



# **BUHIGWE & MUHAMBWE CONSTITUENCIES BY-ELECTIONS REPORT 2021**

*For a Just and Equitable Society*





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**MINISTRY OF FOREIGN AFFAIRS  
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*Denmark in Tanzania*



**Legal and Human Rights Centre (LHRC)**

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Our innermost appreciation goes to the media institutions and personnel whose information has been analyzed in this report. We encourage them to continue with their selfless undertaking in informing citizens of their rights. We take full responsibility and apology for any error in analyzing their data.

Appreciation is conveyed to various sources of the inputs used in this report including pictures, media clips, statistics and figures, which we could not specifically indicate the sources.



Moreover, LHRC appreciates the good work performed by our election observers and authors of this report for their time, dedication in compiling vast data collected and preparing this piece of work. The efforts by the LHRC team that worked hard in ensuring the report was finalized on time are highly acknowledged.

Lastly but not in list, we appreciate and acknowledge all people of good will who in their anonymous capacity shared accurate, relevant and useful information and data that has made this report a reality.

## ABOUT LEGAL AND HUMAN RIGHTS CENTRE

Legal and Human Rights Centre 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 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 the underprivileged section of the society through legal and civic education, advocacy linked with legal aid provision, research and human rights monitoring. LHRC was established in 1995 and operates in Tanzania Mainland and has since then worked in advancing Tanzania democratic framework and promote Human Rights for more than two decades.



## PREFACE

Tanzania is a United Republic with an institutionally strong executive vested in the Presidency which is rarely subject to the law and unicameral national assembly whose mandate under the law is to oversee the executive as well as pass the law as mainly proposed by the executive. Tanzania also has the judicial system whose personnel in the lower level are public career employees and from the High Court to Court of Appeal appointees of the President.

The judiciary whose role under Article 107A of the Constitution is mandated to dispensing justice has been generally placed in bay on issues related to elections and despite the 2020 General election being the most chaotic and violent, little has the judiciary got to pronounce its mandate.

Judicial latest notable encounter on electoral issues in ***Attorney General and 2 others versus Bob Chacha Wangwe*** remains an assault to democracy and the handcuff to independence in management of Tanzania elections.

The Muhambwe by-elections has been held following the untimely death of Atashasta Justus Nditiye the then member of parliament for Muhambwe Constituency. The Buhigwe Constituent by-election has been conducted following the appointment of its then member of parliament

Hon. Philip Isdori Mpango as the Country Vice president to replace the former vice president who have since assumed presidency following the untimely death of former President John Pombe Magufuli and therefore ceasing to be a member of parliament pursuant to Article 71(1)(f) of the Tanzania Constitution. Tanzania has not ratified African Charter on Democracy,





Elections and Governance have not been ratified. Some criteria for candidate's conditions in Tanzania legal framework such as mandatory sponsorship by the political parties for candidate and subjective integrity requirements and inconsistent implementation internal party election policies overly exclude citizens from running for office.

Tanzania has ratified the Convention on the Rights of Persons with Disabilities (PWD) and its Constitution but despite various legislative and regulatory measures being adopted to regulate group rights, PWDs representing 10% of the Registered voters continue to be marginalized in public life. Not a single PWD candidate in all the political parties that participated in the two by-elections.

In Both Muhambwe and Buhigwe constituencies Voter turnout was generally below par with less than 30% of the Registered voters turning on for election day raises serious questions as to the extent to which the outcome legitimately reflects the true will of the people as envisaged under Article 8 of the Constitution. This is a further deterioration from the experience with 50.72% turnout in the past 2020 General election.

Muhambwe and Buhigwe Constituent by-elections has been held against a backdrop of significant heated and charged political environment in Tanzania with different political actors calling for reforms of Tanzania electoral framework to guarantee more democratic space, strengthened rule of law, respect of fundamental freedoms in the course of elections and address challenges debunked from the two successive elections 2019 and 2020.

While the 2020 and 2019 General and Local government elections respectively were characterized by a protracted and damaging political race that has polarized political relations in the country, Muhambwe and Buhigwe Parliamentary Constituent by-elections has enjoyed a more



peaceful and smooth nomination, campaign, election day and post-election despite the fact, there has not been any change of the law, rules, regulations or personnel manning election in the intervals.

Its however important to note, while the practice in the two by-elections has been better, this is not supported by Tanzania legal framework which generally by design limits important features that make democracy a reality.

The legal framework for elections generally does not comply with international standards for elections, with the Constitution designed to govern the single party society back in 1977 still in force three decades after the fall of the single party rule.

Extensive reforms are needed to address societal divisions and deep-rooted exclusion issues to build confidence in elections and ensure a fair playing ground for all democratic actors to prevent future elections from being divisive, problematic and dangerous.

Our report is based on data from deployed accredited elections observers and a supplementary media coverage analysis. We have made considerable effort to track every event during the electoral period and we hope this report is a true reflection of what transpired in both Constituent by-elections.



## CHAPTER ONE: INTRODUCTION

On April 10, 2021, the National Electoral Commission (NEC) announced that the by-elections in Muhambwe and Buhigwe constituencies in Kigoma region was to take place on May 16, 2021. Pursuant to the law, the Speaker of parliament duly notified the NEC chairperson Judge Semistocles Kajage of the constituency vacant seat.

In the case of Muhambwe constituency, the by-election was announced following the untimely death of its Member of Parliament Eng. Atashasta Justus Nditiye who died on February 12, 2021, while receiving treatment at the Benjamin Mkapa Hospital in the capital Dodoma after being involved in a road accident. In Buhigwe, a by-election was held following the appointment of Dr Philip Mpango, the constituency's MP as the Vice President of Tanzania, therefore losing Constitutional qualification to continue as member of parliament for Buhigwe constituency. Both Nditiye and Mpango were constituent member of parliament hailing from Chama cha Mapinduzi (CCM).

There were a total of 112,333 registered voters in Buhigwe constituency with 290 polling stations. A total of 30,713 people went out to vote in Buhigwe constituency, making a 27.3% voter turnout. There was a total of thirteen candidates for the Buhigwe by-election, with six men and seven women. Felix B. Kavejuru of CCM won the by-election after garnering 25,274 votes against ACT-Wazalendo's Garula Kudraa who earned 4,749 votes.

As for Muhambwe constituency, a total of 127,766 registered to vote at the 336 polling stations established in the constituency. A total of 35,339 went out to vote on the polling day, making the Muhambwe by-election having a 27.6 percent voter turnout. There was a total of three contestants in the Muhambwe by-election, with two men and one woman. CCM's Dr Florence Samizi emerged victorious in the by-election after garnering 23,441 votes of all votes cast against ACT-Wazalendo's Julius Masabo who garnered 10,847 votes.

### ***Political parties' participation***

Thirteen political parties took part in the by-elections for Muhambwe and Buhigwe constituencies, namely CCM, ACT-Wazalendo, CHAUMMA, AAFP, CCK, UPDP, ADA TADEA, SAU, D MAKINI, ADC, UDP, UMD and NLD, CHADEMA boycotting the by-elections, saying that it will not take part in any elections unless Tanzania's electoral institutions are reformed to create a level playing field for both the ruling and opposition parties.

### ***NEC and its legal mandate***

National Election Commission herein (NEC) is constitutionally mandated with coordinating the general electoral process in Tanzania as well as local government for councilors elections. The National Electoral Commission is vested with responsibilities to coordinate the entire cycle of election in Tanzania. According to Section 4(1) of the National Electoral Act, Cap. 343, the electoral body has the following functions:

- i. To supervise and coordinate 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 coordinate 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 Councilors for special seats;
- v. Provide Voters' Education throughout the country, and coordinate 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.



This report aims at giving a brief analysis on how NEC implemented each of these functions throughout the electoral process in the respective Buhigwe and Muhambwe constituency by-elections

### **Methodologies**

Legal and Human Rights Centre (LHRC) as an independent, non-partisan and non-profit human rights organization that seeks to promote internationally recognized human rights norms and standards in Tanzania, deployed the latest and relevant technologies to monitor and capture real-time events/information updates of the by-elections.

The methodology was effective since LHRC collected a lot of useful information for strengthening democracy and human rights in Tanzania. Apart from media monitoring, LHRC also deployed a team of election observers in both constituencies of Buhigwe and Muhambwe.



## CHAPTER TWO: ELECTION MANAGEMENT AND ACCOUNTABILITY

Article 74 of the Constitution establishes the National Electoral Commission (NEC) to oversee the conduct of parliamentary and presidential elections in the mainland and the union elections in Zanzibar.

### **The National Electoral Commission (NEC) and its mandate**

Tanzania's electoral legal regime is established under the Constitution of the United Republic of Tanzania that sets out the benchmark through which other electoral statutes claim their justification. The Constitution forms the basis for the fundamental right for a citizen to vote and clearly defines the yardstick through which election authorities should base their judgment when confronted with the question of voters' eligibility.

To realize the rights to vote, the parliament is dictated to enact a law that would provide the manner in which citizens may exercise their Constitutional rights to vote. The Constitution also sets out the benchmark for which citizens may participate in the affairs of the government either directly or indirectly through elected representatives among others parliamentary elections.

Article 8 of the Constitution defines Tanzania as a democratic country that thrives to commit itself to the basic principles of democracy and social justice and for that purpose, the Constitution states, the sovereignty resides in the citizen wherefrom, the government derives its authority through the periodic election. Through elections, elected leaders renew their mandate by obtaining the consent of the citizens expressed through free and fair elections.

Article 74 of the Constitution establishes the National Electoral Commission (NEC) to oversee the conduct of parliamentary and presidential elections in the mainland and the union elections in Zanzibar.



The NEC is responsible also for the supervision of the ward councilor's election as they are conducted in the same pool as the election in the central government. The appointment of members of the NEC under Article 74 of the Constitution vested in the presidency without any requirement for transparency during the appointments and this has been in the center of debate with legitimate concern surrounding its independence both by law design and in practice.

The Court is in fact forbidden to engage itself in any business against the legality or otherwise of the action or omission of the NEC under Article 74(12) of the Constitution, making NEC an absolute arbiter of its own cause. These provisions have been legitimately criticized as setting up a system of tyranny in the name of independence. The Constitution states that,

*“no court shall have power to inquire into anything done by the Electoral Commission in the discharge of its functions in accordance with the provisions of this Constitution”*

Limiting the power of the Court to explain to the NEC what the law is and as to whether the law was fully complied in execution of its business tantamount to a creation of system of tyranny in the independent narrative that must be stopped.

The NEC system has been occupied by District Executive Directors and Ward Executive Officers in constituencies for years, but there has been continuous discussion about their impartiality since they were nominated by the ruling party and their day-to-day office activities saves the ruling party's interests.

Transparency and credible electoral management bodies form a critical anchor of democratic elections. The current set up and management of elections in Tanzania begs questions on the neutrality and fairness in dispensing electoral justice.

The absence of mechanisms to challenge NEC powers through a judicial process amount to the encroachment upon citizens' rights to protect the Constitution and laws of the land and particularly

the candidate’s right to access justice and raise questions on the fairness of the process, as the current legal framework falls short of guaranteeing a free, fair and credible election by statutory design.

### Voters’ Education

Voters’ education is one of the key components in ensuring voters are well informed before they take part in the electoral processes. In a democratic and free society, voter education is crucial as information provided to the voters to understand the basic norms help them conveniently participate in elections. Providers of voter education are required to be highly scrutinized by independent third parties with caution that they do not influence the campaign trajectory or voter patterns.

Under the Tanzania legal framework, the NEC is mandated to undertake voters’ education throughout the United Republic of Tanzania. That’s to say, the primary obligation to ensure citizens are informed about the basic electoral norms is placed to the NEC. In the two by-elections, NEC was the sole visible provider of voter’s education. Our observers on numerous occasion encountered NEC officials executing this mandate throughout the campaign.



*Figure 1: Kibwigwa citizens from Buhigwe constituency overjoyed to read NEC voters education publications. Photo credit NEC.*



The focus of voters' education thus is primarily on how to vote rather than who to vote for. An appropriate voter education would provide citizens with knowledge regarding how to register to vote, how to cast votes, and more importantly informing how citizens' votes contribute to the election outcome.

NEC also has the mandate to accredit local and international institutions, including the civil societies, interested in undertaking the assignment on behalf of the Commission. While NEC has undertaken voter education in both constituencies of Buhigwe and Muhambwe, LHRC's observers did not see or hear of any local or international organization accredited to undertake voter education in the by-elections. Voters' awareness is not subject to accreditation by the NEC and may be executed by any interested party.

### NEC training of returning officers

NEC trained election returning officers to ensure that they fully understand the legislative framework concerning the electoral process and effective management procedures in place so as to respond to any unforeseen or unusual situations on the election day.



*Figure 2: Mr. Stephen Elisante (left) and Daniel Kalinga (right) during one of the sessions organized to train returning officers in Kibondo District Council in Kigoma Region. The returning officers completed the training on 14 May 2021. Photo Credit NEC.*



*Figure 3; On the right: Returning officers from Muhambwe Constituency during the training at Kibondo District Council, Kigoma Region on 13 May 2021. Photo credits: NEC.*



*Figure 4: On the left: NEC's Director of Information and Voter Education Giveness Aswile (the first from the right) trains returning officers in the Muhambwe Constituency, Kibondo District Council, Kigoma Region on 13 May 2021. Photo credits: NEC.*

## **Internal parties' primaries**

In the Tanzanian legal system, political parties are de jure custodians of political participation and determine in a great deal how the voters' alignment in election should be. Strong and sustainable democracy is dependent on the existence of well-functioning political parties.



Political parties are crucial actors in bringing together diverse interests, recruiting and presenting candidates, and developing competing policy proposals that provide people with a choice. In a democracy there is no substitute for open competition between political parties in elections.

Political parties are thus “gatekeepers” of politics that determine who will be included and offered to voters for their consideration taking into account that Tanzanian law does not provide for independent candidates in the elective process. Political parties find themselves in crisis, unpopular and increasingly distrusted. They are suffering from declining membership, internal management malpractices that are often weak and not sufficiently democratic, and party system regulations that often set far-reaching limits to the way in which parties are allowed to operate.

Political parties face challenges that are further exacerbated by diverse and complex political and developmental problems including deterioration of internal party democracy regulatory mechanisms.

LHRC observers noted with concern the wide disparity between party rhetoric and practice with regards to democracy and participation. On the space, political parties’ rhetoric is very good in ensuring sound democratic participation but action falls well short of the standard on the ground. All political parties generally lack an internal institutional framework mechanism to ensure internal democracy within political parties is realized.

For instance, there were 25 candidates for the ruling Chama cha Mapinduzi (CCM) permission in the Muhambwe constituency contest with Jamal Tamimu Abdullah winning the internal primary race with 137 votes followed by Dickson Bidebeli (132 votes) and Dr Florence Samizi (78 votes) in third. But CCM nominated the third runner up candidate Dr. Samizi as its candidate for the constituency’s

by-election without affording the right winner the means to challenge the party decision to overrule the party member's choice. This is just the latest signal of irrelevant internal parties' elections system that may be in most cases overruled by the political parties' national structures without any consequence.



*Figure 5: Jamal Tamimu Abdullah (in cap), a CCM cadre in Kibondo, Kigoma, praying for votes for CCM parliamentary candidate for Muhambwe constituency Dr. Florence George Samizi during the the launch of CCM campaigns at the National Stadium, Kibondo - Kigoma photo credit CCM*

## **Women participation in the political parties**

Tanzania 2012 National Census suggested Women are a major force behind people's participation in life not only do they comprise the majority in terms of population, but they also play a crucial role in society as procreators of posterity as well as producers of goods and services.

Although women have made great strides forward in obtaining a vote and right to be elected to political offices since the inception of Tanzania multiparty system, they comprise less than 10% percent of the elected Members of Parliament, and generally below 40%of all members of parliament when the Special seats for women are counted. They hold only a fraction of other leadership positions nationally. The traditional perceptions of women as inferior to men prevail as many people uphold cultural practices which enhance the subordination of women.



Consequently, men continue to dominate women in political, economic, social, and religious realms. The latter's political endeavors, achievements, and roles in society are hardly recognized or acknowledged. This situation has necessitated the clarion call for the reintroduction of the Women Special Seats under Article 66(1) (b) of the Constitution to alleviate women's active participation in decision making at the political level. Its however unfortunate, the Constitutional special seat set under Article 66(1)(b) of the Constitution has served political parties more than the women as anticipated.

In the two by-elections, there has been a great deal of women representation and nomination in the two constituencies in that, In Buhigwe constituency there were 7 women out of 13 parliamentary candidates, which is an equivalent of 54 percent of the total number of candidates. While at Muhambwe constituency there was 1-woman candidate out of 3 parliamentary candidates.

Though women candidacy was at a high bar in line with Tanzania's elections, none of the parties participating in the two by-elections provided clear guidelines for gender consideration during the intra-party primary election. In the campaign, there was apparent propaganda suggesting attitudinal assumption that men are born inherently competent and therefore deserving of absolute control over the political sphere, and especially of political parties. The same negative attitude was directed to the youth with no economic muscles to fairly participate in the campaign.

Thus, when the constitutions, and manifestos of political parties as well as their rules and regulations on elections for internal positions are examined, gender equality should be made an integral principle or one that anchors party values and ways of doing things. Even with some values within parties' constitution or manifesto once it has been put on paper, however, little is done to realize gender equality and spirit of what is written in the political parties' documents.

## NEC nomination process, candidacy objection and dispute resolution

At least 13 of the 19 registered political parties participated in the NEC nomination process by appointing their candidates for NEC nomination consideration. All the candidates appointed by the political parties successfully sailed to the campaign stage without many hurdles.

In the Muhambwe constituency, CCM candidate Dr. Florence Samizi filed an objection against ACT-Wazalendo candidate Julius Masabo. The objection was peacefully and smoothly disposed of by NEC which overruled the objection. Unlike during the 2020 General Election or the 2019 local government elections, there has not been any claim of clerical errors in filing forms that claimed candidates' rights to participate in the election.

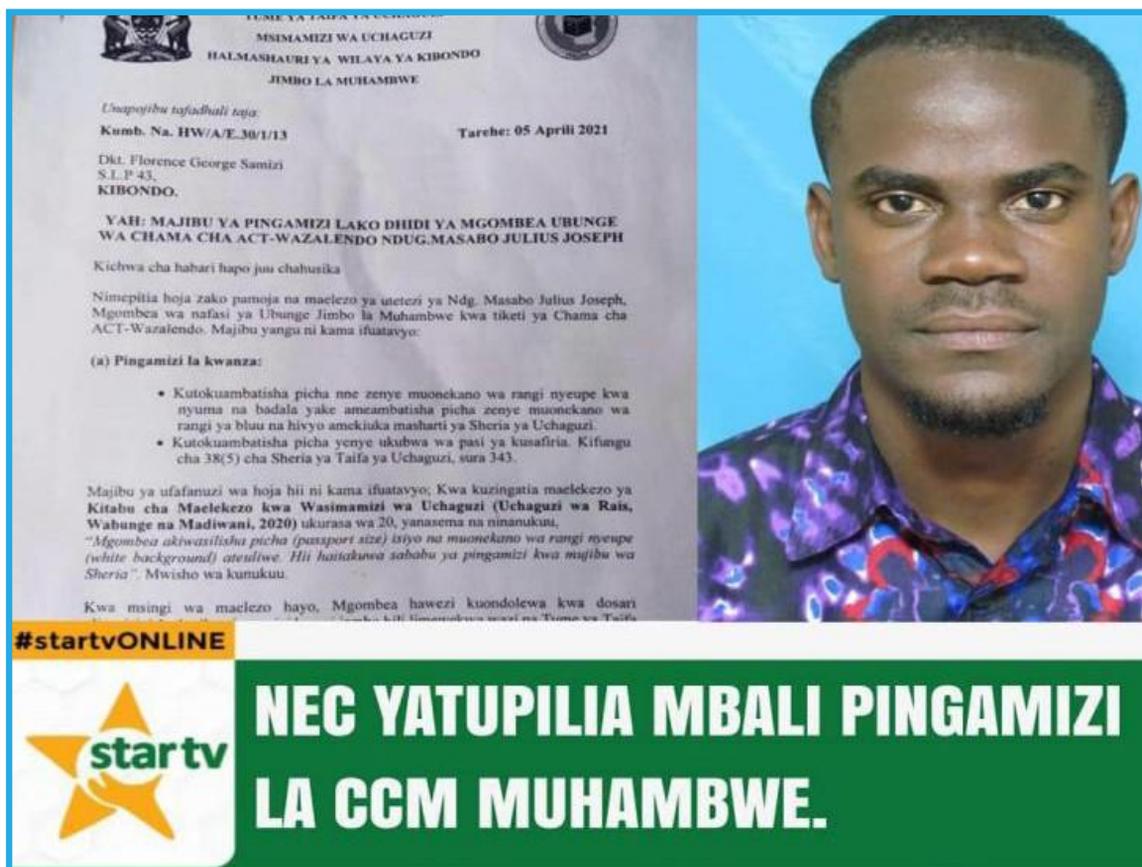


Figure 6: Star TV media update on the objection filed by Dr. Florence Samizi against ACT-Wazalendo candidate Julius Masabo. Photo credits: Star TV.



## **Election observers' accreditation**

Elections can further democracy, development, human rights and security, or in reverse undermine them. For this reason, promoting and protecting the integrity of elections is critically important. Only when elections are credible can they legitimize governments, as well as effectively safeguard the right of citizens to exercise their political rights.

Observers play a central role in promoting and protecting the integrity of elections if properly and timely accredited. Observers' initiatives range from election observation to technical assistance (by providing insights to election stakeholders through their independent reports). Observers, both local and international, constitute a unique resource that needs to be harnessed by any country that strives to ensure compliance with democratic standards.

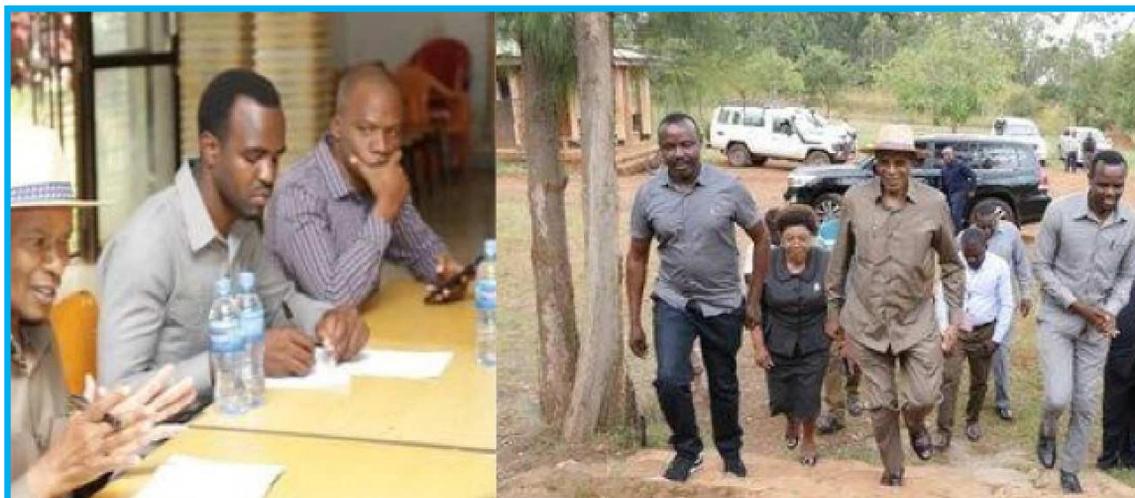
Regulation 18 places NEC with an obligation to accredit or refuse accreditation to both local and international organizations following the invitation and application for the same. The Ministry of foreign affairs is responsible for inviting international observers to be accredited by NEC. In the two parliamentary constituencies by-elections, NEC accredited a total of five (5) organizations to observe the conduct of the Muhambwe and Buhigwe by-elections. There were about 25 observers in both constituencies from the following organization.

1. The United States Embassy in Dar es Salaam, Tanzania.
2. Legal and Human Rights Centre (LHRC).
3. Umoja wa Wawezeshaji Kioo.
4. Centre for international Policy (CIP).
5. Research and Education for Democracy in Tanzania (REDET)

On the ground, there were few election observers deployed by the accredited organizations, the fact that may have been contributed among others by the limited time from accreditation date on May 4 to election day on May 16 2021.

## Verification Tours

NEC vested with the authority to visit areas where the election is to be held and ensure that rules and regulations are strictly adhered to. In that regard, NEC chairperson Semistocles Kaijage toured various polling stations ahead of the election day. The purpose of his tour was to evaluate the arrangements for the parliamentary by elections on 16 May 2021 in Muhambwe and Buhigwe.



*Figure 7: NEC chairperson Semistocles Kaijage (in a hat) during one of the tours he made to inspect the preparations for the by-election in Muhambwe Constituency, Kibondo District Council in Kigoma Region on 14 May 2021. He expressed satisfaction with the preparation*



*Figure 8: The continuation of NEC chairperson Semistocles Kaijage's tours aimed at inspecting the preparations of the by-election. Here, the chairperson was in Buhigwe constituency, Buhigwe District Council in Kigoma region. While there, Judge Kaijage expressed*



## Approval and Distribution of Election Materials

NEC implemented the delivery plans for voting station materials and equipment to ensure that materials and equipment arrived at each polling station in time.



*Figure 9: Muhambwe constituency election returning officer Mr. Diocles Rutema (The second in the left side) on 15 May 2021, supervised the distribution of election materials at the polling stations towards the polling day on 16 May 2021. Photo Credit: NEC.*

## Other major stakeholders

### The Police Force

The police played a very significant role in safeguarding the election process from campaign rallies to the polling day. The observation team conducted an interview with five (5) police officers who confirmed there was no high security threat during the campaign and polling day.

Throughout the campaign, election day and post-election, the conduct of police in reference to election was orderly and professional. When called in Muhambwe to intervene on the claimed ballot stuffing, the police response was immediate and timely.

Its however important to note, political parties are still contrary to the law operating security groups and some in the knowledge of the police without action being taken as we have seen in Muhambwe two days before election, an armed group in plain clothes identifying themselves as members of Tanzania Intelligence and Security Services using vehicles with Registration Number T281BFG. We independently noted and verified police in Muhambwe were aware of them but no action was taken. The same vehicle among other three would be suspected of carrying illegal ballots though not found after inspection by the police.

### **The Red Cross Society**

The Red Cross Society was a key participant in the political parties' campaign particularly CCM and ACT-Wazalendo political rallies

### **Media Houses**

From the beginning of the campaign rally in Muhambwe and Buhigwe constituencies till the polling day, three news outlets, Tanzania Broadcasting Corporation (TBC), Clouds Media Group, and Uhuru Media Group, have been reporting directly from the field. However, several media outlets covered the announcement of the by-election results on the 16<sup>th</sup> and 17<sup>th</sup> of May 2021.



*Figure 10: Reporters from Clouds Media Group entering the Buhigwe District Executive Director(DED) office on 15 May 2021*





## CHAPTER THREE: CAMPAIGNS

From 1 May 2021, major contestants in the Buhigwe and Muhambwe by-elections, CCM and ACT-Wazalendo, launched their election campaigns. Generally, CCM and ACT Wazalendo conducted their campaigns in a peaceful and orderly manner. Neither our observers nor the media monitoring conducted noticed any report of violence or noncompliance of the campaign schedule.

Launching of election campaign rallies and the campaign progress from 1 May 2021, major contestants in the Buhigwe and Muhambwe by-elections, CCM and ACT-Wazalendo, launched their election campaigns. Generally, CCM and ACT Wazalendo conducted their campaigns in a peaceful and orderly manner. Neither our observers nor the media monitoring conducted noticed any report of violence or noncompliance of the campaign schedule.

CCM preferred to use “*Kazi Iendeleo*” and “*Ushindi Lazima*” as their campaign slogans while ACT-Wazalendo didn’t have clear slogans during the campaign period. In the buildup of the 2020 General Election, NEC, on 5 June 2020 gazetted a government Notice No. 722 of 2020 to govern the conduct of different stakeholders in the campaign. There were cases of irregularities and illegalities that have been noted during the political campaign with regards to campaign rules specifically for non-compliance with the campaign rules.



*Figure 11: ACT-Wazalendo party leader Zitto Kabwe (left) and CCM Secretary of Ideology and Publicity Shaka Hamdu Shaka in an occasional chat when they met in Kibondo on 15 May 2021. Photo credits: CCM.*

## CCM

The CCM campaign was launched in Muhambwe on 4 May 2021 and in Buhigwe on 5 May 2021. The campaign launches were graced by the Prime Minister Hon. Kassim Majaliwa and other top national leaders of CCM and its command TOT band of all styles was noticeable just from day one of the campaign's official kick-off.



*Figure 12: Prime Minister Kassim Majaliwa (left) who doubles as CCM's Central Committee member, graced CCM parliamentary campaigns in Muhambwe on 4 May 2021. Photo credits:CCM.*



The CCM campaign enjoyed a smooth atmosphere in Buhigwe compared to Muhambwe where there was very strong competition between CCM and ACT-Wazalendo. The campaign rallies were marked with unprecedented and unmatched deployment of children.

### **Violation of the Code of Ethics: the use of vernacular language**

Election rules want Kiswahili to be the one and only language to be used in addressing the campaign rallies. The only exception that has been set under the rule is, in cases that the language is not properly understood by the audience and when there are the necessities and demands to use another language other than Swahili then, that other language must be properly translated in Swahili. The key objective of the rule was meant to ensure that the language employed by the candidates is understood by the general public as election is a matter of public interest and avoids confusion and improper tribal identity of the candidates.

Contrary to the regulations, however, the use of vernaculars was a common phenomenon particularly in Muhambwe constituency. The use of the Kihaa language by CCM parliamentary flag bearer Dr. Florence George Samizi and her campaign team. This went without any accountability from NEC.



*Figure 13: Children walking along a car of the CCM TOT band. This picture was taken on 14 May 2021 during the closing rally of CCM campaigns in Muhambwe constituency. The closing rally was graced by the Vice President of the United Republic of Tanzania, Dr. Philip Isdor Mpango. Photos credits: LHRC*

In the buildup of the 2020 General election, NEC facilitated the preparation and later issued what came to be known as government Notice No. 23 of 2020 to govern the conduct of different actors in the election. The code has forbidden among others, collective properties as State own resources to be used for political purposes. It has also forbidden government officials as the Prime

### **Public resources misuse for political gain**

Ministers, the ministers, Regional Commissioners among others to participate in their capacity in political activities including campaign (unless they are themselves candidate) or using public resources including development programs as means of attracting political gain. Code 3.3 listed things forbidden to be conducted by the government.

During the two by-elections campaigns, state resources were used as voters attracting means contrary to the rules. Government project and infrastructures development such as the district hospitals projects, East Africa Community Road project from Nyakanazi to Kigoma via the two constituencies were continuously used as campaign tools contrary to the Government Notice number 722 of the 2020. Code 3.3 listed things forbidden to be conducted by the government, among them include.

1. Ministers, Prime Minister, Regional Commissioners, [and] District Commissioners should not mix official government visits with election campaigns and use public properties and government technocrats in the political campaign for their benefits.
2. From the commencement of the campaign to the declaration of the result ministers are not allowed to-
  - i. Declare in the media or in any other means aid or any promise.
  - ii. Promise any development scheme such as roads, water and things of sort with the view of being supported politically.
  - iii. Use government powers and resources in the election campaign for the benefits of any political party or candidate.



While the 2020 code of conduct forbade ministers and government technocrats to participate in the campaign, CCM enjoyed considerable powerful individuals within the government in its campaigns, utilizing government resources in the campaign, including:

- i. The CCM campaign was launched by the Prime Minister and ended with the Vice President in both constituencies, all appearing in the campaign in their official capacities. In fact, on the way to the CCM final campaigns, the Vice President met with the district government and received different information from its senior officials before going to the campaign rally. While there has not been any reported case of coercion or undue influence to manipulate elections, these visits are not healthy to any society hoping to upgrade its democratic standards.
- ii. On 4 May 2021 at Kibondo, Prime Minister Hon. Kassim Majaliwa promised he would give TZS 200 million to Dr. Florence, CCM parliamentary candidate, for finalizing the construction of a hospital.
- iii. On the same date 4 May 2021, the Prime Minister promised to provide TZS 500 to Dr. Florence to finalize the construction of Chamurungu Healthcare Centre. On the other hand, he tasked Dr. Florence to identify strategic areas for establishing health centres.
- iv. PM Majaliwa also promised that the government would bring more teachers to Muhambwe while campaigning for CCM candidate



*Figure 14: Minister of Education, Science, Technology and Vocational Training and Member of Parliament for Kasulu Urban Constituency Prof. Joyce Ndalichako (left) campaigns for CCM parliamentary candidate for Buhigwe constituency Mr Felix Kavejuru (right) in Muhinda Ward. Photo credits: CCM*



*Figure 15: Vice President Dr Philip Mpango who doubles as CCM Central Committee member (left) campaigns for CCM parliamentary candidate for Buhigwe constituency Mr Felix Kavejuru (right) at the CCM closing campaign rally in Buhigwe. Photo credits: CCM.*

Presence of green guard: CCM's Green Guard was one among the security team during the launching of Muhambwe parliamentary campaigns. The Green Guards were responsible for ensuring security in CCM campaign rallies.





*Figure 16: Green Guards in their duty of ensuring security at campaign rallies.  
Photo credits: CCM*

In a democratic and free society, the political actors have a fair and equitable playground without fears or favors. Despite the adoption of a multi-party system in 1992, the ruling Chama cha Mapinduzi (CCM) has maintained largely through clientelism and use of state resources with multipartyism and opposition parties in Tanzania persistently viewed with suspicion and mistrust.

To appreciate this fact, the memoir of the former two presidents of this republic may shed light the extent to which Tanzania democracy has been dragged to protect the single party hegemony within the multiparty system.

In his memoir, the late president Mkapa put this in perspective when addressing the External Payment Arrears (EPA) scandal in his book *My life, My Purpose the president Remembers*. Prof Rwakeza Mukandala quoted former president Mkapa as saying:

*“Kuhusu EPA, nilisita ila Gavana wa Benki Kuu Daud Bilali alinielewesha na kusema watakaonunua hayo madeni walikuwa tayari kuchangia mfuko wa kampeni za uchaguzi wa CCM. Wahuni walitumia uaminifu wangu kwa chama kunishawishi nikubali. “Ninajisikia kuwa nilitumika na kusalitiwa. Na ukweli ni kwamba mimi binafsi sikufaidika na sikupata chochote”*

Unofficial English translation for the statement may be translated as follows:

*About the EPA, I was hesitant but Central Bank Governor Daud Bilali informed me and said those who would buy the debt were ready to contribute to the CCM election campaign fund. The hooligans used my loyalty to the party to persuade me to accept it. “I feel I was used and betrayed. And the fact is, I personally did not benefit from it”*

Simply put, president Mkapa was admitting to having abused his presidential powers in entering the EPA deals hoping the scheme is beneficial to his party CCM in the 2005 campaigns. This and the like abuse of state resources has given the ruling party an unfair advantage, further entrenching the hegemony of the single party amidst a multiparty system as further witnessed in the 2020 General election campaign and now in the Muhambwe and Buhigwe constituent by-elections.

Again, former president Mzee Ali Hassan Mwinyi in his Memoir published in May 2021 that coincided the conduct of the two by-elections when addressing the rationale for the rejection of the independent candidate at any level of elected seats have this to say:

*Pili lilizuka jambo la kubadili mfumo wa kuingia kwenye ushindani wa vyama vingi. Kwa ujumla viongizi wote pamoja pamoja Mwalimu tuliridhika na kufurahishwa na mchakato wa mapendekezo. ‘..Tulishindwana na mwalimu kwenye jambo moja tu la wagombea binafsi, yeye alitaka wawepo lakini wengi katika chama na serikali walihofu kwa haki kabisa kuwa hiyo itakuja kudhoofisha CCM pale wasiopita kwenye mchujo wakiamua kusimama kama wagombea binafsi.*

*Pia tulijitahidi kufanya iwe vigumu kwa vyama kuungana tukasema wakitaka kuungana lazima wajifute kwanza kisha kuanza kujisajili upya...’.*



Former president Mwinyi sentiments has continued finding its place within the Tanzania political parties laws that now subject political parties cooperation to approval of the Registrar of political parties.

Considering the current framework of the law, the operating political system and coupled with the cited memoir of the two former presidents, its fair and legitimate to say the current hurdles in the Tanzania legal framework has been crafted to benefit the system of governance and political system that existed before the adoption of the multiparty in Tanzania in 1992.

This therefore call for an overhaul of the system of law governing election and democratic process to reflect a free and democratic society whose values does not favor or fears anyone.

### **Evaluation of the CCM campaigns**

On 13 May, 2021, at the CCM Kigoma hall, CCM Secretary for Ideology and Publicity Mr Shaka Hamdu Shaka held a press conference aimed at giving an assessment of CCM campaigns in Buhigwe and Muhambwe constituencies, saying:

*“Buhigwe and Muhambwe constituencies belong to CCM. We lost a CCM MP to death in Muhambwe, so what the people are supposed to do is to comfort CCM. In Buhigwe Constituency, the people themselves want to thank Hon. President Samia [Suluhu Hassan] for appointing [their MP, Dr Philip Mpango] as their Vice President.” - Shaka Hamdu Shaka.*



*Figure 17: CCM Secretary of Ideology and Publicity Shaka Hamdu Shaka addresses a press conference on the status of the CCM campaigns in Buhigwe and Muhambwe constituencies in Kigoma Region, towards the by-elections scheduled for 16 May 2021. Photo credits: zanzinews.com*

The following was a CCM brief overview of the by-elections in Muhambwe and Buhigwe constituencies. The main objective of CCM campaigns was to carry out the following responsibilities:

1. Announce the Policy and Manifesto of CCM, to explain to the people how the party plans to bring them social and economic development.
2. Asking for votes to the party's candidates Dr. Frolence George Samizi of Muhambwe constituency and Mwalimu Eliadory Felix Kavejuru of Buhigwe constituency.
3. CCM's campaigns focused on holding smaller meetings and talking with community groups in their areas/settlements/villages.
4. Dr. Florence George Samizi visited all 19 Wards and has held small campaign meetings and met with special groups of youth, women, elderly, businessmen and other social groups. Throughout the campaign, the people have come out in large numbers to attend the party's campaign rallies in the constituency and express their aspirations for the CCM candidate Dr. Samizi.



5. Eliadory Felix Kavejuru has campaigned in all 20 Wards, meeting with citizens in 44 villages which is an equivalent of 100 percent of all villages. Major rallies have been held strategically in the grounds of Buhigwe Primary School, Munanila, and Muyama. These areas have a large number of registered voters. The 62 small meetings held by CCM candidate Mr. Kavejuru as well as specific talks with social groups brought him together and gave him more assurance of victory.

**Concluding, Mr. Shaka said:**

“Preliminary assessments have shown that in those constituencies, CCM will win no less than 80 percent and it should be noted that this victory will not be new to us as CCM is a beacon and father of democratic reforms in the country, Africa and the world at large.”

### **ACT-Wazalendo**

ACT-Wazalendo was the only opposition political party that conducted its campaign rallies in Buhigwe and Muhambwe. Before ACT-Wazalendo kicked off its campaign on 1 May 2021, it had internal party meetings in different villages for the purpose of strengthening party roots at the village level. ACT-Wazalendo campaign rallies were attended by party top leaders such as Zitto Kabwe, Juma Duni Haji and Abdul Nondo, the party's youth wing national chairperson.

ACT-Wazalendo conducted its campaign in 20 wards of Buhigwe constituency and 19 wards in Muhambwe constituency. At some points CCM members including TOT Public Address truck interfered with the ACT-Wazalendo campaigns rallies, police task forces neutralized the situation, a classic example in mid May 2021 Police officers removed CCM ward councilor for interfering ACT meeting.

Towards closing of campaign rallies, ACT-Wazalendo planned to use helicopters for the purpose of reaching many places of Buhigwe and Buhangwe constituencies, unfortunately they failed to use it due to the technical faults happening in the helicopter.



Figure 18: ACT-Wazalendo parliamentary candidate for Muhambwe constituency Julius Massabo addressed a campaign rally in Mabamba Ward of the Muhambwe Constituency, on 1 May 2021. The candidate used the platform to explain his manifesto.



Figure 19: Mr Masabo in one of his campaign rallies. In most of the ACT wazalendo campaign rallies there were children. Photo credits: ACT-Wazalendo.



### Other parties' campaigns

Other 10 opposition parties did not conduct any campaign rallies in Buhigwe. LHRC's observation team conducted a focus group discussion with five (5) opposition parliamentary candidates, most of them claimed they conducted door to door campaigns, something which was not true, according to our analysis.



*Figure 20: LHRC observation team in group discussion with five (5) opposition parliamentary candidates in Buhigwe constituency. Photo credits: LHRC*



## CHAPTER FOUR: ELECTION AND POST ELECTION EVENTS

The LHRC team observed election day procedures, including opening, voting, closing and the counting of votes. LHRC managed to observe 73 polling stations in Muhambwe and 68 in Buhigwe, making 141 polling stations in both constituencies.

After 15 days of intensive campaigning from May 1st to May 15th in Buhigwe and Muhambwe constituencies, NEC held a by-election on May 16 2021. According to the electoral body, a total of 303,965 registered to vote in the 793 polling stations NEC set up in the constituencies

LHRC took a keen interest in these by-elections and worked closely with the NEC and other election stakeholders to monitor them. The LHRC team observed election day procedures, including opening, voting, closing and the counting of votes. LHRC managed to observe 73 polling stations in Muhambwe and 68 in Buhigwe, making 141 polling stations in both constituencies.

### Key Findings from election day and results tally procedures

#### Opening Procedures

The LHRC team observed election day procedures, including opening, voting, closing and counting of votes. It managed to observe 73 polling stations in Muhambwe and 68 in Buhigwe making 141 polling stations across the two constituencies. LHRC analysis shows that the voting environment was orderly and mostly peaceful. There were at least four (4) NEC representatives in every polling station. Security personnel were present at all stations and their presence was mostly proficient and subtle.



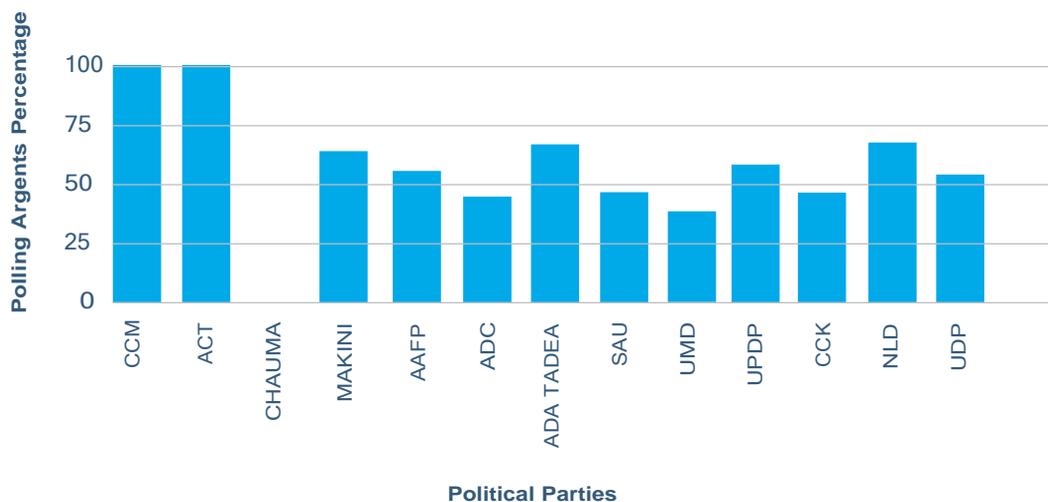
### Polling Stations set up

NEC ensured the essential polling station materials were delivered to the polling stations in Buhigwe and Muhambwe, and all of the polling stations opened at 7:00AM, the returning officer ensured that all essential documentation was on hand in order to identify polling locations and inform voters. Both constituencies had a sufficient number of polling stations and returning officers dressed appropriately, as required by the National Election Act.

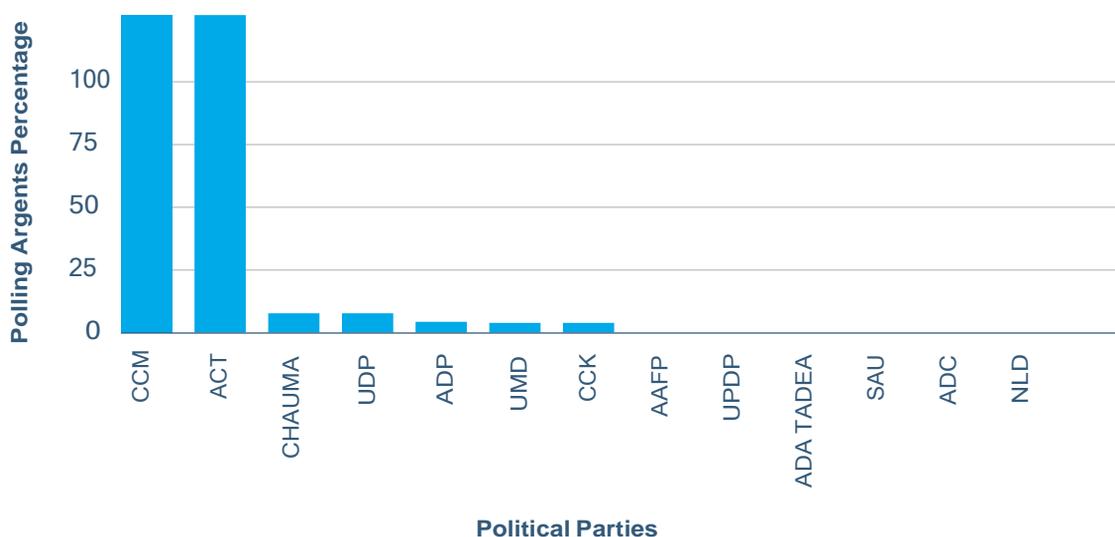
### Political parties polling agents

According to the National Election Act, the Polling Agent Act No 13 of 1990 S. 8 of 1992 S. 29 of 1995, states each political party with the prior concern of the candidate appoint one person to be known as the polling agent for each polling station within the constituency for the safeguarding the interest of the respective candidate.

According to Buhigwe returning officer, political parties submitted a total of 3480 polling agents, however, only 1945 agents attended the swearing-in event. A total of 290 agents were from CCM, 290 were from ACT Wazalendo, 109 were from ADC, 132 were from UDP, 161 were from MAKINI, 104 were from, 149 were from UPDP, 164 were from ADA TADEA, 124 were from CCK, 166 were from NLD and 95 were from UMD,



LHRC nevertheless noted that many parliamentary candidates did not have polling agents. In Buhigwe constituency alone, for example, LHRC visited 68 polling stations and found that only CCM and ACT-Wazalendo out of 13 parliamentary candidates had polling agents throughout all 68 polling stations in the constituency while CHAUMMA had three (3) agents, UDP two (2) agents, ADP one (1) agent, CCK one (1) agent, and UMD one (1) agent. The remaining six (6) parliamentary candidates from AAFP, UPDP, ADA TADEA, SAU, ADC and NLD did not have even one (1) polling agent.



### Voting Process

All polling stations visited by the LHRC team were accessible to voters and the layout was generally adequate for an easy flow of voters. In all polling places visited, secrecy of the vote was protected. The ballot boxes were correctly sealed. Voters took less than three minutes to complete the process given the low turnout. It was generally difficult to spot more than three people in the voting queue in all polling stations visited. On election day, LHRC observers met only two (2) local observers at Kibondo Ward. At least there were more than eight (8) local observers in Muhambwe on election day.



### **Polling station closure, counting process and election results**

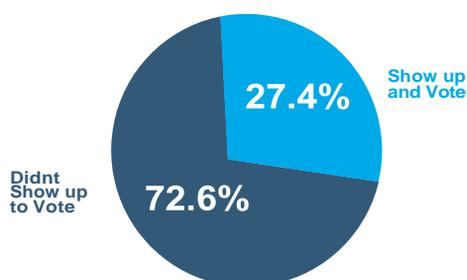
Polling stations were closed at 16:00 hours on May 16, 2021, when vote tallying assignment commenced. The closing and counting of votes were peaceful. The vote tallying was transparently undertaken, and the DP votes were properly counted and recorded in absence of their polling agents in the polling station visited during vote tallying.

LHRC observers noted a lack of basic understanding of the polling administrators and assistant polling administrators with regards to spoiled, rejected and contested ballots. There is however no case of malicious or erroneous prejudice to any candidate by these misunderstanding of the NEC guidance. CCM candidates in both constituencies were declared winners against their close opponents from ACT-Wazalendo.

### **Voters' turnout**

The official results of the election held in Buhigwe nad Muhambwe demonstrate a rapid fall in voter turnout: NEC registered 112,333 voters, but only 30,713 people turned up to vote, indicating that just 27.4% of Buhigwe registered voters voted and more than 72.6 percent citizens did not vote.

### **Buhigwe Voters Dashboard**



At Muhambwe constituency the turnout of voters came into LHRC concern since NEC announced that a total of 127,766 people registered to vote in the constituency but only 35,339 showed up at voting booths, an equivalent of only 27.6% of all registered voters.

### **Inaccuracy of information**

The National Electoral Commission (NEC) had earlier said that there would be 793 polling stations with a total of 303,965 voters in both the Buhigwe and Muhambwe constituencies.

However, according to Ms. Marycelina Mbehoma, Buhigwe's returning officer, there were only 290 voting stations and 112,333 registered voters, whereas Mhambwe's report revealed just 127,766 registered voters and 336 polling stations. As a result, the two seats had a total of 626 polling stations, with a total of 240,099 registered voters. The report revealed inaccurate information between the National Election Commission (Dodoma office) and constituency returning officers (Buhigwe and Muhambwe), according to LHRC analysis, resulting in a disparity of 167 polling stations and 63,866 registered voters.

### **Party coalition**

While there has not been any official political parties' coalition, there has been support that some participating political parties enjoyed from other political parties. For example, throughout the campaign, ACT-Wazalendo enjoyed the support of different other political parties including the Civic United Front (CUF) in Muhambwe constituency. In Buhigwe, six (6) candidates from SAU, CCK, AAFP, Demekorasias Makini, ADA Tadea na ADC on election day used one vehicle (Toyota Probox) when visiting different polling stations. While this may be seen as a good breath to democracy, it may also signal the limited resources these political parties are forced to use and may be well reflected in their inability to deploy polling agents.

### **Incidence of noncompliance with the law, regulation and the rules**

LHRC observation team also noticed a number of noncompliance incidents by political parties and the Police Force in both Buhigwe and Muhambwe constituencies as follows:



While the police largely conducted themselves professionally throughout the campaign, there was an armed group in plain clothes identifying themselves as members of Tanzania Intelligence and Security Services. LHRC observers saw these armed persons using vehicles with Registration Number T281BFG, first during the Vice President Dr Philip Mpango campaign at Uwanja wa Taifa Kibondo on 14 May 2021, then on 15 May 2021 at Kibondo town. LHRC observed two vehicles with registration numbers T281BFG and T185 AJV going through different polling stations along Bunyambo to Mabamba.

On election day, LHRC observers witnessed two vehicles (suspected to be CCM cars) arrested with the police at Mhambwe constituency allegedly for ballot stuffing. No ballot papers were found after a police search. Our observers managed to identify some individuals to be from CCM district leadership in Kibondo, led by the party's secretary of ideology and publicity in the district.

While there has not been any evidence of their conduct in manipulating elections, LHRC observers in Bunyambo Ward were forced to relocate to Kibondo for security reasons on election day.

In Buhigwe, LHRC observers on election day saw CCM Buhigwe district chairperson Gerald Nkabe talking to returning officers at Nyamugali Primary School polling station. The LHRC team also witnessed vehicles with CCM candidate pictures (though somehow spoiled) transporting voters in different polling stations.



*Figure 21: Gerald Nkabe (from the left) Buhigwe CCM chairperson speaking with CCM agent at Nyamugali Primary School polling station in Nyamugali ward. Photo credits LHRC*

Again, on election day, there were changes in polling stations. For example, Sokoni polling station shifted to Mlela primary school that confused voters. However, even the voters list wasn't displayed at the polling station which is unlawful per NEC.



*Figure 22: ACT-Wazalendo ward leader (the first from right) complains to election returning officer due for shifting of polling station from Sokoni to Mlela Primary School. The LHRC observation team noted there were no voters' names on the wall of the new polling*



LHRC observed that at the Buhigwe constituency few minutes before counting of ballots around 7:00 PM at the Buhigwe Executive Directors office, the power went out, and they had to use a torch for lighting, though all surrounding neighborhoods of Buhigwe, Kajana, Muyama, and Nyamugali, had electricity had power on. office in the dark due to the power outage. Photo credits LHRC



*Figure 23: Cars with votes from polling stations deliver votes to the Buhigwe Executive Director's Photo Credit LHRC*



*Figure 24: A pharmacy a few blocks from the Buhigwe executive director's office had electricity. Photo credits: LHRC.*

## **Declaration of The Parliamentary Candidates Results**

Both at Buhigwe and Muhambwe constituencies the process of declaring election results was done in the midnight after the polling exercise on 16 May 2021 closed.

### **Buhigwe Constituency.**

The Buhigwe constituency returning officer, Ms. Marycelina Mbehoma issued the victory certificate to the winner of the Buhigwe Constituency seat, Mr. Felix Kavejuru of CCM after emerging victorious against his 12 rivals in the by-election.

**The following is the Buhigwe constituency 2021 by-election results according to the NEC.**

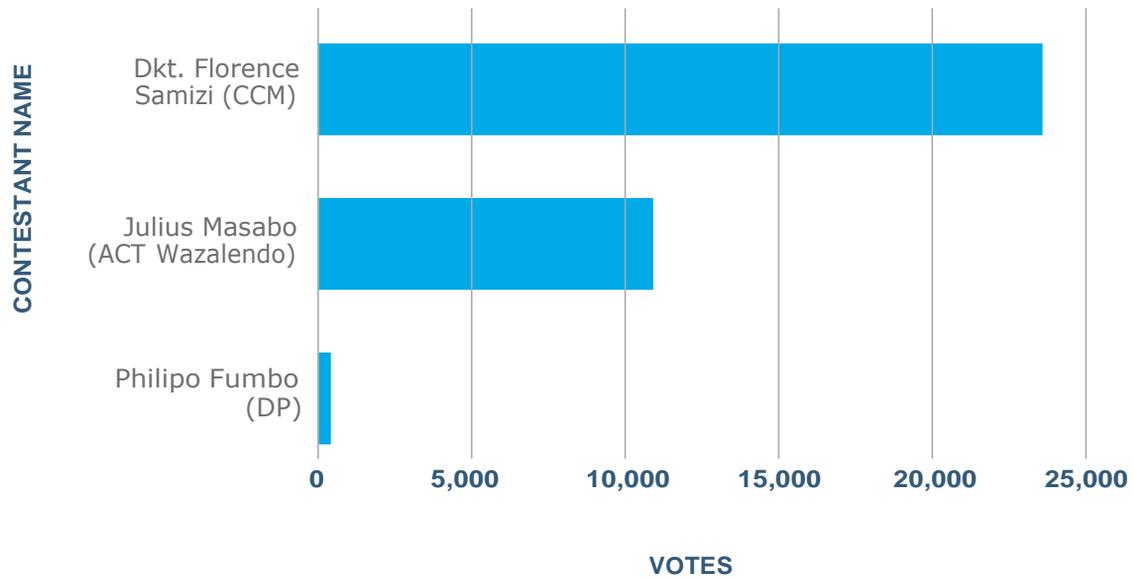
<b>NO.</b>	<b>VOTES</b>	<b>CONTESTANT NAME</b>	<b>POLITICAL PARTY</b>
1	25,274	Felix B. Kavejuru	CCM
2	4,749	Garula Kudraa	ACT Wazalendo
3	125	Abdalah A. Bukuku	CHAUMA
4	33	Bibiana B Ngeza	AAFP
5	30	Rehema L Soa	CCK
6	23	Lwitakubi F Mwikalika	UPDP
7	21	Amen A Issangi	ADA TADEA
8	18	Yunice M. Masenga	SAU
9	16	Mohammed Msanya	D MAKINI
10	16	Mariam S. Kunambi	ADC
11	7	Anna J. Peter	UDP
12	6	Safia S. Hussens	UMD
13	2	Rebecca S. Mwita	NLD

*Table 1: 13 parliamentary candidates (7 women and 6 men) were running for Buhigwe constituency*



### Muhambwe Constituency.

Muhambwe constituency National Electoral Commissioner, Mr. Diocles Rutema announced CCM parliamentary candidate in the constituency Dr. Florence Samizi was the winner in the by-election after garnering a total of 23,441 votes. Later, Mr. Diocles Rutema handed a victory certificate to Dr. Samizi.





## POST ELECTION EVENTS

### **CCM Celebrate winning both constituency by-elections**

CCM applauded and praised its members, party leaders and communities, MPs, government officials, NEC leaders, and residents of the Buhigwe and Muhambwe constituencies for their involvement in the by-elections, which enabled the party to win in a landslide.

CCM's won the contest against its 12 opponents in the Buhigwe constituency after garnering 25,274 votes while Dr. Florence Samizi won the Muhambwe constituency with 23,441 votes.

### **ACT-Wazalendo concede and congratulates CCM for the legitimate victory of Muhambwe Constituency.**

ACT-Wazalendo party leader Mr. Zitto Kabwe congratulated CCM on Muhambwe constituency's legitimate victory, saying: "Wishing the new Member of Parliament all the best. We shall meet in the next election to make it more stable; I commend the Muhambwe Organized Crime Division (OCD) and the Kibondo Returning Officer for their professionalism."

On the side of Buhigwe, however, ACT-Wazalendo criticized minor wrongdoings such as threats to some of their party leaders and the kidnapping of one of their leaders on polling day.

### **ACT-Wazalendo's doubt roughs in the Buhigwe constituency outcome.**

ACT-Wazalendo has claimed that the election in Buhigwe constituency was marred with irregularities. ACT-Wazalendo has claimed their polling agents were forced out from the polling stations. They further claimed to have noted cases of ballots stuffing in Kasumo village, Kajana ward, Buhigwe constituency. They again claimed polling station administrators casted multiple ballots in different polling stations.

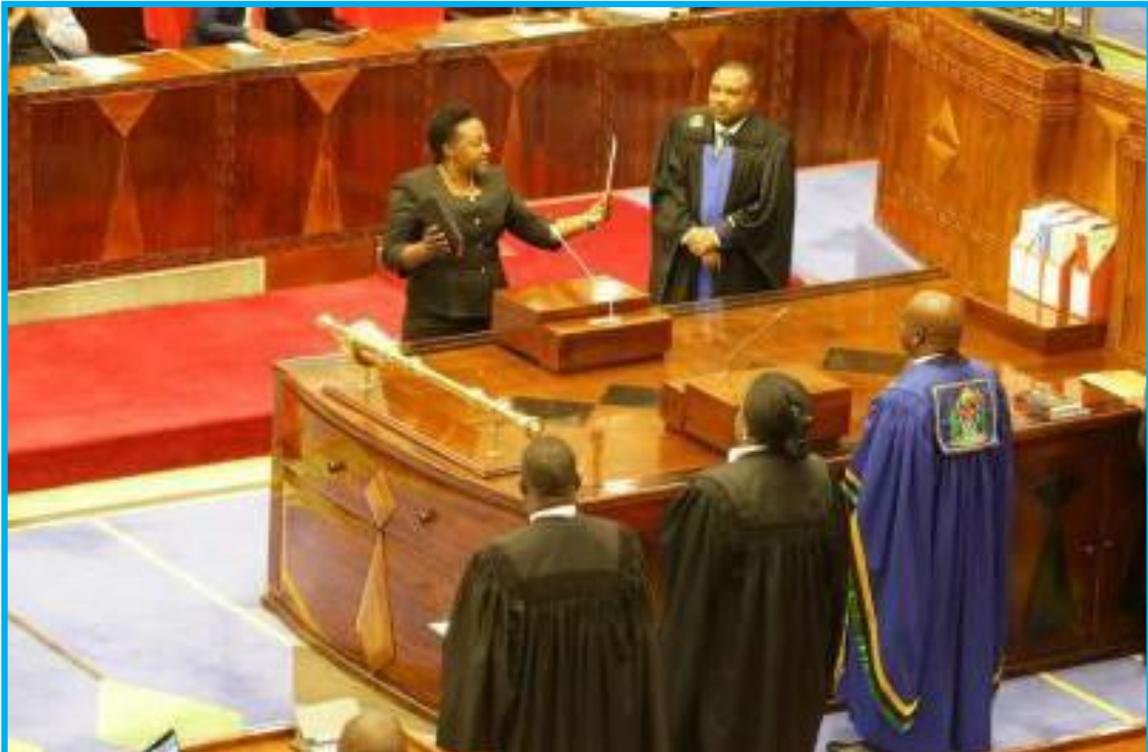


ACT also claimed and mentioned the assistant Returning Officer, accused of adding votes rigging in favor of CCM candidate when announcing the results. There were further allegation of arrest and or abduction of ACT members allegedly by state machineries.

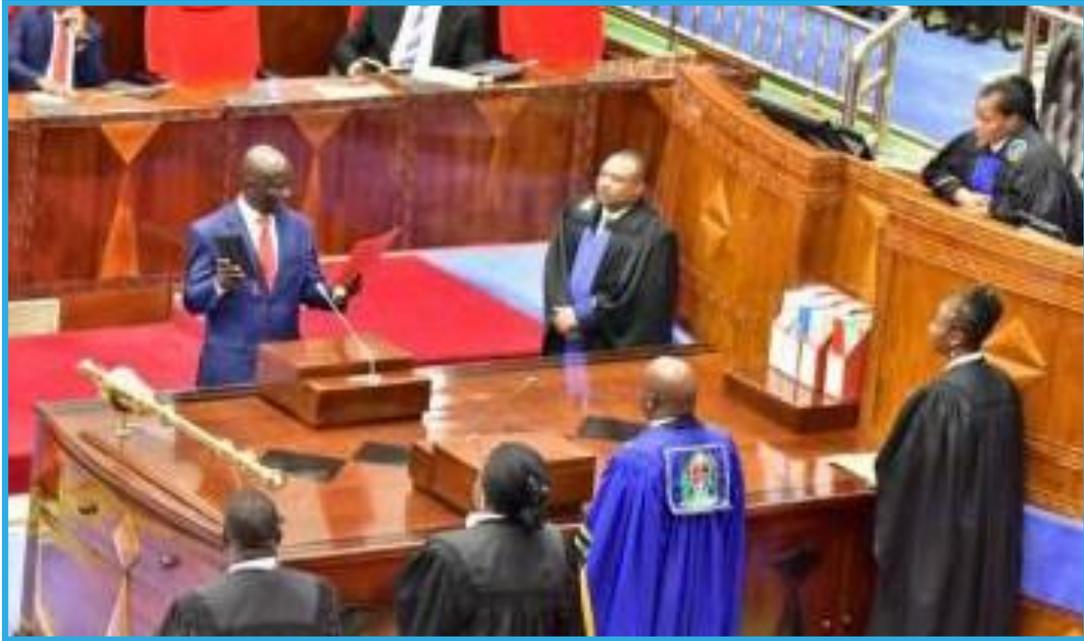
ACT claimed to have channeled part of these allegation to president Samia Suluhu Hassan We closely worked to verify these unilateral claim but we have not independently verify the authenticity of these allegations.

### **Muhabwe, Buhigwe’s Newly Elected MPs Sworn-in**

To fill the vacancies in the National Assembly, two elected Members of Parliament from the Muhabwe and Buhigwe constituencies were sworn-in on 24th of May 2021 Dodoma. During the recently concluded by-election, Kavejuru Felix and Dr Florence Samizi from CCM were elected as MPs for the Buhigwe and Muhabwe constituencies respectively.



*Figure 25: On the left: Speaker of the National Assembly Hon. Job Ndogai (MP) swearing in Muham we MP, Hon. Dr. Florence George Samizi. Photo credit Daily News newspaper.*



*Figure 26: On the right: Speaker of the National Assembly, Hon. Job Ndugai (MP) swearing in Buhigwe MP Kavejuru Eliadory Felix who was recently elected Member of Parliament for Buhigwe constituencies: Photo credit: Photo credit Daily News newspaper*





## CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS

The report was particularly interested in the events that dominated the electoral process before, during and after the by-elections. While generally the report portrays an optimistic picture on the future of electoral politics in Tanzania, some serious issues were also pointed out that require some reviews and reforms to make the upcoming elections in Tanzania more free and fair.

### CONCLUSION

This report aimed at giving a short snapshot of the key events associated with the by-elections in the Buhigwe and Muhambwe constituencies whose people remained without representatives for various causes, both natural and political. The report was particularly interested in the events that dominated the electoral process before, during and after the by-elections. While generally the report portrays an optimistic picture on the future of electoral politics in Tanzania, some serious issues were also pointed out that require reviews and reforms to make the upcoming elections in Tanzania freer and fairer. This section aims at identifying key recommendations to Tanzania's electoral stakeholders based on LHRC observation in the by-elections.

#### To the National Electoral Commission

1. There is an urgent need to review the current legal framework to enforce democratic rights to open for a fair political ground for all actors and strengthen accountability and transparency as key determinants for election credibility.
2. In order to enhance the independence of the NEC, there is a clear need to abolish *ad-hoc* elections returning officers such as District Executive Directors and Ward Executive Officers and replace them with the permanent NEC employees in the district levels and ensure timely and consistent training to them on democratic issues.

3. To enhance transparency, NEC should consider timely and comprehensive consultation with all electoral stakeholders in every stage of election
4. NEC should consider issuing accreditation for voters' education and election observers before the commencement of internal political parties' primaries and the NEC nomination date. This will ensure every stage of election is properly observed and at the same time allow wider time to administer voter's education which is apparently wanting.
5. There is a need to address the issues raised by political parties that boycotted participating in the two-by-election following the closure of the 2020 General election to ensure in the future election playing ground is fair to all contesting political parties.
6. Polling agents are the cornerstone of election integrity, it's important to review the law to remove bureaucraciesthat may hinder polling agents' participation in electionsincluding mandatory oath from election Returning officers. Its recommended that, administration of oath to polling agents should be widened to include judicial officers and private Advocate to eliminate the real and perceived bad blood between the political parties poling agents and the returning officers.
7. NEC should train its staff, personnel and agents mandated to decide elections outcome including nomination, determination objections against candidacy to strictly comply with Article 3, 5, 8, 21, 39 and 67 and other factors provided to in the written laws. Clerical errors in filing forms should not be allowed to waive one candidacy unless they are not rectifiable. Dismissing candidacy should always be an exception that is provided in the law that should be exercised with caution.
8. The is need for continuous voter's registration to ensure thousands young men and women turning 18 years old will be afforded chance to vote when an avenue arises.



## To political parties

The political parties are main players of the electoral process and a central player in the formulation of electoral manifestos; nomination of candidates; and adherence to the electoral laws' especially on campaigns and election expenses. To political parties we recommend that:

1. The parties should abide by the electoral laws and regulations in order to avoid unnecessary conflicts with the law, security agencies and more importantly to ensure the smooth conduct of election and other political activities.
2. There is a need to democratize the internal party nomination process to ensure participation of members in the election of the party candidates and for this purpose, the Political Parties Act should force each political party to conduct internal party nomination and forbid the party top leadership from revisiting and eliminating person elected by the members as candidate aspirants unless with clear appeal procedures.
3. The political parties should enhance transparency of their affairs and involvement of members and general public in their decision-making processes including framing their Manifestos.
4. 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.
5. The political parties should always seek to engage their competitors, law enforcement or other stakeholders when their rights, interest or agenda are subject to dispute including publicly urging their supporters to desist from acts of violence against persons and properties and any act that may be contrary to the law.

## To the Parliament

1. Tanzania parliament should Review electoral legal framework to ensure it respond to the current demands on independence and accountability of the bodies manning election
2. Parliament should amend electoral statuses to provide room for private candidate and set benchmark rules for its applicability.
3. The parliament should reform special seats from appointees of the political parties to direct vote by women and other groups in the Constituent level and therefore giving purpose the Special seats
4. Parliament should reform the law to expand judiciary adjudication system and empower Court to deliberate all electoral cases independently and transparently.
5. Review and amend electoral legislation to identify and address elements that hinder women, youth and people with disability participation in elections.
6. The right to be elected in leadership positions should not be limited to party nominated candidacy. The laws should provide for independent candidates as provided in regional and international human rights instruments that Tanzania is a signatory and the decision of the African Court on Human and people's rights. This will provide a widened space for all citizen to per take in the process freely without being tied to political parties.
7. The right to associate should be strengthened to provide for the right for political parties to establish and register political parties' coalitions to enable joint candidates for various positions at will so far as they follow the normal channel of the parties in accordance with the law



## **To law enforcement organs**

The peaceful transfer of power has been the backbone of all nations' prosperity all over the world. Distancing military institutions and military personnel from the conduct of civic elections has been one of the key determinants of a democracy.

While the security apparatus is one of the most important agents of guaranteeing state and its people safety, they should always remain at bay in every stage of the election circle save for the circumstance that is necessary to guarantee peace.

Police and other security agencies must act orderly and professionally during an electoral process by distancing themselves from either political parties, security groups or other illegal persons operating in the name of Tanzania security entities.

## **To the Mass and social media**

1. Whether public or private, the media must play a neutral role in informing 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 different actors in elections.
2. The media should demonstrate the highest levels of professionalism and impartiality in their coverage of elections by portioning equal air time and space for parties and candidates to explain their manifestos to the voters so that the public can vote from the point of view of an informed citizen.
3. Public owned media should ensure all political parties' campaigns are equally covered regardless of the influence of the political party.
4. Undertake to improve equal representation of men and women in election programming and attention to inclusion and diversity in programming and coverage of election processes.
5. Media should take special measures to increase access to broadcasting time for women.

## To the General Public

As for the general public, who are voters whom electoral process is intended to benefit them, it is recommended that:

1. They should actively engage in the advocacy initiatives for the law and constitutional reforms that will guarantee peaceful and credible elections in future.
2. They should actively participate in the periodical updating of the voters' register (BVR); and that members of the public should be proactive to respond to the electoral management bodies instructions Voter Register upgrade. This will address the current low voter turnout on election day.
3. Citizens should participate in every stage of the election circle including exercising their right to vote as it's the only avenue they can consent to the system of governance of their wish.
4. Citizens have an enormous role in demanding for the restructure of Tanzania democratic framework that ensures the future elections are freely, fairly and transparently executed to ensure credibility for the welfare of citizens themselves.





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