



REDET - LEAD AGENCY OF TEMCO



JOINT REDET/LHRC NATIONAL POST-ELECTION CONFERENCE CONFERENCE COMMUNIQUE

A. INTRODUCTION

1. On April 21st, 2016 a National Post-election Conference was convened at the Hyatt Regency Hotel-Kilimanjaro to deliberate on major issues emanating from the Tanzania 2015 general elections in the eyes of domestic election observers. The conference was organized jointly by the two main domestic election observation groups namely, the Research and Education for Democracy in Tanzania (REDET) programme of the University of Dar es Salaam and Legal and Human Rights Centre (LHRC).
2. The domestic election observers were: (i) 182 civil society organizations under the Tanzania Election Monitoring Committee (TEMCO) led by REDET; and (ii) 17 civil society organization networks under the auspices of Tanzania Civil Society Consortium on Election Observation (TACCEO) coordinated by LHRC. The conference was attended by about 200 participants drawn from the key election stakeholders including government officials, leaders of political parties, leaders of civil society organizations, domestic election observers, law enforcement organs, media houses, members of the diplomatic corps and representatives of international organizations resident in Tanzania.
3. The conference was officially opened by Hon. Dr. Harrison Mwakyembe (MP), Minister for Constitutional and Legal Affairs on behalf of Hon. Samia Suluhu Hassan, the Vice President of the United Republic of Tanzania.
4. The main thrust of the conference was to reflect and deliberate in depth specific issues and developments emanating from the Tanzania 2015 general elections, based on the findings of domestic election observers, TEMCO and TACCEO. The general objective of the conference was to enable election stakeholders share their knowledge and experience with a view to delineating lessons of experience, i.e., areas of strength and and where there is a need to make a difference so as to enhance credibility, freeness and fairness of future elections. The ultimate goal of the conference was to reflect and deliberate on the election and draw recommendations to the Government, Election Management Bodies (EMBs), and other key electoral stakeholders with a view to sustaining good practices and devising appropriate strategies to address identified shortcomings and challenges.
5. The main theme of the conference flied under the banner: **A Post-mortem of Tanzania 2015 Elections: Observers Contribution towards Enhanced Credibility, Freeness and Fairness**. The reflections and discussion revolved around five inter-related thematic areas, namely: (i) legal and institutional frameworks; (ii) participation of political parties; (iii) media and special groups;

(iv) civil society organizations as providers of voter education and election observers; and (v) post-election developments and episodes.

B. ACKNOWLEDGEMENTS

6. The participants expressed utmost appreciation to the Guest of Honour, Hon. Samia Suluhu Hassan, Vice President of the United Republic of Tanzania, for accepting the invitation to grace the opening occasion of the conference. Moreover, the conference was grateful to the Guest of Honour for insightful and enlightening speech which, by and large, broadened and deepened the participants knowledge on electoral democracy in Tanzania, Africa and beyond the continent.
7. Furthermore, conference extended special gratitude to Hon. Dr. Harrison Mwakymbe (MP), Minister for Constitutional and Legal Affairs, for delivering the speech on behalf of the guest of honour as well as for his commitment and diligence to duty, having travelled all the way from Dodoma to execute the delegated responsibility. The conference was pleased to note the readiness of the Fifth Phase Government to work on the conference recommendations.
8. The participants congratulated the Guest of Honour, Hon. Samia Suluhu Hassan, for being the first woman to hold the position of Vice President of the United Republic of Tanzania. Furthermore, the conference observed that this was a clear testimony of the confidence and trust that the Tanzanians and the President have in her leadership competency and capabilities. In particular, the conference noted that the ascendancy of the Guest of Honour to the second top position in the leadership of the United Republic of Tanzania demonstrates a positive mindset change amongst Tanzanians, which is a step forward towards gender equality and consolidation of democracy in the country.
9. Taking note of the role that NEC plays in managing elections in Tanzania, the participants recognized and appreciated the cooperation from Hon. Justice (Retired) Damian Z. Lubuva, Chairman of the National Electoral Commission, Mr Ramadhani Kailima, Director of Elections and Returning Officers to domestic election observation groups.
10. Furthermore, the conference expressed profound thanks to Hon. Justice Francis Leonard Mutungi, Registrar of Political Parties, for his goodwill remarks regarding the participation of political parties in the 2015 elections and the challenges they are facing as they endeavour to grow into vibrant democratic political institutions in the country.
11. The participants lauded the Keynote Speaker, Hon. Joseph Sinde Warioba, former Vice-President and Prime Minister of the United Republic of Tanzania, for his Keynote Speech which was visionary, full of wisdom and thought provoking. The speech was very resourceful to the extent that the discussion groups used it as a key reference to inform their reflections and deliberations.
12. The conference extended special gratitudes to the conference organizers, REDET and LHRC, for the unique initiative of bringing together key electoral stakeholders to draw reflections and inflections on Tanzania 2015 election in the light of domestic election observers' experience. The need to sustain the cooperation between domestic election observer groups was emphasized,

notwithstanding their different approach to election observation. The participants received with pleasure the positive note from the Guest of Honour to REDET and LHRC in relation to: (i) broad participation of electoral stakeholders from regional to national level; and (ii) using the national language, Kiswahili, as a medium of communication during the conference.

13. Last but not the least, the conference extended special thanks to Development Partners in general for supporting the United Republic of Tanzania in different areas. Special mention was directed to the United States Agency for International Development (USAID), the UK Department for International Development (DfID) and the National Democratic Institute (NDI) for supporting the organization of the conference and supporting the domestic election observation groups.

C. ISSUES EMERGING FROM REFLECTIONS AND DISCUSSIONS

14. The conference broadly reflected and deliberated on key issues and findings drawn from the opening speech by the Guest of Honour; goodwill remarks by the Registrar of Political Parties; Keynote Speech; recommendations by the regional focus group discussion forums; and expert views from resource persons in each of the five thematic areas as outlined in Section Five.
15. The participants broadly reflected and deliberated on the 2015 election taking into account the findings of domestic and international election observers, and the manner and extent to which the election management body executed its mandate. There was a consensus among participants on the fact that the 2015 general election was the 12th election to be held in the post-independence period and 14th in the past 58 years of electoral politics in the polity. Moreover, conference participants recognized the uniqueness of the 2015 elections taking into account the anxiety, unprecedented excitement compared to previous general elections.
16. The participants noted that the anxiety and excitement was due to a number of factors, the major ones being: (i) the constitutional review process; (ii) the political dynamics that characterized the Constituent Assembly (iii) the dynamics of an election year: stiff intraparty competition in the ruling party (42 CCM party members vying for nomination to stand as presidential candidate); political heat during the intraparty nominations; high profile defections of political heavyweights from CCM to CHADEMA/UKAWA coalition. In addition to directing the conference conclusions and recommendations to the five thematic areas, the participants addressed voter turn-out trends, preparations by government and the extent to which NEC executed its mandate in terms of managing the election.
17. The participants commended the people of the United Republic of Tanzania for turning out in big numbers to register as voters; turning out to vote on election day; and preserving the peace, unity and tranquillity before, during and after the election. The conference underlined the need to continuously uphold these core national values.
18. The government of the United Republic of Tanzania was commended for enabling, in different ways, NEC to carry out its duties and responsibilities effectively and efficiently. Moreover the government was acknowledged for

funding the general election costs, including the BVR process, from its own budget without relying on external support. This has to some extent reduced dependency on donor funding and significantly enhanced national pride.

19. The participants recognized the contribution of the law enforcement organs for ensuring that peace and order prevailed during the 2015 electoral period. They urged the law enforcement organs to continue executing their mandate in a professional and patriotic manner.
20. The participants specifically commended the National Electoral Commission for carrying out its duties and responsibilities professionally as demonstrated by the following findings of election observers:
 - (i) Little or no complaints regarding delimitation of electoral boundaries;
 - (ii) Attaining high level of voter registration rates, i.e., 96 percent of the targeted eligible voters despite of isolated hitches and limitations;
 - (iii) Addressing nomination petitions in a timely manner and delivering verdicts accordingly thus, for the first time, the unopposed candidacy phenomenon in parliamentary elections was avoided;
 - (iv) Infusing the Information Communication Technologies (ICTs) to facilitate effective communication between NEC and electoral stakeholders;
 - (v) Declaring election results, specifically presidential election results, on time as per schedule; and
 - (vi) Accrediting domestic election observation groups and extending cordial work relationship with election observers at all levels.
21. The conference reflected the manner in which the National Electoral Commission executed its constitutional mandate and realized that in carrying out its duties and responsibilities the Commission depends on two major factors, namely: (i) the legal framework, particularly the Constitution of the United Republic of Tanzania of 1977 and the ensuing pieces of legislation; and (ii) the institutional arrangements. Participants observed that the Commissioners are leaders with impeccable integrity, however, there was a consensus among participants that many impediments to the effectiveness and efficiency of NEC in delivering an election that is credible, free and fair, largely emanate from the legal framework.

The summary and conclusions emanating from the reflections and discussions on the five thematic areas are covered in the next part of the Communiqué.

D. RECOMMENDATIONS ON THE FIVE THEMATIC AREAS

Legal and Institutional Frameworks

22. The 2015 Tanzania was conducted within the ambit of definite legal and institutional frameworks. However, the legal framework has salient constraints which, in way, undermine the attainment of credible, free and fair election consonant with international democratic benchmarks. The conference identified the main constraints or drawbacks, the major ones being:
 - (i) Proscription of petitioning of Presidential election results in the courts of law;

- (ii) Barring of independent candidate in election at all levels;
- (iii) Lack of openness and transparency in processes leading to the appointment of members of the National Electoral Commission;
- (iv) The Commission has no power to employ its own staff who are legally required to be loyal, responsible and accountable to the Commission;
- (v) The electoral legislation that does not allow political parties to form coalitions and alliances for the purpose of enhancing electoral competitiveness;
- (vi) The electoral legislation that does not provide for proportional representation, thus limiting the avenues for representation and participation of relatively small parties and special groups;
- (vii) The electoral legislation that does not provide a timeframe in which a party member can defect to a new party and stand as its candidate in presidential, parliamentary and councillorship election;
- (viii) Lack of a level playing field among political parties due to big differences in capacity to mobilize financial resources for elections; and
- (ix) The electoral legislation that does not allow Tanzanians in Diaspora and inmates serving less than six months sentence to participate in elections.

Participation of political parties in the 2015 general election

23. The participants commended political parties for emancipating and mobilizing their members, supporters and the general public to participate in the election. Furthermore, the participants praised political parties for refraining from using their security groups and running electoral campaigns which were generally peaceful despite few isolated incidents of negative campaigns and violation of electoral code of conduct for political parties and candidates. However, the participants noted with concern myriad irregularities that, in a way, adversely affected the credibility, freeness and fairness of the electoral processes.

24. The conference identified the following irregularities in relation to the conduct of political parties during the election period:

- (i) Proliferation of party owned security groups;
- (ii) Incidents of character assassination, abusive, defamatory, provocative and intimidatory language in campaigns;
- (iii) Evolving incipient culture of discrimination on the basis of ideology, religion, tribe, zone, age and sex;
- (iv) Failure of some parties to develop and disseminate electoral manifestos
- (v) Failure of big parties to anchor their campaign messages on the party manifestos and instead advocated their personal agenda;
- (vi) Failure of some political parties to field candidates to stand for electoral positions at different levels;
- (vii) Increase of corrupt practices and excessive use of money in elections particularly during intraparty nominations, consequently making elections a market commodity that could be purchased by whoever has money;

- (viii) Inadequate inner party democratic practices during the process of nominating electoral candidates, particularly special seats for women;
- (ix) Failure of many political parties to adopt affirmative action policy in order to create space for special groups to vie for electable leadership positions; and
- (x) Failure of some political parties and candidates to abide by the code of conduct for political parties and candidates during the election period.

Media and special groups

25. The conference recognized and commended the media in its entirety (electronic, print, and social media) for its contribution in informing, emancipating and educating the public on the electoral processes. The participants further commended some media houses for preparing special programmes targeting special groups such as women, the youth and people with disability, particularly for use of sign language. Notwithstanding the positive contribution of the media, the conference identified some of the shortcomings in relation to the conduct of the media during election, the major ones being:

- (i) Most of the media adopting partisan positions, e.g., openly supporting specific candidates and political parties, consequently limiting equal access to the media outlets by all candidates and political parties;
- (ii) Many media outlets gave more coverage to UKAWA and CCM presidential candidates than other candidates and campaign trails in the constituencies;
- (iii) Social media platforms misinforming, distorting and exaggerating electoral information as well as using indecent language, a situation that confused and irked the public;
- (iv) Failure of some media outlets to abide by the conventional media code of conduct;
- (v) Failure of some media outlets to prepare programmes for special groups; and
- (vi) Failure of many women to compete in intraparty nominations in order to stand as candidates in the election at different levels.

Civil society organizations as providers of voter education and election observers

26. The conference participants commended the civil society organizations for providing voter education and observing the 2015 general election. The conference generally acknowledged that CSOs carried out their civic duty responsibly and with a sense of commitment to the citizenry and the electorates. Notwithstanding the remarkable contribution of CSOs as providers of voter education and observing elections, the conference noted with concern a number of constraints, the main ones being:

- (i) Excessive dependence on donor financing;
- (ii) Inability to facilitate voter education in all areas of the United Republic especially the rural ones;

- (iii) Some civil society organizations taking the activist and partisan path, leading to advocacy of partisan based cause of action instead of educating.

Post-election developments and episodes

- 27. The conference participants recognized the political dynamics that preceded the 2015 election, including stiff competition, the political outcomes of the Constituent Assembly and defections. The participants were broadly convinced that the 2015 election was largely successfully concluded and left the nation united and peaceful. Moreover, participants commended political parties and candidates for resorting to legal remedy wherever they felt justice was not done. In the same vein, the conference lauded the enthusiasm, active participation and agitation for change among the public, particularly the youth, in the 2015 election.
- 28. The conference recognized and appreciated the concerted efforts and measures that are being undertaken by the leadership of the Fifth Phase Government of the United Republic of Tanzania, particularly H.E. Dr. John Pombe Joseph Magufuli, President of the United Republic of Tanzania, to address bureaucratic pathologies, including endemic corruption, unaccountability and erosion of ethics in the public service domain. The conference declared its support to the Government and President's efforts to restore the lost glory of the United Republic of Tanzania and confidence of the people in the Government. The conference urged the public and the development partners to appreciate and support the government's efforts and measures to strengthen democratic practices as well as to arrest the erosion of ethics.
- 29. The conference was convinced that elections are, by and large, about struggles for power to determine "who gets what, when and how" and generally to control national resources. These struggles might culminate into unhealthy post-election conflicts, wounds and scars. The participants identified a number of adverse effects emanating from the 2015 election, the main ones being:
 - (i) A good number of registered voters, about seven million, did not turn out to vote on the election day, raising concerns on their political competency, consciousness and cognition;
 - (ii) Decision of some religious leaders to become partisan, zealots and agents of certain political parties and candidates contrary to the expectations of many people;
 - (iii) The evolving tendency of some political parties and candidates refusing to concede defeat with honour; and
 - (iv) Nullification of the October 2015 Zanzibar elections and the rerun polls of March, 20th 2016 and the subsequent developments.

E. RECOMMENDATIONS

- 30. In the light of the reflections and discussions on the five thematic areas, the conference drew recommendations that are addressed to (i) Government; (ii) political parties; (iii) the media and (iv) civil society organizations.

Government of the United Republic of Tanzania

31. The inadequacies that were identified in the legal and institutional frameworks could be addressed by the Government of the United Republic of Tanzania. The conference recognized and commended the government for undertaking the constitutional review process, which the conference was confident that the new constitution will adequately address the inadequacies inherent in the legal and institutional frameworks.
33. The conference emphasized the particular significance of undertaking electoral reforms in the following areas as Tanzania prepares to get a new constitution: (i) presidential election results to be challenged in the court of law; (ii) independent candidature to be permitted without unnecessary impediments; (iii) competitiveness, openness, transparency and inclusiveness as well as participatory approaches in the selection and appointment of the members and Chief Executive Officer of the National Electoral Commission; (iv) NEC to have its own staff at national, regional, district and constituency level who are directly responsible and accountable to it; and (v) the law needs to empower NEC to manage all electoral processes, i.e., local government, general elections and referenda.
34. The conference further emphasized that: (vi) the law needs to consider the possibility of holding grassroots elections and general elections concurrently; (vii) the law needs to permit political parties to create coalitions and alliances for purposes of strengthening their competitive edge in elections; (viii) the law needs to allow proportional representation which will enhance inclusiveness and representation in decision making organs for the small parties and special groups; (ix) the law needs to set a timeframe in which a party member can defect to a new party stand as its candidate in presidential, parliamentary and councillorship election; (x) the law need to provide conditions that will help level the playing field among political parties on matters related to financial resource mobilization capacity for elections; and (xi) the law needs to permit Tanzanians in Diaspora and inmates serving less than six months sentence to participate in elections; (xii) the law needs to prohibit political parties to establish and own security groups; (xiii) the law needs to give legal status to the code of conduct for political parties and candidates and establish an organ to enforce compliance; (xiv) the law needs to establish an organ which will coordinate and supervise the provision of civic education for the purpose of enhancing patriotism and the feeling of national pride; (xv) the law needs to set a time limit for an incumbent minister to remain in public office during the election period; and (xvi) the law needs to allow use of national identity card as voter identity card.
35. Reforms in the legal and institutional frameworks are more likely to enable political parties to develop a culture of conceding defeat with honour as well as to refrain from unnecessary boycotts of important political processes and events.

Political parties

36. The inadequacies identified by the conference in relation to the participation of political parties could be effectively addressed by the parties themselves as well as the Government of the United Republic of Tanzania. The conference recognized concerted efforts by the Office of the Registrar of Political Parties related to nurturing and cajoling of political parties.

37. The conference called upon political parties to: (i) refrain from behaviours and practices that would lead to discrimination on the basis of ideology, religion, tribe, zone, age and sex; (ii) articulate, develop and disseminate their electoral manifestos to enable the public make informed electoral choices; (iii) be required by law to nominate candidates to stand for election at levels, failure of which should lead to de-registration; (iv) enforce the Election Expenses Act to the letter to regulate excessive use of money particularly in intraparty nominations; (v) be required by law to adopt affirmative action policy in order to create space for special groups to vie for electable leadership positions; and (vi) be required by law to use democratic practices, particularly during nomination processes at all levels.

Media and Special Groups

38. The conference recognized and appreciated the place and contribution of the media in attaining credible, free and fair election. It further noted that the media in its entirety may adversely effect the conduct of credible, free and fair election if not used properly. The participants reiterated that the inadequacies could be addressed by undertaking the following measures: (i) the code of ethics and conduct governing the media be given a legal status; (ii) notwithstanding the commendable interventions by the Media Council of Tanzania and the Tanzania Editors' Forum, the government is advised to consider the possibility of establishing a regulatory organ for the media; (iii) strategies need to be devised to regulate the social media platforms to avoid misinformation, distortions and exaggerations as well as use of indecent language; and (iv) media houses be encouraged to establish election desks which, among other things, should take care of the needs of special groups.

Civil Society Organizations

39. The conference recognized and appreciated the place and contribution of the civil society organizations being the bridge between the leadership and the citizenry during the election period. The participants reiterated the shortcomings in this area could be addressed by taking the following measures: (i) the government needs to consider the possibility of setting aside a budget for financing civil society organizations to facilitate vote education and election observation; (ii) a law needs to be enacted to enable the establishment a special organ that would coordinate and supervise the provision of voter education in Tanzania; (iii) The domestic election observer groups are advised to take measures that would enhance their knowledge and capacity in election observation within the country and abroad; and (iv) religious leaders are advised to refrain from demonstrating openly their political inclinations, ideological stances and acting like "political zealots" during election period.

E. CRITICAL CROSS-CUTTING ISSUES REQUIRING SPECIAL ATTENTION

40. The conference attached considerable importance to two major critical cross-cutting national issues: (i) the state of politics in Zanzibar after the annulment of the October 2015 elections and the March, 20th, 2016 rerun poll; and (ii) the constitutional review process which in a way threatened the socio-political fabric of the country. The two issues require serious attention by the conscious citizenry, political leadership in power and in opposition as well as development partners for the purpose of preserving the basic values that have contributed enormously in nation building efforts in Tanzania since independence.

41. Having considered the seriousness and sensitivity of the two critical issues, the conference participants **strongly recommended** that appropriate solutions to these thorny issues require broad consultations, wisdom and sufficient time. In dealing with these issues the political leadership should rely more on the need to preserve the national interest and core values than banking upon partisan sentiments.