both private and state owned media (in Tanzania Mainland and Zanzibar). Being the ruling party, CCM enjoyed state facilities including transport.

The UKAWA media coalition coverage was boosted by the former Prime Ministers and CCM cadre. However, most of the coverage dedicated by the media especially the state owned media houses was rather negative. Other small political parties, both in Tanzania Mainland and Zanzibar, were neglected by the media for the most part of election campaign. Parties like CHAUMA, TLP and UPDP stories when combined were less than 1,000 throughout the election period in 2015. It is an obvious fact that, such tendencies had adverse implications to the results of those parties.

Lack of an effective media regulatory body in Tanzania caused unbalanced coverage in favor of or against certain political parties by both government and privately owned print and electronic media. The provisions of various laws which require equal access of state owned media were evidently violated as this report has shown. There is a need to have a strong media regulatory body at least during elections in order to create an equal playing ground amongst contesting political parties and candidates.

9.5 PUBLIC FUNDING AND TREATMENT OF POLITICAL PARTIES

This sub-chapter assesses how political parties are being treated in Tanzania. Political parties are key players in building true democracies and transparent government in the modern democracies. For an election to be free and fair there must be an equal playing ground among political parties in Tanzania. The Office of Registrar of political parties has been mandated by the Constitution and the Political Parties Act to register and manage political parties in Tanzania.

Tanzania has more than 20 registered political parties which participated in 2015 electoral process. However, only 12 parties, namely CHADEMA, CCM, CUF, ADC, ACT, CHAUMA, TADEA, NLD, NCCR-Mageuzi, TLP, UPDP and NRA had contested for presidential position. Out of those 12 parties, a coalition of 4 parties namely CHADEM, CUF, NCCR and NLD had a joint presidential candidate, therefore makes a total of only eight (8) presidential candidates in 2015 election process. On the part of Zanzibar, more than 10 parties including UKAWA representative had presidential candidates. For the first time the main opposition parties CHADEMA presidential candidates acquired massive votes in Zanzibar because he was the only union candidate representing UKAWA in the union presidential post while Maalim Seif of CUF was representing UKAWA for presidential candidacy in Zanzibar.

Most of the political parties especially the opposition parties depend solely on government subsidies to run and manage their programs and campaign. During the reintroduction of multiparty democracy in Tanzania, the report by Nyalali Commission cautioned that, had the funding arrangement be left as it was during the single party era, it would be very difficult for

opposition political parties to gain strength and CCM and other public funded parties would have undue advantages over the new political parties.²⁰⁸

Resources both financial and material are prerequisite for effective and equal participation of political parties in elections. These resources support numerous pre-election, during and post election activities. For instance, all political parties participating in Tanzania election requires the following:

- i. Resources to scrutinize the process of voter registration process;
- ii. Pre-elections (recruitment of party members, opening up branch officers in regions and districts, grooming of political party leaders);
- iii. Recruiting, training and deploying political party agents countywide;
- iv. Financial promotional arts groups during the campaign;
- v. Making of t-shirts, flags and other campaign materials including billboards and huge posters as pictures below show (only CCM and UKAWA managed to have such kinds of materials in 2015).



Picture 9.2: Huge campaign posters scattered almost all over the country.

- vi. Ferrying of people to campaign rallies (it is widely practiced by few parties but not acceptable by the law);
- vii. Buying airtime or media space;
- viii. Covering expenses of the campaign team.
- ix. Bringing up own security system and security guards (such as red, blue and green guards).
- x. Resources for quick means of transportation to reach voters (nowadays the use of helicopters (chopper) has been a fashion during campaigns).

²⁰⁸ Ramadhani, L (2016), “ Funding, Political Corruption, Sectarianism and Ethnicity in Politics” A Paper Presented during the Reflection on the Post-2015 Tanzania General Election during the 7th University of Dar es Salaam Convocation Symposium on 22nd/01/2016.

Those activities during election require resources for political parties to have equal playing grounds. Surprisingly in Tanzania only few parties can manage the above list. Table 9.3 below shows the extent of public funding for each political party in Tanzania:

Table 9.4: Government Subvention to Political Parties, 2010-2015

S/No.	Political party	Amount (Tshs)	Percentage (%)	Seats (as of September) 2015
1.	CCM	818,000,000	70.9	188
2.	CHADEMA	203,600,000	17.6	35
3.	CUF	17,400,000	10.2	39
4.	NCCR- Mageuzi	10,000,000	0.9	1
5.	TLP	2,400,000	0.2	0
6.	UDP	2,400,000	0.2	0
	Total:	1,153,800,000	100	263

Source: TEMCO Newsletter Issue 7 and 8, October 2015.²⁰⁹

From Table 9.4 above, one will note that, the ruling party alone takes more than two-third of the total public funding to political parties between 2010 and September 2015. The share of public funding has to the political parties has direct implications to the outcomes of the results. It is obvious that, small parties can do little to implement the long list of activities mentioned above – all with financial implications.

Currently, not all registered parties may be eligible to receive government subsidy. Subsidy is available on proportional basis. That is, in order to qualify for funding, a party must win at least 5% of the total votes cast or at least 1 seat in Parliament. The effect as TACCEO found during the 2010 and 2015 elections is that, newly registered political parties are disproportionate and the ruling party CCM takes a large share and therefore is able to campaign more widely than others.

The UKAWA and CCM candidates in contested position were seen to be active and able to conduct their campaigns because of resources. Other political parties which staged presidential campaigns failed to reach different parts of the country. Therefore, only three main political parties reached widely the voters physically to campaign for their manifestos. As said before, lack of public fund to sponsor political parties is one of the main inhibiting factors of equal political platform for all political parties in electoral processes in Tanzania.

As for election corruption practices, in observing the 2015 election, LHRC/TACCEO systematically followed the use of money, liquor, food or any other inducements (such as khangas, t-shirts, caps, and government's campaign related promises) offered during campaign rallies. LHRC/TACCEO findings indicate that there were a lot of inducement and corruption during election facilitated by big political parties. This was also revealed by TEMCO observation as shown in the table below:

²⁰⁹ Copied from: Ramadan, L. (2016), Funding, Political Corruption, Sectarianism and Ethnicity in Politics. A Paper Presented during the Reflection on the Post-2015 Tanzania General Election during the 7th University of Dar es Salaam Convocation Symposium on 22nd/01/2016.

Table 9.5: Offering of Inducements by Political Parties/ Coalition during 2015 Election Campaigns

Random Public Responses	Frequency (%)	
	CCM	UKAWA
Yes	1111 (29.3%)	344 (9.1)
No	2685 (70.7%)	3448 (90.1)
Total	3796 (100)	3792 (100)

Source: CEMOT Dataset, 2015.

The ruling party also enjoyed exceptional treatment of being supported by the incumbent leadership and other public officers, who were seen openly campaigning for CCM in various ways including advertising the ruling party’s presidential candidate through public vehicles as pictures below show; cancelation of public activities including school sessions when CCM presidential candidates visited their jurisdictions as discussed earlier on; and ferrying district, regional and other leaders to and from the CCM’s campaign venues using public vehicles.



Picture 9.3: Public vehicles used by ruling party in 2015 during election campaigns

In a situation where no serious measures seem to be taken to reverse this unequal access to and usage of public resources by political parties, it is obvious that the political game and especially competitive politics shall remain an exclusive domain of the powerful who in this case form the government of the day and have the key to access public resources.

The level playing field will not be possible without ensuring that all parties receive adequate funds and election related resources for them to effectively participate in election processes. The issue of public funding of political parties is critical and needs to be addressed by conducting legal reform. Otherwise, Tanzania will continue to be a country with multiparty democracy, but only one or two parties are actually actively participating in the political life of the country.

9.6 ADMINISTRATION AND MANAGEMENT OF 2015 ELECTIONS

It is argued in chapter two of this report that, a proper election administration should ensure that the electoral process is conducted freely, fairly, and in accordance with national laws and international standards. Those are some of the measurement standards on the effectiveness of election management. The main question to respond here is whether the electoral management bodies (NEC, ZEC, RPP, and the law enforcers, in particular, the police and PCCB) were capable of leading free and fair election especially by considering the way in which they are structured, operated and mandated to perform their responsibilities.

It is well argued in previous chapters of this report that, there are several issues of concern regarding the management of the elections in Tanzania. Some of the issues, which this part pick as illustrations are independence of the bodies; and the capacity of the same.

As for the independence of the electoral bodies mentioned above, their top leaderships are presidential appointees, who can be hired and fired at president's pleasure. It is the ruling party's constitutional directive that, the president of URT affiliated to it should be the national chairperson of the party. It is previously argued and illustrated on how the incumbent president Mr. Jakaya Kikwete manifested during the election campaigns as the president, CCM member and CCM national leader at the same time.

Secondly, many people were shocked by the way NEC officials were changed and transferred by the president a few days ahead of election polls without sufficient explanations to the public as the government has always been doing when the reshuffle is done. For instance, Mr. Julius Malaba, the NEC Director and the IT Officer, were 'suddenly' changed from NEC to other public service department; and Mr. Kailima Ramadhan Kombwey became the new boss effectively from 25th July, 2015. Mr. Malaba was appointed by the president to be the judge of the High Court. Mr. Kailima was sworn in on the same day, the Saturday 25th July, 2015.



Picture 9.4: Left, Mr. Julius Malaba former NEC boss; right, Mr. Kailima Ramadhan sworn in by the President at the state house at the evening, Saturday, on the same day when he was appointed, 25th July 2015.

The opposition parties did not take this incident at ease. Some of them linked this ‘sudden’ decision as a strategy to favour the ruling party because president Kikwete, the national chairperson of CCM, was not sure what would happen in 25th October, 2015 especially after the changed political atmosphere created by the defection of Mr. Lowassa to the opposition camp. Mr. Freeman Mbowe alleged that, the president was replacing some of NEC’s directors with officials from the National Intelligence and Security Services (TISS).²¹⁰

ZEC too bears same allegations of lack of independence. The decision to ‘annul’ the results by the chairperson of this electoral body was promptly seconded by CCM, a situation which rises doubt of the forces behind such ‘annulment.’ The top leadership of ZEC is also appointed by the president (of Zanzibar) who is the head of CCM leadership on the part of Zanzibar. It does not require any scientific assessment to connect dots between CCM influence and ZEC decision to ‘annul’ the results. The main opposition candidate in Zanzibar alleged that he was leading in election polls at the time when the results were cancelled. Most likely, CCM was going to lose – hence, a force onto ZEC to ‘annul’ the results. However, this is unconfirmed allegation by the CUF and some of its supporters.

LHRC/TACCEO is of the view that the adverse impacts of the undue influence of the ruling party over the electoral bodies are now becoming vivid. The current political impasse of Zanzibar and the unknown repercussions of the same could soon prove how the standard of ‘democratic’ elections that Tanzania claims to have and therefore, enjoying an international reputation of being a ‘democratic’ country. Soon or latter it would be revealed that, it is a strategic manipulation of the electoral system which maintains the dominance of one political party over others, and therefore, elections will start being regarded as rubber stamps of the continued totalitarianism of a single party in the pretext of multiparty democracy. It would also be revealed that, the tyranny of the single party over others through its influence over governance machineries including the electoral bodies is the same as an individual dictator who uses overt force to retain his political control and influence. Lastly, other parties and voters will soon start boycotting elections as it seems to be a case on the part of Zanzibar after the chairperson groundlessly announced a date for election re-run to be 20th March, 2016. LHRC/TACCEO reiterates its suggestion on legal reforms; also, a political will, especially on the side of CCM leadership to compete in politics without depending on the State machineries if at all Tanzania would still need to be a multiparty democracy.

A joint statement by some of CSOs in Tanzania, which was released on 17th November, 2015 at Dar es Salaam shared the same view that, the unlawful decision of ‘annulling’ election results was issued by the ZEC’s chairperson to the detriment of the political concord, which resulted into the government of national unity (GNU) few years ago. It is not certain on how the GNU will work out if CUF continues boycotting the election re-run recently announced by Mr. Jecha, ZEC chairperson. The situation as it is now (February 2016 at the time when this report was concluded), was quite uncertain. The political leaders are said to be unlawfully occupying their positions because their constitutional tenure as leaders expired since 12th November, 2015. Of course, this argument is subject to further legal analysis, which appears to be out of context for this report at hand.

²¹⁰ Florance Mugarula and Peter Elias, ‘Lowasa, Magufuli step up campaigns.’ Accessed on 22nd December, 2015 from: <http://www.thecitizen.co.tz/News/Lowassa--Magufuli-step-up-campaigns/-/1840406/2888362/-/mm8y5iz/-/index.html>

9.7 VALIDITY AND LEGITIMACY OF RESULTS

Both legal and institutional frameworks must create a clear and sound environment for management of elections results. This is the only way elections results can have legitimacy and trust to the public. They must produce results to the extent of leaving no doubt to those who cast votes. By the current legal and institutional frameworks it is obvious that Tanzania elections stand a big chance to produce illegitimate results at least in the eyes of the contesting parties.

Tanzania still use laws inherited from single party error to manage elections. Both the Constitutions of URT and that of Zanzibar do not guarantee security of votes because they even have provisions that prohibit anyone to challenge presidential results in court or any matter decided by NEC and ZEC.

The way the Chairman of ZEC in Zanzibar maneuvered with the election results process is a good example showing how weak our legal and institutional systems are. That, a single person, Mr. Jecha, managed to issue his ‘annulment’ order without consultation of the commissioners, and the whole system seems to back him up just because it is for the benefit of the ruling party. Therefore, a single person or rather, a group of officials could ‘validate’ and ‘invalidate’ the election results at their own pleasure.

Secondly, as pointed out in the previous chapters of this report, the NEC and ZEC lack institutional representation from the regional level down to the constituencies. As a result, they depend much on what is brought by the returning officers (DEDs and municipal directors) on the field. Such officers are also government employees. Given the allegiance of such officials to the government of the day and their positions in influencing lower level employees (such as teachers and WEOs) who are often appointed assistant returning officers), it is tempting for them to bend election procedures and processes in favor of the ruling party candidates or even a candidate from the opposition party – depending on who the officers are affiliated to. In this way, the legitimacy of the election results is highly challenged.

Thirdly, there is the question of transparency especially on the tallying of the presidential results at the national level. As stated in previous chapters, UKAWA tried in vain to suspend the announcement of the results by the NEC chairperson even after arguing that, they wanted to verify if the tallied results from district levels, which were electronically submitted to NEC in Dar es Salaam were signed by parties’ agents.

TACCEO advice that, national tallying of the results should use the approach of the lower levels, whereby, parties’ agents are offered opportunities to verify what is written in the results forms. This is not the case at the national level.

9.8 ACTION POINTS ABOUT GENERAL ASSESSMENT OF KEY ELECTION ISSUES

The chapter summarized some of the key issues which LHRC/TACCEO thinks could be given immediate attention by the election stakeholders. Basing on the highlights of the some of the key issues above, the following should be considered as action-points:

- (i) Trust building in electoral bodies is needed to avoid future voters' apathy. Adoption of law reform should be one of the viable ways of rejuvenating public trust in the electoral bodies or system;
- (ii) Affirmative measures to improve special gender groups' involvements in politics are needed. Such measures include compelling parties to have a minimum number of proposed women candidates;
- (iii) All draconian laws inhibiting right to information should be reviewed and repealed or amended in order to widen political democratization rights;
- (iv) Legitimacy of election results is an issue of concern, which also calls for some institutional and legal reforms on elections.

CHAPTER TEN

CONCLUSION AND GENERAL RECOMMENDATIONS

10.1 INTRODUCTION

This chapter presents the final remarks and recommendations of what TACCEO has observed and found out from the 2015 general elections. The specific remarks, recommendations and their proposed action points have already been specified in each paragraph and chapter of this report. Therefore, below are rather generalized final remarks and recommendations. Some of the 2010 recommendations have been reproduced here as the responsible parties to whom the recommendations were directed to, did not take sufficient efforts to rectify the situation; and that, most of the 2010 elections shortfalls repeated in 2015 with almost the same manifestation and enormity.

10.2 CONCLUSION

It was the fifth (5th) time that the URT was carrying out the general elections after the reintroduction of multiparty democracy in 1992. Before the 2015 which this report has covered, other elections were conducted in 1995, 2000, 2005, and 2010. The 2015 elections were unique in many ways, especially when compared with the 2010 election. Firstly, it witnessed an increased thrust of political enthusiasm and competition due to a number of reasons including the maturity growth of some of the opposition parties; merging of some of the opposition parties under their grand coalition commonly known as UKAWA; and defection of the former Prime Minister and the prominent politician, Mr. Edward Lowassa to CHADEMA (under UKAWA). Secondly, unlike the 2010 elections, none of the presidential contestants was an incumbent president, a situation which increased fever of knowing what the 5th governance phase would do for Tanzania and Tanzanians.

The institutional and legal framework governing elections remained to be the same. The electoral bodies for the Mainland Tanzania and Zanzibar, NEC and ZEC respectively, had the same operational structure e.g lack of branch offices and own officers at the regional, district and other grassroots levels. Therefore, they continue depending on the government employees. The puzzle on an independence of these bodies remained to be unresolved, whereby all senior NEC and ZEC's leaderships are presidential appointees. In Tanzanian context, especially basing on the ruling party's experience, the President of Tanzania is also a national chairperson of the ruling party, CCM. Some of the returning officers are also presidential appointees without any vetting process. Private candidacy was not allowed despite the ruling by the 2013 African Court on Human and Peoples' Rights, which directed the government of Tanzania to allow private candidacy before the next elections. The cybercrime law was added in the list of criminal law books to control, among other things, social media. The laws was quickly passed and endorsed for implementation during the 2015 election campaign period. Some individuals and organizations were the first victims of this draconian law, including LHRC/TACCEO itself.

The organization of the 2015 elections seemed to have been done well. Save for only few polling stations, the rest (more than 90%) of the stations had all polling officers and election materials on time. All polling stations monitored opened on time; and that, voting exercise was generally peaceful.

However, due to financial constraints, only CCM was able to place its agencies in all polling stations. Same challenge adversely affected most of the parties and candidates during the election campaigns.

The election campaigns were mainly between CCM and parties forming UKAWA. The duo enjoyed enormous media coverage and they were able to cover all regions in Tanzania Mainland and Zanzibar. Other parties such as TLP and NRA managed to campaign for less than five regions. The dilemma of monitoring and control election expenses remained intact. The actual amount of money and other resources used during the 2015 elections was not immediately established; however, by looking at the vehicles, helicopters, posters, banners, billboards, hiring of entertainment groups, media coverage, live TV shows, etc it is obvious that the spending by some of the candidates and political parties was above the required ceiling under the 2010 election expenses law. This too created unfair playing ground between political parties, posing a vital doubt of the realism of political democratization in Tanzania under the pretext of ‘multipartism.’ The state media, TBC TV, TBC radio, and newspapers were allied with the CCM. The coverage of opposition parties was mainly on negative incidents. Moreover, the use of public resources in favor of the ruling party was vivid in some of the polling districts. Specific examples are illustrated in the report. However, the opposition parties too, especially UKAWA team’s campaigns were supported with former prime minister, Mr. Fredrick Sumaye.

The counting, tallying and declaration of the results were relatively fine – with fewer incidents of commotions compared with previous years. NEC was able to release the results on time. Few places which had their results delayed for a day or two, had justifiable reasons, some being geographical locations between the polling and tallying centres at ward and district levels. The request for recounting of some votes overturned the victory of some of the candidates, including Mr. David Kafulila of Kigoma; and Mr. Daud Suleiman of Bunda. Some of them lodged petitions in court to object the victory of their opponents. The tallying of presidential elections for both Tanzania Mainland and Zanzibar raised eyebrows. The parties forming UKAWA objected on the ground that the pieces of tallied presidential results, which were mailed to NEC’s national tallying centre at Dar es Salaam, were ‘skimmed’ before reaching the national centre. However, UKAWA’s efforts to stop NEC from continuing announcing the results did not succeed. Ultimately, the winner was revealed to be Dr. John Magufuli from CCM who was, on the final day of national tallying, privileged to wait for final results at the State House with the incumbent president, Mr. Jakaya Kikwete. The chairperson ZEC, Zanzibar, took an unprecedented decision to ‘nullify’ the whole elections despite the fact that, at least 75% of the tallied results were already announced by ZEC. His weird decision has left the country in a critical dilemma to date. Subsequently, the same chairperson announced the date for election re-run to be 20th March, 2015. CUF, the main opposition party in Zanzibar, declared boycotting the re-run of election.

Basing on all these and other issues which have been extensively covered in this report and other observers of the 2015 national elections, LHRC/TACCEO concludes that, the election was free but not fair.

10.3 GENERAL RECOMMENDATIONS

Basing on the facts collected from all constituencies which LHRC/TACCEO managed to cover during the 2015 elections; and, basing in its experience with 2010 elections and its report on the same, LHRC/TACCEO generally recommend the following to be done:

10.3.1 Government

The democratization processes depend on how the institutional and legal frameworks on election are crafted and facilitated by the State. The report has, inter alia, highlighted pertinent issues (as acts or omission of the government) which have positively or adversely affected the 2015 elections. Such issues include the independence of the electoral commission(s); an improvement of the institutional capacity of the commission; and the ‘annulment’ of Zanzibar election results. As such, LHRC/TACCEO generally recommends (and reiterates) that:

- (i) There is an urgent need to initiate or continue with legal and institutional reforms on the mandate and independence of NEC and ZEC. Some of the specific recommendations are:
 - a) NEC and ZEC leadership and other positions should be appointed recruited through competitive processes and the shortlisted candidates to be screened by parliament as it is the case for some of the commonwealth countries.
 - b) NEC should establish its full functioning (well constituted and structured) offices in Zanzibar and upcountry side of Tanzanian Mainland. To begin with, it can have offices at zonal and/or regional levels, with NEC’s own staff, facilities and finance. As such, LGAs’ officials should be stopped from coordinating and overseeing elections. LGAs’ elections should also be managed by NEC through its regional offices.
- (ii) The government should ensure that, NEC and ZEC are given sufficient and permanent budgets for them to have sustainable management of their plans; especially to have continuous BVR updates and voters education.
- (iii) The government should ensure that, public resources are not used to facilitate campaigns of any political parties. Special directive in a form of presidential circular should be given to all district commissioners, regional commissioners and other public leaders as a way of reminding them of the regal requirements.
- (iv) The government should implement the decision of the African Court on Human and Peoples’ Rights on amending the law to accommodate the right to privacy candidacy. Moreover, all other legal issues discussed in this and other reports, including the 2010 NEC’s election report,²¹¹ should be addressed in the ongoing or intended constitutional or civil or criminal justice reforms.

²¹¹ Known as ‘*Taarifa ya Tume ya Taifa ya Uchaguzi Kuhusu Uchaguzi wa Rais, Wabunge na Madiwani ya 2010.*’ It was submitted to the President of Tanzania in June 2011.

- (v) It is the opinions of LHRC/TACCEO that, the President of the URT, Dr. John Pombe Magufuli, was supposed make an intervention to rescue the fragile political situation of Zanzibar following the unlawful annulment of the 2015 results by the ZEC's chairperson, Mr. Jecha Jecha. Leaving it the way it is pushed, can render political unrest and damage of country's reputation before the international community.

10.3.2 Electoral Commissions

As it is stated in chapter two of this report, the primary responsibility to manage elections is on NEC and ZEC. LHRC/TACCEO has observed a number of areas which needs further improvements as far as the election coordination and management by the electoral bodies are concerned:

- (i) NEC and ZEC should formulate and implement a permanent national voters' education strategic plan, including the national curriculum. Offering voters education should be sustainable – to be provided within four years period in between the elections.
- (ii) There is a need to have kind of parallel tallying system preferably done by independent and credible civil societies which will give unofficial results to mitigate concerns of vote rigging or skimming as UKAWA had claimed for presidential elections in 2015.
- (iii) The voters' register (BVR) should be updated systematically and periodically. The errors emanated during the general and by-elections should be rectified as soon as possible; and that, updated register should be availed for public scrutiny all the time through NEC/ZEC's website, public notice boards, proposed NEC's regional offices or branches and other forums. Section 12A of the National Elections Act, Cap. 343 should be amended to mandate NEC to register voters in Zanzibar (for presidential and parliamentary positions).
- (iv) As stated above, NEC should establish its well constituted and structured offices in Zanzibar and upcountry in Tanzanian Mainland.
- (v) It is still the LHRC/TACCEO firm view that, the ZEC chairperson was supposed to suspend his unlawful decision to annul Zanzibar's elections; and, proceed on finalizing and announcing the results to declare the winner. Maintaining his decision, which is not supported by any legal justification, would expose Zanzibar to an endless political unrest.

10.3.3 Registrar of Political Parties

The Register of Political Parties is the guardian and supreme prefect of all political parties in Tanzania. The register is also the principal implementer of the Election Expenses Act, 2010 as said earlier on. Owing to what LHRC/TACCEO have observed, it is recommended that:

- (i) The Registrar should intensify the enforcement of the election expenses law by adopting pro-active measures including, the deployment of the investigators throughout the country at least during election periods. The register should also link its mandates with the police and PCCB in order to reduce the cost of enforcement of the law. If other law enforcers are informed and

sensitized on the election expenses law, same as anti-corruption law, they can, holistically and effectively enforce both laws at the same time.

- (ii) The registrar should lobby the government to have public funding for small political parties in order to widen political democratization in Tanzania – unlike the 2015 situation, where the elections witnessed a race between only a few parties. The registrar should push for amendment of the electoral laws in order to accommodate this proposal.
- (iii) The registrar should condemn, instead of supporting unlawful annulment of Zanzibar’s election results, the decision which was reached by the ZEC’s chairperson under the alleged influence of one of the political parties.

10.3.4 Security Agencies

The security organs include the police, PCCB, militia (*Mgambo*) and the army. There were issues of concern relating to security in the 2015 general elections. Such issues included violence during campaigns; and deployment of military soldiers while this was civil activity. On these and other security concerns, LHRC/TACCEO recommends that:

- (i) Elections should be guarded by civilian law enforcers only. Therefore, deployment of the military should not happen again in future elections. This tendency causes anxiety to voters. There was no justification of militarizing the elections by deploying the army or massive procurement of anti-riots vehicles (more than 390 police vehicles were launched by President Mr. Jakaya Kikwete five days before the Election Day).
- (ii) Law enforcers should be made aware of electoral laws in order to make them conversant with the provisions of the laws and therefore enforce the same in a more appropriate way.

10.3.5 Political Parties

The political parties are main players of the electoral process. There are issues concerning them which were observed during the 2015 election processes. Such issues related to formulation of their electoral manifestos; nomination of candidates; and adherence to the electoral laws’ especially on campaigns and election expenses. On these, LHRC/TACCEO recommends that:

- (i) The parties should abide with the electoral laws and regulations in order to avoid unnecessary conflicts with the law enforcers, which normally disturb their political activities.
- (ii) The political parties, in particular opposition and weak parties, should find ways of harmonizing their efforts for matters which are of common concern such as independence of NEC and public funding for elections in order to have smooth and equal playing ground for all of them. The parties can use new constitutional making processes to insert the changes they wish to see in the legal framework.
- (iii) All political parties should consider a possibility of establishing branches down to the grassroots levels in order to widen their membership base and visibility. As observed in

2010 report, LHRC/TACCEO is of the view that most of the political parties do not have good structures and strategies of reaching out the rural supporters.

- (iv) The political parties should enhance transparency of their affairs and involvement of members and general public in their decision making processes. For instance, the political manifesto of most of the parties seemed to have been formulated by the few elite in Dar es Salaam, with little or without any consultation with the targeted communities. It is also established that, the parties were not open on the amount of money spent for 2015 elections.
- (v) The political parties should provide civic and voter education to their members and the public at large so that the public becomes aware of their rights and the importance of taking part in the democratic processes in the country. This will enable them to get more members and even increase their chances of creating a balance in the community. This should go along with emphasis on the importance of voting in future elections in order to mitigate the apathy shown during the November and December 2015 countermanded elections. There is a need to inform their voters of what happened in 2015 elections and future plans. It seems that some of their supporters were not satisfied with the results of various levels of elections.
- (vi) The number of women representation is still relatively low. The parties need to widen the internal political space for women to contest. The 2015 experience showed that, at least 90% of women at parliamentary candidacy, who were entrusted by their parties to contest, actually won elections. This included those from the areas such as Bunda and Tarime constituencies, Mara region, which host traditionalists like Wakurya and Waikizu ethnic groups – notorious tribes which prefer patriarchal model of livelihood.

10.3.6 Legislature

Article 63(2) of the Constitution of URT of 1977 mandates Parliament of Tanzania to oversee and advise the government and all its organs in the discharge of their respective responsibilities in accordance with the constitution (and other laws or policies). Specific functions of the legislature are stated under Article 63(3), which include, to deliberate upon and authorize any long or short term plan which is intended to be implemented in URT and enact a law to regulate the implementation of that plan; enact law where implementation requires legislation; deliberate upon and ratify all treaties and agreements to which the URT is a party and the provisions of which require ratification. There were some areas for further improvements which LHRC/TACCEO believes that could be addressed perfectly by the legislature – along with other stakeholders mentioned in these recommendations. Such issues include law reforms. As such, LHRC/TACCEO suggests that:

- (i) To pursue the government to bring before the parliament the needed legal reforms on:
 - a) The mandate and institutionalization of NEC as proposed above;
 - b) Independent candidacy as it is explained above;

- c) To ensure that the BVR is mandatorily accessible to the public for perusal, scrutiny, and verification of names by members of the public at anytime and through various ways including electronic and hard copies;
 - d) Other reforms which are specifically stated in the main text of this report.
- (ii) To ensure that, the government allocate sufficient and permanent funds for electoral activities and democratic development in general including:
- a) Public funding of parties agencies in the polling, counting and tallying centres;
 - b) Public funding of all political parties including those which do not have representation in the parliament;
 - c) Increased budget for the Office of the Registrar of Political Parties in order to enhance its performance including the capacity to enforce the election expenses law;
 - d) Decentralization of NEC's operation by initiating permanent and specific offices at zonal or regional or district levels of governance; and, to establish a sub-office in Zanzibar, with full mandate, including BVR management in Zanzibar.
- (iii) To pursue the government to re-initiate the new constitution making processes by allowing more discussions and respect of constitutional commission's original recommendations - which were representing the views of the majority.
- (iv) To discuss NEC's 2015 election report in parliament in order to consider its recommendations.

10.3.7 Other Election Stakeholders

As it is discussed in chapter eight of this report, there are so many other stakeholders whose activities have direct impact to the outcomes of the electoral processes. The stakeholders include the civil society organizations, media, election observers, development partners and the general public:

(i) **Civil Society Organizations**

As institutions with wider reach to the grassroots levels, it is recommended that, civil society organization should:

- a) Merge efforts with NEC and ZEC on the strategic provision of voters' education as it is suggested above.
- b) Lobby for the proposed law reforms on NEC's mandates; and other reforms mentioned above.

- c) Have civic empowerment or political democratization as one of the strategic objectives of their strategic plans and interventions. To link it with good social justice, gender equality, legal empowerment and other related people-centred initiatives.
- d) Join LHRC/TACCEO or other similar networks in order to increase public uproars on matters relating to political democratization and governance of the country.

(ii) Mass and Social Media

LHRC/TACCEO repeats previous recommendations that:

- a) Whether public or private, the media must play a neutral role to inform the public with accurate, reliable and well investigated information without imparting in the minds of the public, one-sided information or using their media channels to instigate chaos between followers of different parties.
- b) The media should demonstrate highest levels of professionalism and impartiality in their coverage of elections by a portioning equal air times and space for parties and candidates to explain their manifestos to the voters so that the public can vote from the point of an informed citizen.

(iii) Election Observers

As for the local and international or foreign observers, LHRC/TACCEO recommends that:

- a) The international or foreign observers should find ways of collaborating with the local observers in order to compliment efforts of each side. For instance, local observers are familiar with the local context, while the foreign observers have experience of other countries.
- b) The foreign observers should not hasten to release their results before a total completion of the electoral processes. For instance, most of the foreign observers had already released the results when the ZEC's chairperson 'annul' the elections in Zanzibar. That was less than 10 days after the Election Day. Therefore, the foreign observers should at least wait for two weeks before sharing to the public on what they have observed. So many things normally happen after the polling, counting and declaration of the results.
- c) Some of the foreign observers' reports seen to miss out a lot of important details possibly due to lack of familiarity of the local context or misconception of the findings; therefore, result into conclusions which do not reflect the situation on the ground. There is a need to consider 'free' and 'fair' elections by looking at the whole electoral system (legal and institutional frameworks) and then, relate the same with what happens on the ground.
- d) Foreign observers reports should be more detailed with specific examples mentioned. Moreover, such reports should make a comparative analysis between the current elections

they were observing against the previous elections they had observed in Tanzania. This will enable them to follow-up the previous recommendations.

- e) The coverage of local and international observers should be increased. This could be possible, for instance, if the two sides merge efforts as proposed above.

(iv) Development Partners

Being financial supporter of some of electoral activities in Tanzania - on part of the government and CSOs alike, LHRC/TACCEO recommend, once again, to the development partners that:

- a) They should release funds for voters' education as early as possible in order to facilitate the CSOs, NEC, ZEC and media organizing such education be done early enough as suggested above.
- b) They should task the government of Tanzania to stop the unlawful election re-run on part of Zanzibar; and instead, ZEC should finalize tallying of the votes and declaration of the results basing on the 2015 general elections.
- c) They should pursue the government of Tanzania to implement foreign and local observers' recommendations, particularly on legal reforms (electoral laws and new constitution) and institutional reforms on election management and coordination.

(v) General Public

As for the general public, who are voters whom electoral process is intended to benefit them and their dependants, it is recommended that:

- a) They should actively engage in the advocacy initiatives to demand for the law and constitutional reforms before the next LGAs and general elections in 2019 and 2020 respectively.
- b) They should demand for periodical updating of the voters' register (BVR); and that, members of the public should be pro-active to respond to the NEC's instructions on BVR.

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