

# TANZANIA ELECTION MONITORING COMMITTEE (TEMCO)

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## AN INTERIM REPORT ON PERFORMANCE OF TANZANIA'S 2010 GENERAL ELECTIONS IN TANZANIA

### 1. INTRODUCTION

In 2010 Tanzania held its fourth general election under the multiparty system which was reintroduced in the country in 1992 after nearly 30 years of one-party rule. The Tanzania Election Monitoring Committee (TEMCO) which observed and wrote reports on the first, second and third general elections in 1995, 2000 and 2005 respectively, undertook to do the same again in the 2010 general election, covering both Mainland and Zanzibar. The Mainland has three types of elections: Presidential election for the Union Presidency, Parliamentary election for the Union Parliament, and Civic election for the local government councils. In contrast, Zanzibar held five elections simultaneously: Union Presidential election, Zanzibar Presidential election, Union Parliamentary election, Zanzibar House of Representatives election and Civic election for the local government councils.

This interim report relates to the union elections. A separate report has been written for the Zanzibar elections. TEMCO fielded long-term observers to cover 223 out of 239 constituencies (93.3%) in Tanzania in

September 2010. These were joined by 7,363 short-term observers (STOs) to observe or “watch’ the polls on the election day, 31<sup>st</sup> October, 2010. The purpose of the interim report is to give an overview of the trends of the electoral process leaving details to the full report to be written when the detailed field reports have been analysed. We shall have a word on each of the four main steps of the electoral process, namely: (i) registration of voters; (ii) nomination of candidates; (iii) campaigns, and (iv) election-day activities: voting, vote counting and declaration of results.

For the purpose of this interim statement, the LTOs and STOs were required to make rapid assessments of the nomination, campaigns and election-day activities (up to declaration of some results) and wire them to TEMCO headquarters in Dar es Salaam. These rapid assessments provide the trend of the three electoral processes and enable us to predict the extent to which the total electoral process can be considered ‘free and fair’. They were asked to score each of the three electoral steps as follows:

- i. 0% or letter grade F: to mean an election (or electoral step) which has failed totally in terms of management, compliance with electoral rules, code of conduct and fairness; and therefore it does not come to normal finality.
- ii. 1 – 39% or letter grade E: to mean an election (or electoral step) with so many managerial problems and irregularities that most major stakeholders (voters, candidates, parties) reject or are likely to reject the final results.
- iii. 40 – 49% or letter grade D: to mean that the election process has acts of violence, intimidation, favouritism, corruption, etc.
- iv. 50 – 59% or letter grade C: to mean the election permits free participation of stakeholders (voters, candidates, parties, others), but there are many instances where bigger parties (or especially the

ruling party) break the rules with impunity. That is to say, the election is free but not fair.

- v. 60 – 79% or letter grade B: to mean an election (or electoral step) which is generally free and fair, but still has short-comings which work against fortunes of some stakeholders (voters, candidates, parties, etc.). It is a 'qualified' free and fair election (or electoral step).
- vi. 80% or more or letter grade A: to mean an election with only a few short-comings which do not affect the overall results. It is a clean free and fair election.

## **2. REGISTRATION OF VOTERS VERSUS VOTER TURNOUT**

The National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC) organized two rounds of voter registration so as to update the Permanent Voters' Register. Non-registration of some eligible voters would be more a result of inadequate voter and civic education than the lack of effort by NEC and ZEC.

NEC registration figures for the 2010 elections stand at 19.6 million, a figure which has been questioned by opposition parties (especially CHADEMA). They claim that the figure is unrealistically high for an estimated population of 40million and that there may be political motive for exaggerating the figure. The NEC explanation is that the figure is based on the 2003 population estimate of 44million. Voter turnout in many voting stations observed by TEMCO in Tanzania were lower than the estimated figure, in some places by 50 per cent or less. If this happens to be the pattern, explanations will have to be found to clear the cloud.

There are two other points of controversy regarding voter registration on Mainland Tanzania. The existing system does not have adequate controls

for underage and foreigner registration, especially in border regions. During the one-party system the ten-cell leaders provided some controls, but these controls no longer exist under the multiparty system because each party may want their own supporters to be registered whether underage or foreigner. The Zanzibar Sheha could provide a model for the Mainland, but experience has shown that Sheha's role can be abused to serve the interests of the party in power. Some thinking is required in this area.

### **3. NOMINATION OF CANDIDATES**

Nomination of candidates has two stages: nomination within each participating party and the official nomination by NEC. The 2010 elections continued to show three models of intra-party nominations, namely: (i) fully participatory model, (ii) partially participatory model, and (iii) hand-picking model.

So far the fully participatory model has been used by CCM and CUF. The model was democratized further during the 2010 elections to allow all party members to vote for party members who seek party nomination for council and parliamentary candidacy. The preferential votes of party members are considered at party sittings at district, regional and national levels, with the possibility of making changes at each level. The model proved so transparent that it was possible for the Prevention and Combating of Corruption Bureau (PCCB) to track corrupt practices by several CCM aspirants on the mainland. However, the PCCB initiative was toned down for reasons which are still unclear.

The partially participatory model is based on delegates (not all members) who give preferential votes for the candidates before higher organs make final choice. This model is used by the better established parties in the opposition camp, especially CHADEMA and NCCR.

The hand-picking model is the least democratic and is used by most of the remaining 'small' or less established parties. It is really a top-down model, with the decision of who stands for what position being made by top party leaders. In practice, any member who wants and can finance his/her own campaigns can stand for a position in these parties because they have relatively few resources to support 'official' party candidates; and therefore there are fewer conflicts than in the larger parties. Conflicts were more pronounced in the larger parties, especially in the nominations of CCM. These conflicts led to several defections to opposition parties (especially to CHADEMA) by those who failed to secure nomination in CCM.

The official nomination of candidates by NEC did not raise many problems. Two presidential aspirants were dropped due to their failure to fulfill nomination conditions. The issue of unopposed candidates was back on the table during this election. Up to 500 CCM council and 16 parliamentary candidates were elected unopposed. Past experience (including the experience of the one-party system) show that at least some of those declared elected unopposed may have used corrupt means to achieve this status. Past recommendations have been that all those who have no opposers should be subjected to a Yes/No vote to see if the voters actually approve them. We should again repeat this recommendation. Observers' Assessment of Nomination in 135 constituencies out of the 223 observed by TEMCO in Tanzania provides the following scores:

- 0% or grade F: 1 constituency (0.7%)
- 1 – 39% or grade E: 3 constituencies (2.2%)
- 40 – 49% or grade D: 1 constituency (0.7%)
- 50 – 59% or grade C: 31 constituencies (23.0%)
- 60 – 79% or grade B: 68 constituencies (50.4%)
- 80% or above, or grade A: 31 constituencies (23.0%)

**Total = 135 constituencies**

Analysis of the 135 constituencies suggest that, if this pattern persists in all the constituencies, the nomination process of 23% of the constituencies will be judged “free but not fair”; in 50.4% of the constituencies the nomination process will receive a ‘qualified free and fair’ certification; and in another 23% of the constituencies, nomination will receive a ‘clean free and fair’ certification. These figures are expected to change slightly when assessments of all the 223 constituencies observed by TEMCO in Tanzania are analysed.

## **4. ELECTION CAMPAIGNS**

### **4.1 Positive Side**

Taking the entire campaign period of 70 days, it will be seen that it was typified more by peace than by conflict. This is significant and cannot be taken for granted where people are competing for political power. Credit must be given to the major stakeholders:

- The voters who attended campaign meetings massively and yet were able to control their emotions.
- Political parties which struggled hard to curb the enthusiasm of their supporters.
- Candidates who observed reasonable limits of negative campaigning against opponents.

- NEC and ZEC personnel in the field who tried hard to enforce campaign timetables.
- Security personnel (police) who kept order in campaign meetings, especially big public rallies, of presidential candidates.
- Media people who informed the public about the contents of party manifestos and campaign themes covered by candidates of different parties. Clearly the media (print and electronic) tried more than in previous elections to adhere to their own (and NEC's and ZEC's) code of conduct, especially in giving equal consideration to all parties and their candidates.

There are a lot more positive things that could be said about campaigns in this year's election. But it is equally important to look at some of the negative aspects as well.

## **4.2 Negative Side**

Most of the negative things picked by TEMCO observers are not new; they however seem to have acquired bigger magnitude in this election. These will be classified into several categories:

### **(i) Overstretched use of advantages of incumbency:**

Minister-candidates and presidential candidates seeking re-election do have certain advantages of incumbency by the sheer fact that they are in power even as they market themselves to voters. Presidential candidates in power, in particular, attract state resources which he/she cannot be denied (e.g. security). This is fine. The problem has in all elections under the multiparty system been that this advantage has been overstretched or overexploited. During 2010 elections, for example, the following have been observed by TEMCO field observers:

- Regional and District Commissioners have placed state resources (vehicles etc) in campaign processions of the presidential candidate defending his position.
- In several places the presidential candidate in power addressed public meetings outside the legal campaign time (beyond 6.00pm), a practice which was then imitated by other presidential candidates (especially that of CHADEMA).
- There were several cases of making a decision or reversing a government decision previously made in campaign meetings – which violates the code of ethics, etc. Promises for what one will do for the people if returned to power are fine; but using current position to make or unmake a decision to gain votes is improper; for other candidates cannot do the same.

## **(ii) Over-decorated campaigns**

This was the first election under the new law on election expenses whose original purpose was to limit the use of big money in elections. Ironically, the campaign materials for the bigger parties, especially the ruling CCM, are clearly more elaborate and expensive in this than in previous elections. Even a casual observer of these campaign materials will not fail to conclude that this was a very expensive election and that some parties and candidates have spent fortunes. Because of the use of big money by big parties, the campaigns became a competition among unequals. The less resourced parties did not seem to be campaigning at all when compared with giants.

## **(iii) Violent actions**

Most violent actions on the Mainland related to the stiff competition, especially between CCM and CHADEMA and in a fewer cases CCM and CUF. For example:

- TEMCO observers in Dar es Salaam, Mwanza, Kilimanjaro, Mbeya and Mara regions reported several incidents of provocative language sometimes followed by physical confrontations between people believed to be members or supporters of CCM and CHADEMA. There were deaths reported in Maswa, Dodoma and Dar es Salaam.
- The TEMCO observer in Hai District received a veiled threat from a CCM cadre who charged him with being a CHADEMA supporter. Similarly, the Kinondoni constituency observer was intimidated at a CUF campaign rally by an individual who identified himself as a security officer of the party, charging him with being a CCM supporter.

In some of the cases of inter-party violence the police and party leaders were able to keep the situation under control.

#### **(iv) Breaking Rules and Code of Ethics**

There were cases spread here and there of breaking election rules and the code of ethics. The following are examples:

- Non-adherence to the campaign timetable (and allocated venue for campaign meetings) which in some cases caused clashes.
- Some campaign rallies being extended beyond the official ending time (6.00pm). As we have noted, the main perpetrators were CCM and CHADEMA.
- Mutilation of campaign materials (photographs, flags, posters, etc) observed in a number of constituencies.
- Addressing campaign meetings while mixing the official language (Kiswahili) with local languages (vernacular). This was dominant in Mwanza, Kagera, Ruvuma, Shinyanga and Tabora regions.
- Incidences of negative campaigning (demeaning opponent's character) were noted particularly in Ilala, Bukoba urban,

Nyamagana, Moshi, Vunjo, Hai, Tunduma, Arusha Urban, Busanda, Temeke and Maswa East Constituencies. These related mainly to council and parliamentary candidates; but presidential candidates were not immune to this either.

### **4.3 Observers' Assessment of Campaigns**

Observer's assessment of the campaigns in 135 out of the 223 constituencies observed by TEMCO Tanzania give the following scores:

- 0% or grade F: No constituency had this grade
- 1 – 39% or grade E: 1 constituency (0.7%)
- 40 – 49% or grade D: 1 constituency (0.7%)
- 50 – 59% or grade C: 21 constituencies (15.6%)
- 60 – 79% or grade B: 87 constituencies (64.4%)
- 80% and above, or grade A: 25 constituencies (18.5%)

**Total = 135 constituencies**

The trend suggested by this analysis is that the campaigns of 15.6% of the constituencies will be assessed as 'free but not fair'; in 64.4% of the constituencies the campaigns will receive a 'qualified free and fair' certification, while in 18.5% of the constituencies the campaigns will receive a 'clean free and fair' certification. As in the case of nomination, these figures are expected to change slightly when all assessments of 223 constituency campaigns have been analysed.

## **5. ELECTION-DAY ACTIVITIES: VOTING, VOTE COUNTING AND DECLARATION OF RESULTS**

### **5.1 Voting**

In all places where voting materials had been supplied in adequate amount and voters were able to find their names on the list of voters posted at the polling station, or they were otherwise identified and allowed to vote, voting continued peacefully to the end. On the other hand, problems, complaints and desperate actions by voters typified all voting stations with inadequate supply of voting materials and where voters could not find their names on the list of voters.

These two are old problems which have continued to recur in every election, causing unnecessary inconvenience to voters or denying some the opportunity to cast their votes. NEC has had to postpone elections in several constituencies and wards because of non-availability of adequate voting materials. More care is needed to ensure that these managerial hitches are not interpreted as political strategies for rigging elections, and such interpretation has already been voiced by some stakeholders.

On the positive side, in most constituencies voters were reported to have high motivation to vote, forming queues at voting stations as early as 6.30am. Most stations opened on time and had adequate security and materials to commence voting. People with disability, elderly people, pregnant women and the sick were in all cases observed given priority.

As voting was continuing peacefully, some ugly episodes were reported in several places, for example:

- In Dar es Salaam (Ubungu and Segerea constituencies) there were reports of people seen with voting papers. It is still unclear as to what happened after their arrest by the police following reports by voters. There was a similar report from Mbeya where alert voters discovered a person with voting papers for parliamentary and presidential elections in the house of a presiding officer. It is still unclear what happened to the presiding officer after the voters had taken initiative to get him arrested by the police.
- In several places (including Dar es Salaam and Moshi) people were arrested for carrying several voters' cards. This may partly account for the observed discrepancy between estimated voters and people actually turning up to vote in a polling station.

## **5.2 Vote Counting and Declaration of Results**

Problems and violent actions started at this stage. Law demands that people should vacate the polling station as soon as they completed voting. In many places party fans, already suspecting that there may be fake voting papers which could be used to rig elections, were determined to remain within the vicinity of the polling station to monitor all suspicious activities. This led to violent confrontation with the police who tried to evacuate them forcibly.

Delay in counting the votes which led to delays in declaring the results of council and parliamentary elections fired the confrontation between the police and party fans who demanded declaration of results. Explanation by NEC personnel that delays were due to the lack of mastery of the new computerized counting system could not be accepted by anxious voters partly because it came late.

The voters attributed delays to **politics** rather than **technics**. Unfortunately, it so happens that counting of votes took place in venues with poor lighting, further raising suspicions of vote rigging. Enough attention was not paid to the problem of lighting in many places, which is probably managerial slippage.

### **5.3 Observers' Assessment of the Polling Day Activities**

Poll observers' on-the-spot assessment of the process of voting, vote counting and declaration of results in 4,332 out of 7,363 polling stations observed by TEMCO in Tanzania gives the following scores:

- 0% or grade F: No polling station had this grade
- 1 – 39% or grade E: No polling station had this grade
- 40 – 49% or grade D: 7 polling stations (0.16%)
- 50 – 59% or grade C: 54 polling stations (1.25%)
- 60 – 79% or grade B: 1,313 polling station (30.31%)
- 80% or above, or grade A: 2,958 polling stations (68.28%)

**Total = 4,332 polling stations**

The trend suggested by this analysis is that the voting activities of less than 2% polling stations will be considered as 'free but not fair'; and voting activities of 30.31% polling stations will receive a 'qualified free and fair' certification, while voting activities of 68.28% polling stations will receive a 'clean free and fair' certification, high proportion indeed. As in the case of the nomination and campaign figures, these figures are expected to change slightly when data for the full package of 7,363 polling stations have been analysed. At that point it will be possible to make an assessment of the entire election.

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