

TANZANIA ELECTION MONITORING COMMITTEE TEMCO



INTERIM STATEMENT ON TANZANIA 2015 GENERAL ELECTION

BY

TEMCO ELECTION OBSERVATION MISSION

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List of acronyms and abbreviations

ACT-Wazalendo	Alliance for Change and Transparency
ADC	Alliance for Democratic Change
BVR	Biometric Voter Registration
CCM	Chama cha Mapinduzi
CEMOT	Coalition on Election Monitoring and Observation in Tanzania
CHADEMA	Chama cha Demokrasia na Maendeleo
CUF	Civic United Front
EMB	Election Management Body
EOC	Election Observation Centre
ICT	Information Communication Technology
ID	Identity Card
LHRC	Legal and Human Rights Centre
LTOs	Long Term Observers
NCCR-Mageuzi	National Convention for Constitutional Reforms
NDI	National Democratic Institute
NEC	National Electoral Commission
NIDA	National Identification Authority
NLD	National League for Democracy
OMR	Optical Mark Recognition
OSIEA	Open Society Initiative for Eastern Africa
OTEP	Observation of Tanzania Electoral Processes
PNVR	Permanent National Voter Register
REDET	Research and Education for Democracy in Tanzania
STO	Short Term Observer
TANU	Tanganyika African National Union
TACCEO	Tanzania Civil Society Consortium for Election Observation
TCD	Tanzania Centre for Democracy
TEMCO	Tanzania Election Monitoring Committee
TLP	Tanzania Labour Party
UDP	United Democratic Party
UKAWA	Umoja wa Katiba ya Wananchi (Coalition of Defenders of the Peoples' Constitution)
USAID	United States Agency for International Development
VIC	Voter Identity Card
ZEC	Zanzibar Electoral Commission

1. Introduction

In 2015, Tanzania held its fifth general election after the country had reverted to political pluralism, which culminated into a multiparty political system. From 1965 to 1990, only one party (TANU and CCM from 1977) participated in the union general elections and Zanzibar elections. After the re-introduction of a multiparty political system, the general elections have attracted the participation of many political parties.

In 1995, four political parties had candidates for the presidential elections and thirteen political parties in parliamentary elections. In 2000, four political parties had candidates for the presidential elections and 13 parties in parliamentary elections. In 2005 10 political parties had candidates for the presidential elections and 18 parties in parliamentary elections. In 2010, seven political parties had candidates for the presidential elections and 18 parties in parliamentary elections. In 2015, eight political parties had candidates for the presidential elections and 22 parties in parliamentary elections; however, four political parties - CHADEMA, CUF, NCCR-Mageuzi and NLD - had created a coalition/alliance and agreed on a formula of nominating a single candidate to stand for the coalition for the union presidential elections, Zanzibar presidential race, members of parliament, members of the house of representatives and councillors levels.

This Interim Statement is intended to provide the initial assessment of the Tanzania 2015 general elections in the light of the findings by TEMCO election observation group. The statement highlights the preliminary findings and recommendations with a view to strengthening the electoral institutions and improving the quality of future electoral processes in Tanzania.

The Interim Statement has ten sections. Section one provides the introductory remarks; section two covers the political context and the election environment; while sections three and four respectively address the methodology and approach as well as the legal and institutional regimes governing general elections in Tanzania. Issues related to the management of the electoral process are outlined in section five; section six delves into voter education initiatives for the general election; section seven is an overall assessment of the Tanzania 2015 general elections; section eight is specifically devoted on Zanzibar elections; while section nine concludes the statement and makes preliminary recommendations to different electoral stakeholders. The last section acknowledges and recognises the different international and local stakeholders for their contribution to the election observation mission. TEMCO will shortly produce a comprehensive narrative report on its findings regarding the Tanzania 2015 general elections.

2. Political context and electoral environment

The period preceding the 2015 elections was characterised by a number of political developments, as listed below.

- i. Clear division of the electorate and key actors in the Tanzania political milieu on the proposed constitution. The ruling party, Chama cha Mapinduzi and its supporters were in favour of the proposed constitution while the opposition under the coalition of defenders of the people's constitution, i.e. UKAWA,

- opposed the proposed constitution. The major area of contention fundamentally emanates from the structure of the union. Whereas CCM is in favour of maintaining the status quo, i.e. current two-government system, UKAWA advocates for a three-government structure.
- ii. The decision by the coalition of the people's constitution known as UKAWA, consisting of four political parties, namely CHADEMA, CUF, NCCR-Mageuzi and NLD to nominate candidates to represent the coalition at all levels in the October, 2015 elections.
 - iii. Failure of the 'gentlemen agreement' between President Jakaya Kikwete and the TCD aimed at improving the fairness and transparency of the upcoming elections, including: (i) the formation an independent electoral commission; (ii) the participation of independent candidates in the elections; (iii) 50%-plus one minimum provision for the presidential election instead of a simple majority; (iv) the option of challenging presidential electoral results in court, and (v) the suspension of the constitutional review process and resumption of the same after the 2015 elections.
 - iv. Dominance of one party, CCM, since the country attained independence in 1961; the party that had won all presidential elections and had the majority seats in the union parliament, house of representatives, local councils and grass roots.
 - v. Inadequate improvements in intraparty democratic practices in some political parties, which had culminated into intolerance of dissenting views, leading to expulsion and in some cases the establishment of new political parties. Two new political parties, ACT-Wazalendo and ADC, are a product of intraparty conflicts in CHADEMA and CUF, respectively.
 - vi. Stiff competition among and between CCM members who vied for the party's nomination to stand for the party in general election at various levels. For instance, 42 members including 14 ministers applied to be considered for nomination in the union presidential elections.
 - vii. Unexpected outcomes following the intra-party nomination processes in CCM and UKAWA coalition member parties, particularly CHADEMA and CUF. In CCM, Edward Ngoyai Lowasa (former Prime Minister), Frederick Tluway Sumaye (former Prime Minister), Kingunge Ngombale Mwiru, one deputy minister and three regional party chairmen defected from CCM to CHADEMA. Edward Lowassa became UKAWA's presidential candidate. In CHADEMA and CUF, some of its top leaders opted out in protest of the process leading to the selection of the presidential candidate for the coalition. The Secretary General of CHADEMA, Dr. Wilbroad Slaa, who had stood for the party in the 2010 elections and who was expected to stand for the party in the 2015 presidential election race, unceremoniously resigned from active party politics. Again, the CUF Chairman, Prof. Haruna Lipumba, decided to resign from his position only to stay as an ordinary party member.
 - viii. Imbalance of power among political parties. In 2015 general elections, CCM had 186 and 28 constituency seats in the Union Parliament and House of Representatives, respectively; CUF had 24 and 22 seats in the Union Parliament and House of Representatives, respectively; CHADEMA 23 seats; NCCR-Mageuzi 4 seats; UDP 1 seat; and TLP 1 seat. This also had implications on the access

to financial resources from government. The more seats a party had, the bigger the share of government subventions.

Regarding the overall political environment during the 2015 general elections, TEMCO election observation mission was heartened to note that the country remained generally peaceful, with political parties, candidates and the public demonstrating a high degree of political tolerance. This enabled citizens to enjoy the full range of civil liberties and freedoms enshrined in the Constitution during the electoral period. The political environment was conducive enough to enable/facilitate the conduct of democratic elections.

3. Legal and institutional frameworks

The legal framework governing general elections in the United Republic of Tanzania is derived from the Constitution of the United Republic of Tanzania (1977). The National Elections Act (CAP 343) and its amendment provide for the law regulating the election of the President of the United Republic of Tanzania and elections to the National Assembly. The local government council elections are held under the Local Authorities Elections Act (CAP 292) of 1979 and related regulations. Moreover, the union elections are also governed by the Election Expenses Act, No. 6 of 2010, which makes provisions for the funding of electoral processes, with a view to controlling the use of funds and prohibited practices. In addition, the legislation makes provisions for allocation, management and accountability of election funds.

Elections in Zanzibar are governed by the Zanzibar Constitution (1984) and the Elections Act No. 11 of 1984 and its amendments.

There are two Election Management Bodies in Tanzania, namely the National Electoral Commission (NEC) which is empowered to manage the Union elections. The members of the commission are appointed by the President of the United Republic of Tanzania and they carry out their mandates as stipulated in the electoral legislation. Some electoral stakeholders are not satisfied with the law governing union elections in Tanzania. There are perceptions and concerns that the legislation has some inadequacies; the major ones have been outlined below.

- i. NEC has inadequate autonomy to execute its mandate in a manner that is impartial. This concern emanates from the fact that the chairperson, his/her deputy, the commissioners and director of elections are all appointed by the President who is the chairperson of a political party, and in some instances he/she may be a candidate in the union presidential election.
- ii. NEC does not have staff specifically dedicated for its duties and responsibilities. It relies heavily on local government officers who serve at the pleasure of the President. The loyalty of local government servants is to their employer not to the Commission.
- iii. The law does not provide for independent candidature, it requires a candidate to be nominated by a political party; consequently, this infringes civil and political rights.
- iv. The law excludes the Diaspora to register as voters as well as to stand as candidates.

- v. Inmates serving less than a six months sentence and people who are admitted in hospital for treatment are denied the opportunity to vote. While the electoral legislation neither precludes nor disqualifies these two groups from registration and voting, it does not make any special accommodation to their circumstance.
- vi. The structures and mechanisms for effective enforcement of the Election Expenses Act, 2010, are inadequate.

Overall, the legislation governing general elections in Tanzania is neither obnoxious nor draconian. The electoral laws and institutional arrangements, by and large, guarantee universal suffrage. The legal framework and institutional arrangement do not significantly deviate from acceptable international electoral norms and standards; however, there are provisions in the legislation which require a review in order to enhance the confidence and trust of major electoral stakeholders in the legal and institutional arrangements as well as attaining credible, free and fair elections.

4. Approach and methodology

The observation of Tanzania's 2015 elections had two mutually supporting stages. Stage one involved the observation of the voter registration process which for the first time used the Biometric Voter Registration technology. Stage two included observation of the other components in the electoral cycle.

In the first stage, TEMCO trained and deployed 163 Long Term Observers (LTOs) for 21 days to observe the voter registration process using the BVR system in 140 local government authorities, 1,216 wards and 9,728 voter registration stations on Tanzania Mainland; and 11 districts, 88 Shehias and 704 registration centres in Zanzibar. The voter registration process was observed in all local government authorities located in boarder regions, including Kagera, Kigoma, Katavi, Rukwa, Mbeya, Mtwara, Ruvuma, Tanga, Kilimanjaro, Arusha, Mara and all major towns. Two sets of instruments were used to collect relevant information related to the BVR exercise.

In the second stage, a total of 150 LTOs were selected, trained and deployed for 44 days to observe the election campaigns and used that period to gather data on the electoral processes that were carried out before the campaigns. These included the demarcation of electoral boundaries (constituencies and wards), intraparty nominations, nominations by NEC and ZEC. The LTOs used two sets of instruments: (i) CEMOT's EOC instrument with closed-ended items which captured data on the pre-election day activities. The information was submitted online to CEMOT on a daily basis using Magpi software applications for analysis; and (ii) TEMCO instrument which had both closed and open-ended items for capturing qualitative and quantitative pre-campaign and campaign information to be used mainly in the comprehensive narrative report. On the election day, the LTOs also observed the voting, vote counting, as well as the declaration of the results and the ensuing post election events/episodes.

Moreover, 7,350 Short Term Observers (STOs) were deployed in 7,350 polling stations located in 150 constituencies on Tanzania Mainland (6,646) and Zanzibar

(704). The STOs had two sets of data collection tools: (i) CEMOT instrument for gathering data on the Election Day. The instrument had 69 closed-ended questions. The responses were submitted to CEMOT' EOC by mobile telephones using short-cum "sms" messages; (ii) TEMCO instrument which had closed-ended and open-ended questions on the election day. The responses will be analysed to generate data for the narrative comprehensive report.

Interviews with the electoral officers at different levels and leaders of political parties were also used to generate information on the electoral processes. The LTOs and TEMCO experts reviewed the Constitutions of the United Republic of Tanzania and Zanzibar, legal and institutional frameworks governing elections in Tanzania as part of its methodology.

For the purpose of this interim statement, the LTOs and STOs were required to carry out 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 provided the trend of the three electoral processes and enabled us to predict the extent to which the total electoral process could 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. TEMCO awards such an election an "Aborted Election" certificate.
- 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. It is awarded a "Totally Mismanaged Election" certificate.
- iii. 40 – 49% or letter grade 'D', to mean that the election process has acts of violence, intimidation, favouritism, corruption, etc. The deserving award is "Unfree and Unfair Election" certificate.
- 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 Election" certificate.
- 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" certificate.
- vi. 80 – 100% 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" certificate.

5. Management of the electoral processes

The management of the electoral process in Tanzania is vested in the hands of NEC and ZEC. Ahead of the 2015 general elections, NEC had accomplished a number of important activities that provided the direction for the election. Some of the main

activities were: (i) procurement and distribution of election materials, including the BVR kits; (ii) updating of the PNVR using the BVR (This exercise necessitated all eligible voters to update their particulars and surrender the previous OMR-generated cards); (iii) training of electoral officers at national, regional, district and ward levels; and (iv) preparation and issuance of codes of ethics for political parties and candidates as well as election observers.

Overall, NEC executed mandate, duties and responsibilities efficiently and in a manner that was largely professional despite resource constraints and enormous pressure exerted on it by the electoral stakeholders.

6. Assessment of electoral processes

6.1 Electoral boundary delineation

New electoral constituencies and wards were established, culminating into an increase of 25 constituencies, making a total of 264 from the previous 239, as well as new wards. Electoral wards were increased from 3,339 in 2010 to 3,957 in 2015. The drawing of electoral boundaries was properly undertaken, using a transparent, justifiable and consistent procedure, established by law, and included the use of criteria such as population size and geographical or administrative boundaries.

There were no complaints among electoral stakeholders against the manner in which the electoral boundaries were drawn. TEMCO observers' findings do not reveal incidents or evidence of 'gerrymandering' which could facilitate/lead to manipulation of election outcomes. TEMCO election observation mission commends NEC and ZEC for undertaking the electoral boundaries delineation process objectively and to the satisfaction of the stakeholders.

6.2 Voter registration process

TEMCO also noted that NEC had registered a total of 23,161,440 (96.85%) of voters out of the projected 23,913,184. This was a remarkable achievement despite the fact that NEC was somewhat under-resourced and was under pressure from various electoral stakeholders. Although there is no law in Tanzania which compels adults to register, the turn out for registration was excellent, demonstrating that people are conscious of their civic rights. The Commission used a credible and cleaned Permanent National Voters Register for the October 2015 elections.

The Team commends NEC for using the BVR technology for registration of voters instead of the Optical Mark Recognition (OMR) system which had been previously used. The use of BVR technology enabled NEC to weed out about 231,955 cases of multiple registration and 3,870 names of non-citizens in the voters' roll.

The Team also noted that the BVR process took relatively long to complete and there were no mechanisms to identify people who could register in accordance with the law. Moreover, the Diaspora and inmates serving less than a six months sentence were not allowed to register as voters.

6.3 Intraparty nominations

The findings of TEMCO election observation mission revealed that nomination of candidates within many political parties fell short of democratic practices. Four major models of nominating candidates were employed: (i) handpicking model, (ii) application model, (iii) wait-for-defectors model, (iii) semi democratic and semi participatory model, and (iv) democratic cum participatory model. The handpicking model entailed leaders of political parties unilaterally appointing candidates of their own choice. This model was used by 'small' parties, especially those with no seats in parliament and local government councils, only with offices in Dar es Salaam and in very few regions. The application model was a new innovation whereby some parties especially the small ones invited interested individuals to stand for the party in various electoral positions at constituency and ward levels. Wait-for-defectors model was used by some political parties to create space for potential leaders who had failed to get nominations in their political parties. This was used by parties in the UKAWA coalition which in a way undermined the major pillars of a democratic nomination process. The semi-participatory model had elements of participation although leaders of political parties had a final decision. The democratic model was largely used by the ruling party and CUF especially in Zanzibar whereby interested members were invited to express their intention to seek the party's nomination to vie for positions at different levels including the presidency. Selection was carried out on merit and through voting depending on the selection criteria set by the party.

Some political parties resorted to the undemocratic nomination procedures partly because the Tanzania political party legislation does not provide for parties to create coalitions and alliances for electoral purposes.

Overall, TEMCO's observation reveals that after 23 years of existence, political parties in Tanzania have not transformed themselves into democratic institutions and have not performed well in one of their cardinal functions related to nurturing and grooming leaders. Moreover, their pace towards building and consolidating internal democracy is relatively slow.

6.4 Nominations by NEC and ZEC

NEC and ZEC are mandated to nominate names of candidates proposed by political parties to stand in elections at different levels. As well, the EMBs are empowered to handle objections against the nomination of candidates at different levels lodged by other candidates, returning officer, assistant returning officer or Registrar of Political Parties. Persons aggrieved by lower level decisions have the right to appeal to the next level and finally to NEC or ZEC.

In the 2015 presidential elections, 10 candidates collected nomination forms from NEC. However, only eight (1 female [12.5%] and 7 males [87.5%]) satisfied the requirements and were nominated to stand for Union presidential election. Regarding Union parliamentary elections, 1,218 (985 males [80.9%] and 233 females [19.1%]) were nominated by NEC. The local council election had 10,879 candidates (10,191 males [93.7%] and 679 females [6.3%]).

As required by the electoral legislation, NEC received and determined all appeals by either reinstating or upholding the verdict of the lower level. There were cases

where candidates were nominated unopposed at lower levels but NEC reinstated their candidature. Parliamentary appeals that were determined by NEC included those received from five constituencies namely, Tandahimba, Mwanga, Wanging'ombe, Handeni Urban and Kasulu Urban. NEC also received and determined appeals regarding 70 wards in relation to councillors' election. Contrary to the 2010 elections where 16 CCM parliamentary candidates and 500 councillorship candidates were elected unopposed, the unopposed parliamentary candidate phenomenon did not feature in the 2015 election.

Overall, NEC handled the nomination process in accordance with the law and handled appeals in a manner that satisfied political parties. It is also worth noting that women who were nominated by NEC were very few and this raises questions efficacy of interventions geared at emancipating women to participate in elections as contestants.

Observers' assessment of nominations in 150 constituencies out of 264 observed by TEMCO is shown in Table 1 below.

Table 1: Assessment of the nomination process

Nature and character of nominations	Marks & grades	Frequency	Percentage
The conduct of intra-party nominations was marred by severe irregularities. There was so much favouritism, foul-play and corruption to the extent that some candidates decided to withdraw from the preferential voting process or took legal or lodged formal complaints. Nominations were an aborted process.	F (0%)	0	0.00
Nominations were disrupted or mismanaged to the extent that stakeholders could not accept the nominees. It was like a student who failed an exam.	E (1-39%)	0	0.00
Nominations were marred by numerous flaws related to non-compliance of some nominations rules, regulations and code of conduct, management problems and instances of intimidation and favouritism.	D (40-49%)	5	3.51
The nomination process permitted free participation of stakeholders (political parties, candidates and voters), but there were many instances of breach of nomination rules and regulations, with impunity and there was favouritism that worked against fortunes of some candidates.	C (50-59%)	16	10.53
The nominations were generally free and fair but still had a few irregularities which in their totality did not affect in any meaningful way the final outcomes of the election and did not work against the fortunes of stakeholders	B (60-69%)	68	45.61

Nature and character of nominations	Marks & grades	Frequency	Percentage
(political parties, candidates and voters).			
The nominations had very few irregularities which did not at all affect the overall results of the elections. Overall, the nominations were clean, free and fair.	A (80 – 100%)	61	40.35
Total		150	100

Analysis of 150 constituencies suggest that if this pattern persists in all the constituencies the nomination process of 16 constituencies (10.53%) will be judged as “free but not fair”; in 68 constituencies (45.61%) the nomination process will receive “qualified free and fair” certification; and in another 61 constituencies (40.35%) of constituencies the nomination process will receive a “clean free and fair” certification.

6.5 Assessment of campaigns

Reports by TEMCO observers reveal pluses and minuses in the way political parties organised election campaigns. On the plus side the reports point to the following:

- i. There was a campaign timetable for presidential campaign rallies that all political parties largely adhered to. However, there were incidents where changes had to be made.
- ii. Only three political parties CCM, CHADEMA/UKAWA and ACT-Wazalendo managed to launch election campaigns at the national level alongside their political party manifestos.
- iii. Only two political parties CCM and CHADEMA/UKAWA attracted huge campaign rallies which were very well attended and they were generally peaceful.
- iv. Uniformed law enforcement officers were visible during presidential election campaigns.

On the minus side TEMCO observers’ reports reveal the following:

- i. Although generally the campaigns were held in a peaceful manner, there were claims that clashes between followers of two main political parties resulted into loss of life in Tarime constituency.
- ii. There were isolated incidents of campaign meetings going beyond the specified time that is 6.00 pm. Despite this breach, the police were generally tolerant, thus averting possible standoffs/clashes.
- iii. Although there was a mutually agreed upon timetable at constituency level for parliamentary and councillorship rallies, on many occasions it was not adhered to.
- iv. Campaigns revolved around personalities and kind of demagoguery rather than institutions (political parties) and election manifestos.

- v. There were perceptions that the two major contending parties (CCM and CHADEMA/UKAWA) in the presidential race may have spent money beyond the set ceiling. However, this is hard to verify with confidence.
- vi. Many political parties were vividly under-resourced with the exception of CCM and CHADEMA/UKAWA; hence, the playing field was not level, which might have affected fairness in the elections.
- vii. There were isolated cases of negative campaigning, including the use of inflammatory and abusive language in campaign rallies.
- viii. There was widespread use of vernacular languages in some areas especially in parliamentary and local councillors' election contrary to the provisions of the election legislation and the code of ethics for political parties.

The assessment of TEMCO LOTs regarding the election campaigns is shown in the Table below.

Table 2: Assessment of electoral campaigns

Nature and character of campaigns	Marks & grades	Frequenc y	Percentag e
The conduct of campaigns was marred by acute irregularities. There were so many incidents of violence, sabotage, corruption, and provocation to such an extent that some candidates withdrew from the elections or took other measures. Election campaigns were an aborted process.	F (0%)	0	0
Campaigns were disrupted or mismanaged to the extent that it was not easy to understand what happened. It was like a student who has failed an exam.	E (1 - 39%)	0	0
Campaigns were marred by numerous shortcomings related to non-compliance of some electoral laws, regulations and electoral code of conduct, management problems incidents of intimidation and favouritism.	D (40 - 49%)	4	2.63
Campaigns permitted free participation of stakeholders (political parties, candidates and voters) but there were many instances where bigger parties or, especially, the ruling party broke rules with impunity and there was favouritism that worked against fortunes of some candidates and their parties.	C (50 - 59%)	16	10.53
The electoral campaigns were generally free and fair but still had a few irregularities which in their totality did not affect in any meaningful way the final outcomes of the election and did not work against the fortunes of stakeholders (political parties, candidates and voters).	B (60 - 79%)	88	58.77
The electoral campaigns had very few irregularities which did not at all affect the overall results of the elections. Overall, the campaigns were clean, free and fair.	A (80 - 100%)	42	28.07

Total	150	100
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The statistical data in Table 2 shows that campaigns in 16 constituencies (10.53%) deserve a “free but not fair” certificate; 88 constituencies (58.77%) receive a “qualified free and fair” certificate; and 42 constituencies (28.7%) qualify for a “clean, free and fair” certification.

TEMCO observers did not report an incident where a candidate or a political party was deliberately denied the opportunity to conduct campaigns. Thus, in the light of the data in Table 2 it seems plausible to conclude that the campaigns were peaceful. However, there were a few shortcomings which could not adversely affect the quality of elections.

6.6 Election day: Voting, vote counting and declaration of results

On the polling day, TEMCO deployed a total of 7,500 observers to observe the Election Day activities including voting, vote counting and declaration of results. Moreover, TEMCO benefitted from the data that was generated by CEMOT’s Election Observation Centre which showed the following facts.

- i. A total of 6080 polling stations (94%) which were observed opened on or before 7.00 am which was the official time, 249 (4%) opened from 07.31 am to 08.00 am. Only 115 polling stations (2%) opened at 08.01 am onwards.
- ii. Of the 6,579 polling stations that had TEMCO/CEMOT observers, 5,921 (90%) had adequate polling materials, whereas 658 (10%) had a shortage of polling materials, particularly stamps.
- iii. There were incidents in which voters’ names did not appear in the voter register. TEMCO observation revealed that names of 1,224 (18%) voters out of 6,579 polling stations were missing.
- iv. TEMCO observers noted the presence of agents of only two political parties, CCM and CHADEMA/UKAWA. Out of the 6,579 polling stations, CCM had 6,475 (98%), CHADEMA/UKAWA had 6,351 (97%), and other parties had a total of 4,585 (70%).
- v. A total of 6,259 polling stations (95%) out of 6,579 had uniformed police officers.
- vi. A total of 6,075 polling stations (92%) out of 6,579 provided easy access to people with disability.
- vii. Out of 5,770 polling stations observed by TEMCO, in 5,736 polling stations (99%) electoral officers verified voters ID.
- viii. Signs of campaigns were visible at 245 polling stations (4%) out of 5,770 polling stations observed.
- ix. Out of 5,770 polling stations observed by TEMCO, in 5,161 polling stations (89%) electoral officers checked for signs of indelible ink on voters’ fingers.
- x. In 2,492 polling stations (43%) out of 5,770 polling stations observed by TEMCO, voters were still in the queue by 04.00 pm which was the official closing time.
- xi. The last person on the queue voted between 05.00 pm and 05.30 pm in 824 (43%) out of the 5,770 polling stations observed.
- xii. Vote counting started immediately after the last person on the queue had casted his/her vote.

- 2,206 (41%) polling stations out of 5,325 observed by TEMCO were converted into counting stations and the counting process commenced between 04.30pm and 05.00 pm.
 - 1,280 (24%) polling stations out of 5,325 observed by TEMCO were converted into counting stations and the counting process commenced after 05.00 pm.
- xiii. TEMCO observers witnessed the results of various electoral posts being posted outside the counting stations as follows: Presidential election 5038 (96%); parliamentary 4,887 (92%); and councillors' election 5038 (96%).
- xiv. TEMCO witnessed friction arising out of claims of delayed announcements of parliamentary results in some constituencies including Mbagala, Kinondoni, Ubungo, Kibamba, Kawe, Mbozi, Temeke, Simanjiro and Babati which in some cases degenerated into chaos.

All TEMCO STOs were required to provide an overall assessment of the polling day, taking into account the extent to which voting, vote counting and declaration of results were carried out in their respective polling stations. The result of the assessment is shown in Table 3 below:

Table 3: Assessment of the polling day

Nature and character of voting and vote counting	Marks & grades	Frequency	Percentage
The conduct of voting and vote counting was marred by severe irregularities. There were so many incidences of violence, corruption and provocation to such an extent that some candidates decided to withdraw from the election or took other measures. The polling day was an aborted process.	F (0%)	1	0.01
Voting and vote counting were disrupted or mismanaged to the extent that it was not possible to understand what happened. It was like a student who has failed an exam.	E (1-39%)	0	0
Voting and vote counting were marred by numerous flaws related to non-compliance of some electoral laws, regulations and code of conduct, management problems and instances of intimidation and favouritism.	D (40-49%)	10	0.13
The voting and vote counting processes permitted free participation of stakeholders (political parties, candidates and voters) but there were many instances where bigger parties or, especially, the ruling party broke rules with impunity, and there was favouritism that worked against fortunes of some candidates and their parties.	C (50-59%)	122	1.62

Nature and character of voting and vote counting	Marks & grades	Frequency	Percentage
Voting and vote counting were generally free and fair but still had a few irregularities which in their totality did not affect in any meaningful way the final outcomes of the election and did not work against the fortunes of stakeholders (political parties, candidates and voters).	B (60-69%)	1612	21.49
The voting and vote counting processes had very few irregularities which did not at all affect the overall results of the elections. Overall, voting and vote counting processes were clean, free and fair.	A (80 – 100%)	5755	76.74
Total		7500	100

As shown in Table 3, about 5,755 of STOs (76.74%) show that the election day processes had few shortcomings which did not affect significantly the voting and vote counting processes. In this regard, they deserve a “clean, free and fair” certification. The voting and vote counting activities in 1,612 polling stations (21.5%) are awarded a “qualified free and fair” certificate, whereas 122 polling stations (1.62%) deserve a “free but not fair” certificate.

7. Overall assessment of the 2015 general elections
TEMCO LTOs having generated information on the pre-election, election day and post-election processes, they were required to provide an informed, candid and objective verdict on the overall Tanzania 2015 general elections. Their judgment is shown in Table 4 below.

Table 4: Overall assessment of the election processes

Overall Assessment of 2015 Election	Marks & grades	Frequency	Percentage
The elections were marred by severe irregularities. There were so many incidences of violence, corruption and provocation to such an extent that some candidates decided to withdraw from the election or took other measures. The entire election was an aborted process.	F (0%)	0	0
The elections were disrupted or mismanaged to the extent that it is not possible to understand what happened. It is like a student who has failed an exam.	E (1-39%)	0	0
The elections were marred by numerous flaws related to non-compliance of some electoral laws, regulations and code of conduct, management problems and instances of intimidation and favouritism.	D (40-49%)	0	0

The elections permitted free participation of stakeholders (political parties, candidates and voters) but there were many instances where bigger parties or, especially, the ruling party broke rules with impunity, and there was favouritism that worked against fortunes of some candidates and their parties.	C (50-59%)	5	3.51
The elections were generally free and fair but still had a few irregularities which in their totality did not affect in any meaningful way the final outcomes of the election and did not work against the fortunes of stakeholders (political parties, candidates and voters).	B (60-69%)	67	44.74
The elections had very few irregularities which did not at all affect the overall results of the elections. Overall, the elections were clean, free and fair.	A (80%+)	78	51.75
Total		150	100

The overall assessment shows that the conduct of electoral activities during the entire electoral cycle in 5 constituencies (3.51%) qualify for the award of “free but not fair” certificate; electoral activities in 67 constituencies (44.74%) are considered for a “qualified free and fair” certification; while election activities in 78 constituencies (51.75%) deserve a “clean, free and fair” certificate.

Broadly, the Tanzania (Union) 2015 elections deserved a “clean, free and fair” certificate. However, taking into account the perceptions and concerns of various electoral stakeholders regarding the independence of the electoral commission, legal and instructional frameworks, and minor shortcomings identified by observers, TEMCO is unable to issue a “clean, free and fair” certificate. As such, TEMCO awards the Tanzania 2015 Union Elections a “QUALIFIED FREE AND FAIR” certificate.

8. Zanzibar elections

TEMCO notes with concern and surprise the decision by ZEC Chairman to annul Zanzibar elections because of what was claimed to be “irregularities and gross violation of laws and election regulations”. The specific incidents that were cited by the ZEC boss include incidents of intimidation of voters in political parties’ strongholds, usurping of ZEC’s mandate over the announcement of presidential election results, differences which degenerated into fighting among ZEC members, and the number of voters at some polling stations exceeding that of the voters in the register, particularly in Pemba.

TEMCO deployed 22 LTOs and 704 STOs in Zanzibar. The LTOs were in Zanzibar 43 days before the election. Both LTOs and STOs observed the election day processes including polling, vote counting, declaration of results and immediate post-election episodes. Their preliminary reports show that the pre-electoral processes and election day activities were conducted professionally, and in an orderly and peaceful manner to the satisfaction of many electoral stakeholders. Surprisingly, the decision

to nullify the Zanzibar elections was made when presidential results were being announced.

TEMCO was also shocked by the unsigned statement issued to the public by CUF on 26th October, 2015 carrying the title "The Civic United Front Wins Historic Victory in Zanzibar Election". Part of the statement reads as follows:

As of 9.30 this morning, Maalim Seif Hamad, the presidential candidate of the Civic United Front in Zanzibar, had secured 200,077 votes against his rival Dr. Ali Mohamed Shein of CCM with 178,363 votes. This constitutes a majority for CUF of 21,714 votes -52.87% against 47.13%. ...The people of Zanzibar have spoken. ...There is now no question that Maalim Seif has won the presidential election in Zanzibar and that the ruling party has been defeated for the first time since 1977.

In the light of the preceding account, ZEC's decision and CUF's statement leave a lot to be desired. They have generated heated debate and serious concerns among election stakeholders in Zanzibar including political parties, presidential contestants and domestic and international observers. TEMCO election observation mission remains concerned about the situation in Zanzibar; hence, TEMCO urges

- i. the Zanzibar Electoral Commission (ZEC) to reconsider its decision with a view to attaining democratic credible, free and fair elections as well as consolidating peace and stability in Zanzibar within the spirit of Maridhiano (Reconciliation) which has facilitated smooth functioning of the Government of National Unity installed in 2010;
- ii. political parties and presidential candidates to respect the powers and mandates vested into ZEC in accordance with the provisions of the Zanzibar Constitution and relevant electoral legislation;
- iii. all election stakeholders particularly the key actors, CUF and CCM, to remain calm, refrain from the use of violence, and avoid making statements that could either fuel or increase tensions as well as unhealthy conflicts;
- iv. the aggrieved parties to address disputes emanating from the annulment of the October 25th poll through the existing legal frameworks in order to preserve peace, law and order;
- v. the top leadership of the United Republic of Tanzania to consider looking for the ways and means to resolve the incipient conflict which may undermine peaceful co-existence not only in Zanzibar but also on the Mainland;
- vi. all peace-loving people including the international community, development partners, religious leaders, civil society organisations, retired presidents, the media and all responsible citizens to play a reconciliatory role in order to find a speedy resolution to the issues emanating from the 2015 Zanzibar elections; and
- vii. ZEC commissioners to account for the circumstances leading to the annulment of the elections;
- viii. the appointing authority to take disciplinary action against ZEC staff for their role in the annulment.

9. Conclusion and preliminary recommendations

9.1 Conclusion

Overall, the Tanzania 2015 general elections, with the exception of Zanzibar elections, were well managed and the outcomes reflect the will of the electorates. TEMCO election observation mission: (i) congratulates the people of the United Republic of Tanzania for exercising their civic duty by turning out in big numbers for BVR process, attending campaign rallies and voting on the election day as well as preserving peace and harmony throughout the election period; (ii) commends the National Electoral Commission (the chairman, his deputy, commissioners and staff) for executing their mandates professionally, responsibly, diligently within the ambit of the law; (iii) commends all contestants (winners and losers) for the Union and Zanzibar presidential elections, as well as for parliamentary, house of representatives and local council elections; and also commends other stakeholders including the media, civil society organisations, faith based organisations and development partners for supporting the elections in different ways.

TEMCO congratulates the women particularly CCM's presidential running mate and ACT-Wazalendo presidential candidate. In addition, a big number of women who stood for parliamentary and councillorship elections proved their prowess by winning in the constituencies that were hitherto dominated by men. TEMCO is aware that elections were postponed in different constituencies and wards largely due to the passing on of candidates. They departed before accomplishing their intended political missions and objectives. May the Almighty God rest their Souls in Eternal Peace.

TEMCO wishes to congratulate contestants who won the elections at different levels, and on the same vein, wishes to express commensuration to members in the opposition particularly those in the umbrella of UKAWA for the results announced by NEC, but also congratulate them for posing a formidable challenge that was quite unprecedented in the political history of Tanzania. As the political tension and election dust start to settle, both the winners and losers should bear in mind that the peaceful election was a result of the basic values that hold together Tanzanians including tolerance of dissent, spirit of unity, peace and harmony and indeed Tanzanians desire to build and consolidate democracy.

9.2 Recommendations

Taking to account the findings of the TEMCO election observation mission, a number of recommendations are directed to different stakeholders in the electoral management process in order to improve the management of elections in Tanzania.

9.2.1 Government of the United Republic of Tanzania

The government is advised to consider the possibility of undertaking comprehensive electoral reforms with the view to:

- i. increasing the confidence and trust of the electoral stakeholders in the election management bodies particularly the manner in which the commissioners and the director of elections are appointed and the need for EMBs to have own staff;
- ii. reviewing or amending electoral legislation in order to provide independent candidature, challenge presidential election results in a court of law and allow the Diaspora to participate in elections;
- iii. developing and implementing a comprehensive civic education strategy to govern the provision of voter education;
- iv. taking measures to strengthen the institutions responsible for youth socialisation in order to regulate their behaviour to enable them to become patient, responsible citizens and learning to control their emotions;
- v. taking measures geared at enhancing the conduct of the social media during elections to avoid distortion of electoral processes;
- vi. amending the Political Parties Act in order to have a provision that allows political parties to form alliances/coalitions for electoral purposes.

9.2.2 National Electoral Commission

As already alluded to, TEMCO is broadly satisfied with the performance of NEC regarding the management of the 2015 elections. The following recommendations are made:

- i. Using the rich experiences and competencies that NEC gained in organising the 2015 elections, NEC should consider initiating preparation for the Constitutional Referendum taking into account that a credible Permanent National Voters Register (PNVR) is now in place.
- ii. NEC should undertake regular updates of the PNVR as stipulated by the law. This would also help eligible voters whose names were missing in the register to be included.

9.2.3 Political parties

Political parties are major players in elections. TEMCO recommends that the political parties should:

- i. respect and conduct themselves in accordance with the electoral laws, rules, regulations and codes of conduct;
- ii. learn to address their grievances related to elections through the proper channels, i.e., courts of law;
- iii. take measures that would build, enhance and consolidate internal democracy specifically during nomination of candidates;
- iv. learn to accept election outcomes rather than disputing results after elections;
- v. take measures that would motivate and enhance the participation of women in vying for leadership positions;
- vi. refrain from usurping the powers of the Electoral Management Bodies; and,

- vii. strive to become learning institutions capable of reproducing themselves, having ideological norms and values which can be passed over from one generation to another and refrain from individual glorification syndrome.

10. Acknowledgements

On behalf of 172 Civil Society Organizations constituting the Tanzania Election Monitoring Committee (TEMCO), the leadership of REDET, the lead agency of TEMCO, wishes to:

- i. sincerely acknowledge the financial support received from the American People through USAID for the Observation of Tanzania 2015 Electoral Processes (OTEP) programme;
- ii. recognise the contribution of 180 LTOs and 7,350 STOs for executing their duties and responsibilities diligently, impartially and professionally;
- iii. appreciate the support of the University of Dar es Salaam management for providing TEMCO the usual base, legitimacy and support as it has done previously;
- iv. extend thanks to the NEC's Chairman and Director of Elections for the accreditation to observe both BVR and other electoral processes;
- v. acknowledge the support and cooperation that was extended to the LTOs and STOs by Regional Election Coordinators, Returning Officers and other electoral staff in constituencies;
- vi. recognise the collegiality, networking and cooperation with the Legal and Human Rights Centre (LHRC), the lead agency of TACCEO, for establishing the Coalition on Election Monitoring and Observation in Tanzania (CEMOT) and the Election Observation Centre which enabled TEMCO to infuse ICTs in election observation work'
- vii. acknowledge the financial support received from the Royal Danish Embassy, Canadian High Commission, and Open Society Initiative for East Africa (OSIEA) to support CEMOT;
- viii. appreciate the technical and financial support received from the National Democratic Institute (NDI) which enabled TEMCO to significantly transform its approach to election observation through ICTs; and
- ix. thank other electoral stakeholders including leaders of political parties, candidates, international observers and the Tanzanian electorates for sharing experiences and knowledge on election observation.